City Council Agenda

July 02, 2019 at 6:30 PM

1001 11th Avenue, City Center South, Greeley, CO 80631

Mayor
John Gates

Councilmembers

Jonathan Smail
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Stacy Suniga
At-Large

Robb Casseday
At-Large

A City Achieving Community Excellence
Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Recognitions and Proclamations
5. Citizen Input
6. Approval of the Agenda
7. Reports from Mayor and Councilmembers
8. Petitions from Mayor and Councilmembers

Consent Agenda

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Council or staff may request an item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

9. Approval of the City Council Proceedings of June 18, 2019
10. Acceptance of the Report of the June 25, 2019, City Council Worksession
11. Introduction and first reading of an ordinance concerning the acquisition of interests in real property located in Weld County, Colorado for sanitary sewer infrastructure, by purchase or exercise of the power of eminent domain, pursuant to Section 7 of Article XVI, Section 15 of Article ii, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colo. Rev. Stat. § 38-1-101, et seq. (Ashcroft Lift Station)
12. Introduction and first Reading of an ordinance amending sections of Chapter 9 of the Greeley Municipal Code to require mandatory trash service and to make technical corrections to Code sections regarding refuse

End of Consent Agenda

13. Pulled Consent Agenda Items

14. Public hearing and final reading of an ordinance amending Sections 2.07.040 and 4.20.160 of the Greeley Municipal Code regarding Intergovernmental Agreements and Change Orders

15. Introduction and first reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2019 and for funds held in reserve for encumbrances at December 31, 2018

16. Public hearing and final reading of an ordinance repealing Section 14.04.100 of the Greeley Municipal Code regarding the water and sewer budget setting process

17. Public hearing and final reading of an ordinance adopting amendments to the Greeley Municipal Code, including Chapter 18.04 and Appendix 18-A, regarding reassignment of City Engineer certification on plats and other development review documents to the Engineering Development Review and Civil Inspection Manager

18. Public hearing and final reading of an ordinance of the Greeley Municipal Code amending Chapter 9.18; amending Chapter 14.15; and amending Chapter 14.16 all related to the City of Greeley's Municipal Separate Storm Sewer System

19. Appointment of applicants to the Citizen Budget Advisory Committee, Construction Trades Advisory & Appeals Board, Downtown Development Authority, Rodarte Community Center Advisory Board, Water & Sewer Board, Youth Commission

20. Scheduling of Meetings, Other Events

21. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances

22. Adjournment

Council Agenda Summary

July 2, 2019

Agenda Item Number 1

Title
Call to Order

Council Agenda Summary

July 2, 2019

Agenda Item Number 2

Title
Pledge of Allegiance

Council Agenda Summary

July 2, 2019

Agenda Item Number 3

Title
Roll Call

Summary
Mayor Gates
Councilmember Smail
Councilmember Payton
Councilmember Casseday
Councilmember Fitzsimmons
Councilmember Suniga
Councilmember Hall

Council Agenda Summary

July 2, 2019

Agenda Item Number 4

Title
Recognitions and Proclamations

Summary
Councilmember Smail will present the What's Great about Greeley Report.

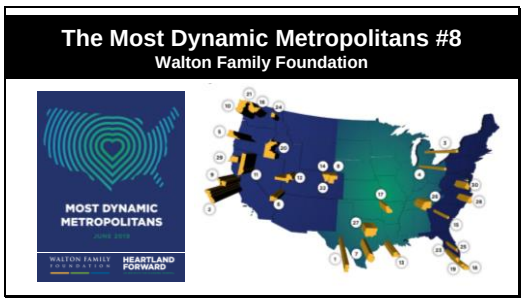
Attachments
July 2, 2019 What's Great about Greeley Report

Slide 1

Slide 2

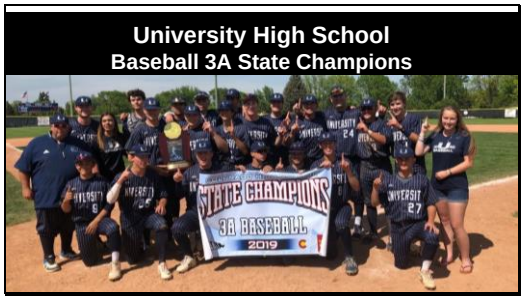
At each Council Meeting, we recognize the people, organizations and businesses that make Greeley Great. Tonight it's my turn to announce the recognitions. I'll start with a quote, "If you belittle what you have, it becomes less. If you appreciate what you have, it becomes more." With these announcements we are appreciating the good work of our residents, showing support for their efforts, and encouraging everyone to share the word that Greeley is Great.

Slide 3



Greeley has been ranked #8 on the Walton Family Foundation's "The Most Dynamic Metropolitans" list which ranks the economic performance of metropolitan areas in the Heartland and across the country. 379 metropolitan areas were ranked and reviewed on performance-based metrics, such as job growth, income gains, and the proportion of total jobs at young firms – a key measure of entrepreneurial performance. This is the first time that such research has been undertaken in this scope.

Slide 4



Congratulations to the University High boys baseball team for winning their 2nd consecutive Colorado High School Athletic Association Class 3A state tournament championship. Additionally, coach Casey Miller was named Coach of the Year, senior pitcher/outfielder Koy Jorgensen was named the 3A Player of the Year, and five players were named to the All-State first or second team.

Slide 5

The website “Chilled” has featured Greeley’s WeldWerks as one of the most innovative breweries in America. They highlight WeldWerks many awards but also their innovative flavors from Citra Juicy Bits to Chocolate-forward, bourbon barrel-aged stouts to Reese’s Peanut Butter Cups.

Slide 6

Greeley-Evans School District 6 Finance Department has received two prestigious awards for financial reporting. The Government Finance Officers Association has awarded District 6 a Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report. In addition, the Association of School Business Officials International has awarded District 6 with the Certificate of Excellence in Financial Reporting for the same report.

Slide 7

Congratulations to Greeley Evans School District 6 Nutrition Services for receiving the Silver "Turnip the Beet" Award for 2018 by the USDA. This award recognizes outstanding summer meal program sponsors who distinguished themselves with high quality meals that are appetizing, appealing, and wholesome.

Slide 8

Greeley's Waste Water Pollution Control Facility has been awarded the National Association of Clean Water Agencies Peak Performance Platinum 8 Award for the plant's exceptional environmental compliance record for the past eight consecutive years. The Greeley wastewater plant discharges more than 7 million gallons of treated water back into the Poudre River daily.

Slide 9

District 6's Scott Elementary has received a $597,000 'Building Excellent Schools Today' grant from the Colorado Department of Education to replace the leaking roof. District 6 will cover the rest of the $1.3 million project.

Slide 10

Shayne Perry of Greeley, and her partner Houston McConnell, took first place at the Izaac Walton's annual catfish tournament at Enders Lake in Nebraska. Of the five fish caught, Houston and Shayne's catch weighed 27 pounds. They also caught the biggest catfish, which weighed in at hefty 10 pounds 1 oz.

Slide 11

Council Agenda Summary

July 2, 2019

Agenda Item Number 5

Title
Citizen Input

Summary
During this 15-minute portion of the meeting, anyone may address the Council on any item of City business appropriate for Council's consideration that is not already listed on this evening's agenda.

Individual speakers will be limited to 3 minutes each. Council and staff will respond tonight, if possible, to questions or requests. If further time or discussion is needed, a staff member will contact you within the next couple of days. Some items may need to be scheduled for a future meeting.

Council Agenda Summary

July 2, 2019

Agenda Item Number 6

Title
Approval of the Agenda

Council Agenda Summary

July 2, 2019

Agenda Item Number 7

Title

Reports from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may offer announcements or reports on recent events and happenings. These reports should be a summary of the Councilmember's attendance at assigned board/commission meetings and should include key highlights and points that may require additional decision and discussion by the full Council at a future time.

Board/Commission	Meeting Day/Time	Assignment
--Team of 2-- Board/Commission Interviews	Monthly as Needed	Council Rotation
Water & Sewer Board	3rd Wed, 2:00 pm	Gates
Youth Commission Liaison	4th Mon, 6:00 pm	Smail
Historic Preservation Loan	As Needed	Suniga
Police Pension Board	Quarterly	Suniga
Employee Health Board	As Needed	Suniga
Human Relations Commission Liaison	2nd Monday, 12:30 P.M.	Suniga
Airport Authority	3rd Thur, 3:30 pm	Casseday/Payton
Visit Greeley	3rd Wed, 7:30 am	Fitzsimmons
Upstate Colorado Economic Development	Last Wed, 7:00 am	Gates/Hall
Greeley Chamber of Commerce	4th Mon, 11:30 am	Gates
Island Grove Advisory Board	1st Thur, 3:30 pm	Smail
Weld Project Connect Committee (United Way)	As Needed	Fitzsimmons
Downtown Development Authority	3rd Thur, 7:30 am	Casseday/Smail
Transportation/Air Quality MPO	1st Thur, 6:00 pm	Casseday/Gates
Poudre River Trail	1st Thur, 7:00 am	Hall
Interstate 25 Coalition	As Needed	Gates
Highway 85 Coalition	As Needed	Payton
Highway 34 Coalition	As Needed	Payton
CML Policy Committee (Council or Staff)	As Needed	Payton and City Manager Roy Otto/Fitzsimmons alternate
CML Executive Board opportunity	As Needed	
CML - Other opportunities	As Available/Desired	

Council Agenda Summary

July 2, 2019

Agenda Item Number 8

Title
Petitions from Mayor and Councilmembers

Summary
During this portion of the meeting any Councilmember may bring before the Council any business that the member feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting.

Petitions will generally fall into three categories:

1) A policy item for Council deliberation and direction for a future Worksession, Committee meeting, or regular/special Council meeting;

2) A request to the City Manager for information or research;

3) A request involving administrative processes or procedures.

At the close of this portion of the meeting, the Mayor will confirm Council's consensus that the individual requests be pursued.

Attachments
Status Report of Council Petitions and Related Information

Status Report of Council Petitions

Council Request		Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
	None pending.			

Consent Agenda

July 2, 2019

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Once the Clerk has read each Consent Agenda item into the record, along with Council's recommended action, Council or staff may request the item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

The Consent Agenda includes Items No. 9 through 12 and their recommended actions.

Council's Recommended Action
To approve Items No. _____ through _____ or
To approve Items No. _____ through _____ with the exceptions of No.(s) _____

Council Agenda Summary

July 2, 2019

Agenda Item Number 9

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Approval of the City Council Proceedings of June 18, 2019

Summary:

A meeting of the City Council was held on June 18, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

Decision Options:

1. To approve the proceedings as presented; or
2. Amend the proceedings if amendments or corrections are needed, and approve as amended.

Council's Recommended Action:

A motion to approve the City Council proceedings as presented.

Attachments:

June 18, 2019 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
June 4, 2019

1. Call to Order

Mayor John Gates called the meeting to order at 6:30 p.m., in the Council's Chambers of City Center South, 1001 11th Avenue.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. Roll Call

Cheryl Aragon, Deputy City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga.

4. Recognitions and Proclamations

Councilmember Payton presented the What's Great About Greeley Report.

Mayor Gates presented a Proclamation for Alzheimer's Disease and Brain Awareness Month.

5. Citizen Input

Sheri Peif, Greeley resident, was present and stated she is concerned about how her name recently ended up in the paper, not that it was in the paper. She stated that her name and address were included in a police report that was released. She indicated that her compliant is that the police report cost hundreds of dollars while the Colorado Open Records Act allows for a waiver of fees if it is a matter of public interest, since this is because she reported allegations involving a public official contributing to the delinquency of a minor and sexual assault allegations. She asked that her charges and the charges of other media outlets be waived. She also asked Council to remember that her name and contact information was given out without any warning.

Mayor Gates indicated that this will take some legal guidance and asked the City Attorney to look into this request at his earliest convenience.

Pastor Grant, Greeley resident, was present and inquired about the City's Second Amendment Sanctuary City ordinance status, and Mayor Gates indicated that a request for a moratorium has not made its' way to Council yet.

6. Approval of Agenda

The agenda was approved as presented upon noting the request to continue Item No. 23 to July 2, 2019.

7. Reports from Mayor and Councilmembers

Councilmember Hall reported that on May 30th, he along with other Poudre River Trail members, were out inspecting the Trail and damage in an effort to get a handle on that effort. He also reported that he attended the 16th Street Corridor Open House where drawings and sketches were on display and great feedback was received.

Councilmember Suniga reported that she attended the Memorial Day event at Linn Grove Cemetery for the first time and noted that it was a very moving and emotional ceremony for those who have given their lives for our freedoms.

Mayor Gates reported on a meeting he attended at Upstate Colorado sponsored by Century Link where the status of projects were provided; on the grand opening of the new Macy Chapel; the Greeley Stampede Kick-off Luncheon; the Memorial Day Ceremony at Linn Grove Cemetery; and the 3A Girls and Boys Tennis tournament being hosted in Greeley.

8. Petitions from Mayor and Councilmembers

There were no petitions offered.

*** * * * Consent Agenda * * * ***

9. Approval of the City Council Proceedings of May 21, 2019

The Council action recommended was to approve the Proceedings.

10. Acceptance of the Report of the May 28, 2019, City Council Worksession

The Council action recommended was to accept the Report.

11. Consideration of a resolution of the Greeley City Council authorizing the City to enter into an intergovernmental agreement with the Colorado Department of Transportation, Division of Transit and Rail, entitled "FASTER Transit Grant Agreement"

The Council action recommended was to adopt the Resolution. **(Resolution No. 27, 2019)**

12. Consideration of a resolution of the City of Greeley Council adopting the United States Highway 34 Planning and Environmental Linkages Study from Larimer County Road 27 to Weld County Road 53 of a Resolution to adopt the US 34 Planning and Environmental Linkages (PEL) Study

The Council action recommended was to adopt the Resolution. **(Resolution No. 28, 2019)**

13. Consideration of a resolution of the City of Greeley Council authorizing the City to enter into a memorandum of understanding to facilitate Transit Asset Management target setting for the FAST Act performance measures between North Front Range Metropolitan Planning Organization, Transfort, Greeley Evans Transit, and the Colorado Department of Transportation

The Council action recommended was to adopt the Resolution. **(Resolution No. 29, 2019)**

14. Consideration of a resolution of the Greeley Council authorizing City to enter into a Twenty Year Lease Agreement with the Greeley Independence Stampede

The Council action recommended was to adopt the Resolution. **(Resolution No. 30, 2019)**

15. Consideration of a resolution authorizing the transfer of $150,000 in Airport Improvement Funds from the Greeley-Weld County Airport to Wray Municipal Airport

The Council action recommended was to adopt the Resolution. **(Resolution No. 31, 2019)**

16. Consideration of a change order to the professional services contract with contract authors Gregory J. Hobbs and Michael Welch (Hobbs and Welch) for research, writing, preliminary editing, manuscript preparation and support tasks associated with the completion of the History of Greeley Water book

The Council action recommended was to approve the Change Order.

17. Introduction and first reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2019 and for funds held in reserve for encumbrances at December 31, 2018

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for July 2, 2019.

18. Introduction and first reading of an ordinance repealing Section 14.04.100 of the Greeley Municipal Code regarding the water and sewer budget setting process

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for July 2, 2019.

19. Introduction and first reading of an ordinance adopting amendments to the Greeley Municipal Code, including Chapter 18.04 and Appendix A, regarding reassignment of City Engineer certification on plats and other development review documents to the Engineering Development Review and Civil Inspection Manager

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for July 2, 2019.

20. Introduction and first reading of an ordinance amending sections of Chapter 9 of the Greeley Municipal Code to require mandatory trash service and to make technical corrections to Code sections regarding refuse

This item was pulled from the Consent Agenda.

21. Introduction and first reading of an ordinance of the Greeley Municipal Code amending Chapter 9.18; amending Chapter 14.15; and amending Chapter 14.16 all related to the City of Greeley's Municipal Separate Storm Sewer System

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for July 2, 2019.

*** * * * End of Consent Agenda * * * ***

Councilmember Casseday highlighted the work by the Coalition and the Metropolitan Planning Organization done on three items on the Consent Agenda and made mention of the work by Public Works Director Joel Hemesath and the staff that have been years in the making. All are in-depth and workable.

Councilmember Casseday moved, seconded by Councilmember Payton to approve the items on the Consent Agenda and their recommended actions with the exception of Item No. 20. The motion carried: 7-0

22. Pulled consent agenda items

20. Introduction and first reading of an ordinance amending sections of Chapter 9 of the Greeley Municipal Code to require mandatory trash service and to make technical corrections to Code sections regarding refuse

Councilmember Hall referenced Section 9.16.130 that responsibility will remain with the owner even if there is a tenant. He stated that he has heard comments about tenants bugging out on citations, etc., and then the owner ends up with a lien on his or her property. He expressed concern with that.

Brad Mueller, Community Development Director, clarified that the items in the Code with the exceptions of 120 are revisions to the code, but nothing substantive, just clean up language. He went on to state that the legal basis for that section is that only owners can be cited for violations. They might have agreements and leases giving tenant responsibilities for some things, and those staff can work through, but legal recourse is through the property owner.

He went on to state that for that section, 9.16.130, the changes do not change the basic process that the City follows, and the recourse is a lien on the property.

Councilmember Payton stated that he does not want to stop Code cleanup but expressed concern with some things proposed and wondered if they could look at this in two ways – cleanup and then the rest of it.

Doug Marek, City Attorney, advised that the Council could give direction about whether or not the substantive changes are ok and then the Code clean up could be looked at further and then brought back. He added that this could be continued to a later date since this is the first reading.

Councilmember Suniga moved, seconded by Councilmember Hall to continue consideration of this ordinance to a future meeting. The motion carried: 7-0

Mr. Mueller indicated that he would reach out to the City Council to get substantive changes.

23. Continuation of the Public hearing and final reading of an ordinance amending Sections 2.07.040, 4.20.160, and 4.20.190 of the Greeley Municipal Code regarding Intergovernmental Agreements, Change Orders, and Contract Types

Councilmember Casseday moved, seconded by Councilmember Fitzsimmons to open the Public Hearing on this item and then continue that Public Hearing to the July 2, 2019, Council Meeting. The motion carried: 7-0

Mayor Gates opened the public hearing at 7:19 p.m., and no comments were offered. The Public Hearing was not closed and will remain open until the July 2, 2019, City Council Meeting.

24. Public hearing and final reading of an ordinance to consider establishing C-H (Commercial High Intensity) zoning for certain property located in Weld County, Colorado, recently annexed and known as the 2034 Enclave Annexation, generally located north of the Highway 34 Bypass and south of 20th Street, between 83rd Avenue and 95th Avenue, and a public hearing and final reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, to reflect the same

Mr. Mueller advised that this is a zoning request for property recently annexed into the city. He reviewed the general location and the approval criteria to be considered with this type of request. He added that the Planning Commission is recommending approval to the City Council.

Mayor Gates opened the public hearing at 7:24 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Hall to find that, based on the project summary and accompanying analysis, the proposed establishment of zoning to C-H (Commercial High Intensity) zone district meets Development Code Section 18.26.070(b)(2); and, therefore establishment of C-H zoning is approved. The motion carried: 7-0

Councilmember Payton moved, seconded by Councilmember Hall to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 **(Ordinance No. 26, 2019)**

25. Scheduling of meetings, other events

Councilmember Suniga moved, seconded by Councilmember Hall to cancel the June 11, 2019, Worksession as there are no items for presentation or discussion by staff. The motion carried 7-0

26. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Councilmember Hall moved, seconded by Councilmember Fitzsimmons to approve the above authorizations, and the motion carried: 7-0

27. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:32 p.m.

_____
John Gates, Mayor

_____
Cheryl Aragon, Deputy City Clerk

Council Agenda Summary

July 2, 2019

Agenda Item Number 10

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Acceptance of the Report of the June 25, 2019, City Council Worksession

Summary:

A City Council Worksession was held on June 25, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

Decision Options:

1. To accept the Report as presented; or
2. Amend the Report if amendments or corrections are needed, and accept as amended.

Council's Recommended Action:

A motion to accept the Report as presented.

Attachments:

June 25, 2019 Report

City of Greeley, Colorado
COUNCIL WORKSESSION REPORT
June 25, 2019

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m. by Mayor John Gates, in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

2. PLEDGE OF ALLEGIANCE

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. ROLL CALL

Jerry Harvey, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Michael Fitzsimmons, Dale Hall, Brett Payton, and Stacy Suniga.

Councilmembers Smail and Casseday were both excused with Councilmember Casseday representing Greeley's Sister City Program in Japan.

4. WATER & SEWER BOARD INTERVIEWS

Mayor Gates and Councilmembers interviewed Fred Otis, William "Jack" Schneider, and Manuel Sisneros for two positions on the Water & Sewer Board.

5. FEE WAIVER RELATED TO OPEN RECORDS REQUESTS AND CRIMINAL JUSTICE RECORDS REQUESTS

Betsy Holder, City Clerk, provided background information on requests to waive fees for open records requests; described what the Colorado Open Records Act (CORA) and the Colorado Criminal Justice Records Act (CCJRA) are and added a description of their differences; explained the process for responding to CORA requests along with an explanation of the cost of service for CORA and CCJRA requests; and concluded by noting that it is at the City's discretion to waive these types of fees.

In response to a question from Councilmember Payton, Ms. Holder explained that the City has received a number of requests for fee waivers but that none have ever been granted for CORA requests.

Mark Jones, Greeley Police Chief, presented information specific to CCJRA requests. He explained that fees/rates for requests are calculated based on the average pay for a base level police department records technician; discussed potential issues with allowing the waiver of fees for cases that are "in the public interest"; explained that the City follows state law in providing free police reports to crime victims; and concluded by explaining that the City follows state law in not redacting the names of a reporting party in police reports.

In response to questions from Councilmember Suniga, Chief Jones reiterated that the City only waives fees for CCJRA requests for crime victims. He also explained the issues related to giving non-victims a free report simply because they were named in the report.

Mayor Gates invited Sherrie Peif, Greeley resident, to comment since her specific fee waiver request created the need for this Worksession item.

Ms. Peif highlighted three "best practices" questions that could be used to determine whether something is "in the public interest" and would therefore be eligible for a fee waiver. She also explained her issue with all requestors being charged the full amount for a records request when those records have already been prepared for public viewing after the first request.

Mayor Gates expressed his view that the standards the City currently has in place regarding fee waivers are sufficient.

A discussion ensued between Councilmember Payton, Chief Jones, and Ms. Peif regarding the specifics of her request for a fee waiver.

Councilmembers Suniga and Hall expressed their views that it would not hurt for staff to research options for defining what would be worthy of a fee waiver.

Council reached consensus and directed staff to research what other municipalities do regarding fee waivers and in defining "in the public interest" for CORA and CCJRA open records requests.

6. 2019 LEGISLATIVE UPDATE

Doug Marek, City Attorney, discussed legislation passed by the State Legislature during the 2019 Session that are of interest to Greeley. Specifically he discussed a number of laws related to oil and gas regulation, criminal justice and the courts, open records, affordable housing, public health, employment, and taxes and finance. Mr. Marek concluded with a look ahead at legislation that will likely be coming up during the 2020 Session.

In response to a question from Councilmember Hall regarding Senate Bill 181, Brad Mueller, Community Development Director, explained that the State will defer to Greeley's land use process. He went on to highlight the Use by Special Review process the City uses.

In response to a question from Councilmember Suniga, Mr. Marek explained that the State's regulations on oil and gas are minimums. He further explained that a municipality can therefore have stricter regulations than the State when it comes to oil and gas regulation, but they cannot have less strict regulations than the State.

Roy Otto, City Manager, took time to note that there will be an item on the July 23rd Worksession agenda related to industrial hemp regulation.

7. SCHEDULING OF MEETINGS, OTHER EVENTS

No additional meetings or other events were scheduled.

8. ADJOURNMENT

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 6:34 p.m.

_____

Jerry Harvey, Assistant City Clerk

Council Agenda Summary

July 2, 2019

Agenda Item Number 11

Key Staff Contact: Sean Chambers, Water & Sewer Director, 970-350-9815

Title:

Introduction and first reading of an ordinance concerning the acquisition of interests in real property located in Weld County, Colorado for sanitary sewer infrastructure, by purchase or exercise of the power of eminent domain, pursuant to Section 7 of Article XVI, Section 15 of Article ii, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colo. Rev. Stat. § 38-1-101, et seq. (Ashcroft Lift Station)

Summary:

This ordinance authorizes the acquisition of exclusive permanent easements, temporary construction easements, and acquisition of property to construct and maintain the Ashcroft Lift Station and associated force main.

The Ashcroft Lift Station will be a new lift station that will serve the Ashcroft Draw Basin. The Lift Station will serve future development in the Ashcroft Draw Basin and allows for the re-routing of St. Michael's subdivision wastewater flow to City of Greeley and from the City of Evans. The project will include a lift station and force main that will connect into an existing manhole and gravity sewer system.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	Unknown – to be negotiated
What is the annual impact?	None
What fund of the City will provide Funding?	402 – Sewer New Construction
What is the source of revenue within the fund?	Plant Investment Fees
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

None identified at this time.

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

1) Introduce the ordinance as presented; or
2) Amend the ordinance and introduce as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for July 16, 2019.

Attachments:

Ordinance
Exhibit A – Acquisition Map

CITY OF GREELEY, COLORADO

ORDINANCE NO. ___, 2019

CONCERNING THE ACQUISITION OF INTERESTS IN REAL PROPERTY LOCATED IN WELD COUNTY, COLORADO FOR SANITARY SEWER INFRASTRUCTURE, BY PURCHASE OR EXERCISE OF THE POWER OF EMINENT DOMAIN, PURSUANT TO SECTION 7 OF ARTICLE XVI, SECTION 15 OF ARTICLE II, AND SECTIONS 1 AND 6 OF ARTICLE XX OF THE COLORADO CONSTITUTION AND COLO. REV. STAT. § 38-1-101, et seq. (ASHCROFT LIFT STATION)

WHEREAS, the City of Greeley ("City") is a Colorado home-rule municipality empowered, pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution, to, *inter alia*, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 15 of Article II and Section 7 of Article XVI of the Colorado Constitution further authorize the City to acquire easements for domestic, irrigation, drainage, and other purposes; and

WHEREAS, the Greeley City Council ("Council"), on the recommendation of City staff and the City of Greeley Water and Sewer Board, has determined that the development and use of additional sanitary sewer lines and associated facilities in the Ashcroft Draw Basin Area, generally depicted on Exhibit A, is necessary for the continued overall operation of the water works, and more specifically to increase the capacity of sanitary sewer service for the citizens of the City, and thereby, to promote growth; and

WHEREAS, the Ashcroft Draw Basin Area is one such area where additional sanitary sewer lines and associated facilities will need to be located, and is an area that is generally experiencing growth and redevelopment into more intensive land uses; and

WHEREAS, City staff and legal counsel have determined that the additional sanitary sewer lines and associated facilities described above will need to be installed in the ground at varying depths, and that, accordingly, the acquisition of interests in real property is necessary in order to construct and maintain such sanitary sewer lines and associated facilities in the area depicted on Exhibit A; and

WHEREAS, the Council has determined that the aforementioned acquisition of interests in real property, either through purchase or exercise of the City's power of eminent domain, is necessary for the development and use of said sanitary sewer lines and associated facilities.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO AS FOLLOWS:

Section 1. The Greeley City Council hereby determines that it is necessary for the City to acquire, either through purchase or exercise of the power of eminent domain, permanent

easements and temporary construction easements for the installation, operation, maintenance, repair, and replacement of sanitary sewer lines and associated facilities, for the continued overall operation of the water works, and more specifically to increase the capacity of sanitary sewer service for the citizens of the City.

Section 2. The Greeley City Council hereby determines that the acquisition of permanent easements and temporary construction easements is necessary within the Ashcroft Draw Basin Area depicted on Exhibit A, either through purchase or exercise of the power of eminent domain, for the above-described purposes.

Section 3. City staff and legal counsel are hereby authorized and directed to continue with the acquisition of the above-described interests in real property, either through purchase or exercise of the power of eminent domain. The City Council hereby ratifies any previous actions by City staff and legal counsel in negotiating the acquisition of such interests in real property, and in providing notice of the City's intent to acquire such interests, in accordance with Colo. Rev. Stat. § 38-1-101, et seq.

Section 4. This ordinance shall take effect on the fifth day following its final publication, as provided in Section 3-16 of the Greeley City Charter.

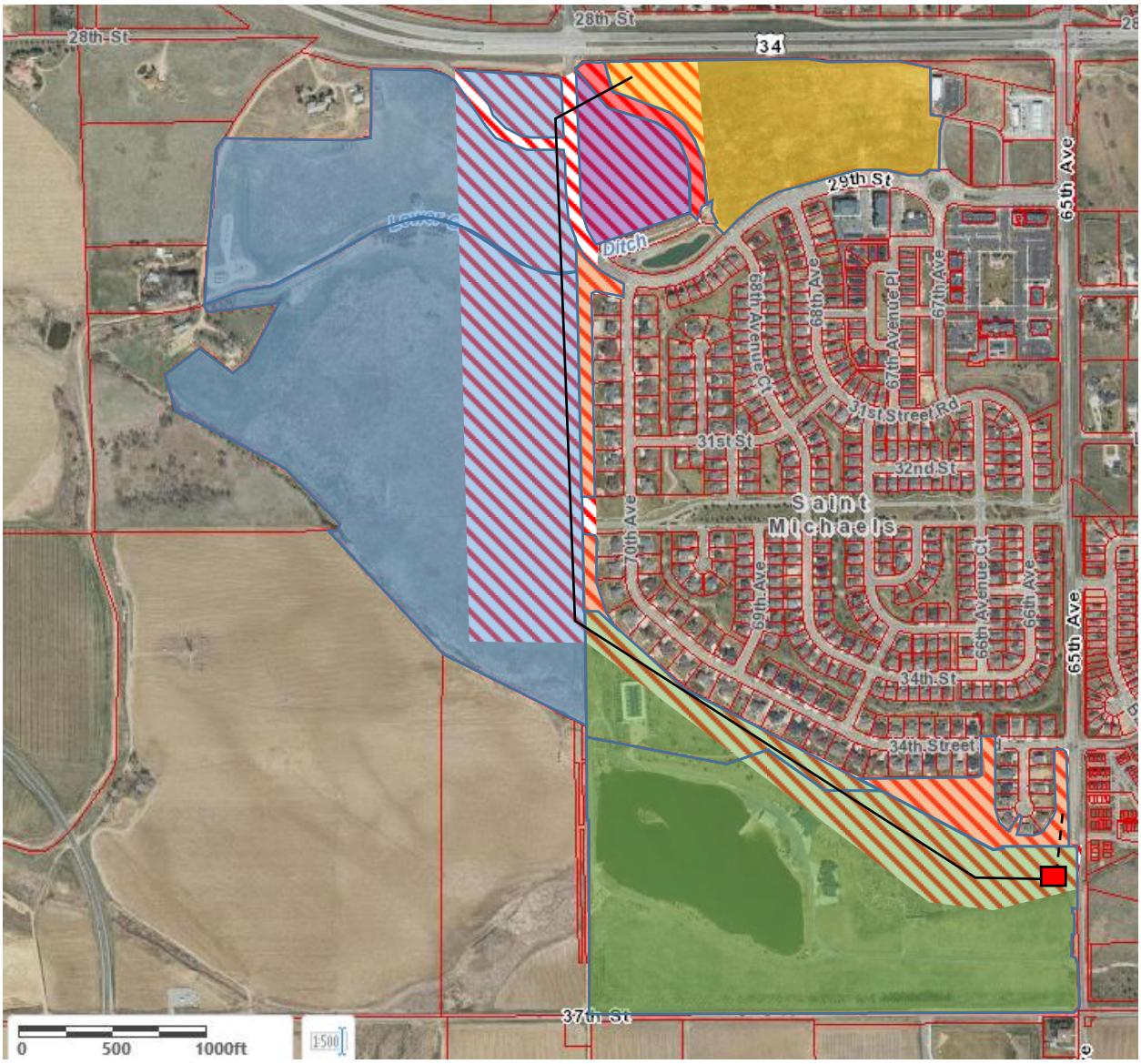
PASSED AND ADOPTED, SIGNED AND APPROVED THIS ___ DAY OF _____ 2019.

ATTEST: **THE CITY OF GREELEY, COLORADO**

_____ _____

City Clerk Mayor

Exhibit A – Acquisition Map



Boomerang Ditch Lateral (1 Parcel)

Greeley Commons Investments, LLC (2 Parcels)

St. Michaels Commercial Enterprises, LLC (1 Parcel)

St. Michaels Owner Association (3 Parcels)

St. Michaels Reservoir Estate, LLC (2 Parcels)

University of Colorado Health (1 Parcel)

Proposed connection to existing sewer

Proposed Force Main Route

Approx. Lift Station Location

Approximate Acquisition Area

Note: Exact location of the lift station and force main routing will be determined during design. Easement and property acquisition locations will be determined at that time.

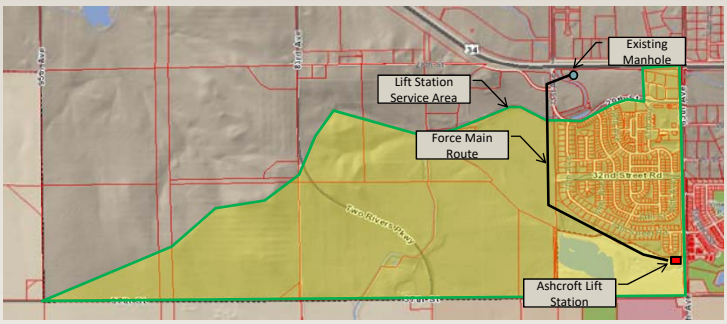
City of Greeley Colorado

Ashcroft Draw Basin Lift Station: Site Identification, Acquisition and Easement Acquisitions

July 2, 2019

Ashcroft Lift Station

- **Wastewater Lift Station Purpose and Drivers**
  - Serve future buildout of Ashcroft Draw Service Area
  - Re-direct existing St. Michaels' wastewater from City of Evans to City of Greeley
  - Provides more control for City of Greeley and assurance to the citizens for development of the area
  - Captures PIF revenue that would otherwise go to Evans

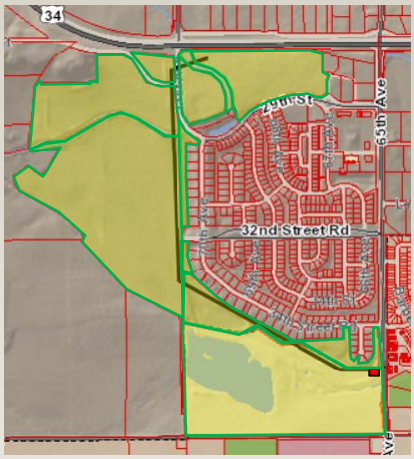


2

Ashcroft Lift Station

Project Details:

- **Schedule:**
  - **Project Design 2019 to early 2020**
  - **Project Construction 2020**
- **Total Project Cost:**
  - **Approx. $3.8 million**

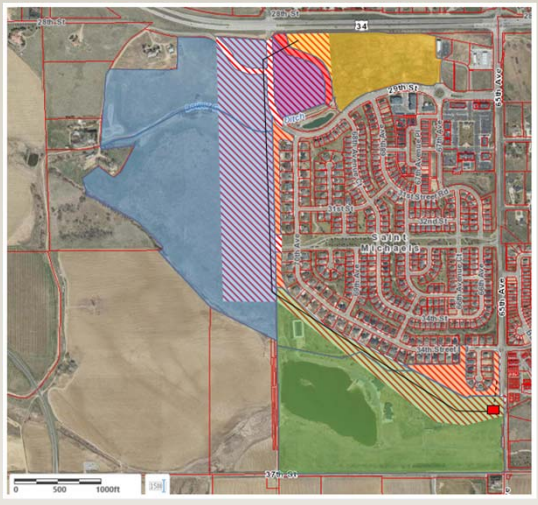


Resolution:

- **30’ wide Permanent Easement**
- **30’ wide Temporary Construction Easement**
- **Property acquisition for Lift Station**

3

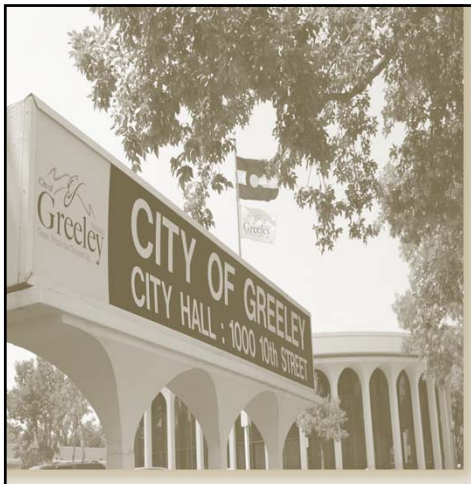
Ashcroft Lift Station



Boomerang Ditch Lateral (1 Parcel)
Greeley Commons Investments, LLC (2 Parcels)
St. Michaels Commercial Enterprises, LLC (1 Parcel)
St. Michaels Owner Association (3 Parcels)
St. Michaels Reservoir Estate, LLC (2 Parcels)
University of Colorado Health (1 Parcel)
Proposed connection to existing sewer
Proposed Force Main Route
Approx. Lift Station Location
Approximate Acquisition Area

Note: Exact Location of the lift station and force main routing will be determined during design. Easement and property acquisition locations will be determined at that time.

4



City of Greeley

QUESTIONS?

5

Council Agenda Summary

July 2, 2019

Agenda Item Number 12

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:
Introduction and first Reading of an ordinance amending sections of Chapter 9 of the Greeley Municipal Code to require mandatory trash service and to make technical corrections to Code sections regarding refuse

Summary:
This item is scheduled after continuance from June 4, 2019.

City Council completed in April a discussion regarding trash policies in Greeley. This agenda item brings forward an ordinance with proposed changes to the Municipal Code that support the conclusion of that discussion, making trash collection a requirement for all properties in the city.

History
Councilmembers raised a concern last fall that unmanaged trash accumulation, particularly in the alleys, was at an undesirable level. Staff presented a history of the problem, describing how Greeley's original community design in the pre-automobile era contributes to some of the conditions we witness today. Alleys become convenient places to dump oversize refuse (furniture, mattresses), to use others' trash receptacles without their permission, and for illicit dumping by other parties. Staff detailed how trash complaints (city-wide) represented 23% of all code complaints and 18% of all confirmed violations in 2018.

Council reviewed a range of options that could potentially abate some of the trash accumulation conditions found throughout the city. They concluded that the preferred approach was to clearly require that all property owners have commercial trash hauling service.

Conclusion
Found at Section 9.16.120(a), the attached ordinance improves on existing code language to clearly state that all properties must have a "duly-authorized refuse hauler," a minimum of one time a week, with the potential requirement for more often if it is clear that more frequent service is necessary to ensure trash does not accumulate on the property. An exception is allowed for individuals who may have access to another service or who take their trash on their own to a landfill (existing Section 9.08.050).

Through the City Clerk and City Attorney's Offices and in conjunction with the City's contracted service provider Municode, the City is conducting a recodification review of the entire Municipal Code to correct errors, inconsistencies, or ambiguous language. Supporting this larger effort, the attached ordinance includes other

"clean-up" items designed to consolidate and clarify various existing refuse and trash references found in the Code. There are no substantive policy changes as a result of these language changes.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a legislative process.

Other Issues and Considerations:

None noted.

Applicable Council Priority and Goal:

- Safety
- Economic Health & Development: Active support of business development

Decision Options:

1) Introduce the ordinance as presented; or
2) Amend the ordinance and introduce as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for July 16, 2019.

Attachments:

Ordinance, with Exhibit A (Proposed Revised Code Sections)
Staff Analysis of Draft Code, Annotated for Explanation of Proposed Changes

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 9 OF THE GREELEY MUNICIPAL CODE TO REQUIRE MANDATORY TRASH SERVICE AND TO MAKE TECHNICAL CORRECTIONS TO CODE SECTIONS REGARDING REFUSE

WHEREAS, the City Council of the City of Greeley is charged with the responsibility of providing for the health, safety and welfare of its residents; and

WHEREAS, adoption of refuse and trash collection and related sanitation codes is one critical method of providing for the protection of residents of the city; and

WHEREAS, the City of Greeley has previously adopted various codes to ensure the proper maintenance of property and the collection refuse; and

WHEREAS, the City Council of the City of Greeley has recently reviewed alternatives to better mitigate trash accumulation in properties through the City, and most notably in alleys, with the conclusion that the City should clearly mandate that all properties receive service from a duly-authorized refuse hauler; and

WHEREAS, the City of Greeley has undertaking a recodification of the Municipal Code to correct errors, inconsistencies, and ambiguous language, providing such opportunity to now undertake such corrections in conjunction with Code sections addressing refuse.

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

Section 1. Various Sections, within Chapter 9 of the Greeley Municipal Code, regarding mandatory trash service and various refuse code references, a copy of which is attached hereto as Exhibit A, is hereby amended, with deletions shown in strikethrough text and additions shown in bold, underlined text.

Section 2. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF

_____, 2019.

ATTEST: **THE CITY OF GREELEY, COLORADO**

_____ **By: _____**

City Clerk **Mayor**

9.04.020 - Interpretation of terms; definitions generally.

For the purpose of this Article I, definitions shall be construed as specified in this Chapter. Words used in the singular include the plural and the plural, the singular. Words used in the masculine ~~gender~~ include the feminine, and the feminine, the masculine. Terms, words, phrases, and their derivatives used but not specifically defined in this Article ~~I~~ shall have the same meaning defined in Section ~~Chapter~~ 1.04.020 of this Code~~, the Uniform Building Code and the Uniform Housing Code~~.

~~(Prior code §13-101(part))~~

9.04.030 - Refuse defined.

For the purpose of this Article ~~I~~, *refuse* means garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials, manufactured goods, appliances, fixtures, discarded furniture, machinery, motor vehicles or parts, or other such items which have been abandoned, demolished or dismantled, or are in such condition as to be unusable in their current state; discarded or inoperable vehicles, machinery parts and tires; and other materials commonly considered to be refuse, rubbish, or junk including organic waste such as, but not limited to, wool, hides, feces, weeds and other vegetation, and silt runoff from vehicle wash racks. As used in this definition, the term *discarded furniture* shall also include~~, without limitation,~~ upholstered furniture that is designed, manufactured, and intended primarily for indoor use but is used or stored outdoors in any unroofed area or area where subject to weather conditions, whether the upholstered furniture is actually discarded or not.

~~(Ord. 25, 1999 §1(part); Ord. 43, 1994 §1; prior code §13-101(part))~~

9.04.040 - Applicability.

The provisions of this Article ~~Environmental Sanitation Code~~ shall apply to all areas, territory, property, vacant lots, and buildings within the City.

~~(Prior code §13-102)~~

9.04.050 - Enforcement by administrative authority.

The term administrative authority as used in this Article is the Community Development Director or designee. The administrative authority is authorized and directed to administer and enforce all of the provisions of this Article ~~I~~.

~~(Prior code §13-103)~~

9.04.060 - ~~Administrative d~~Duties generally of administrative authority.

The administrative authority shall maintain public office hours necessary to effectively administer its duties~~the provisions of this Article I, the Environmental Sanitation Code and~~

amendments thereto, and shall examine, observe, inspect, and check, and cause to be brought into compliance all property within the City for violations of this Article I, the Environmental Sanitation Code.

(Ord. 43, 1994 §1; prior code §13-104)

Chapter 9.08 - Refuse Haulers

9.08.010 - State authority required; residents hauling own refuse excepted.

No person, firm, or corporation may collect, transport, or remove refuse within the City without having first obtained current authority to do so from the Public Utilities Commission and having first registered such current authority with the Director of Finance; provided, however, that this prohibition does not apply to any resident of the City who, with his or her own conveyance removes his or her own refuse or ashes from his or her own premises.

(Ord. 42, 2016, §1(Exh. A), 12-20-2016; Ord. 33, 1980 §4; prior code §13-106)

9.08.050 - Collection of refuse by other than authorized personnel prohibited; exceptions.

(a) The City, by and through its duly authorized agents, employees, contractors, or City-licensed operators, shall be the sole agency for the collection and disposal of refuse, and no person except such duly authorized agents, employees, contractors, or City-licensed operators of the City shall collect or dispose of any refuse, whether his or her own or another's, within the City. Nothing in this ArticleEnvironmental Sanitation Code shall relieve any contractor of the obligation of cleaning up premises after completion of his or her contract.

(b) This prohibition shall not apply to any resident of the City who, with his or her own conveyance removes his or her own refuseNothing in this Environmental Sanitation Code shall prevent an individual from hauling his or her own waste material; provided that it is properly disposed of in conformity with this ArticleEnvironmental Sanitation Code and a permit is obtained as provided.

(Prior code §13-136)

Chapter 9.12 - Refuse Disposal Sites

9.12.010 - Definitions.

For the purpose of each and every provision of this Chapter, the following definitions of terms shall apply:

Disposal means the processing of solid or semisolid wastes by sanitary landfill, by incineration, by composting, by grinding or by any other equivalent sanitary method.

Refuse disposal site means any location designated by the City Council or the Board of County Commissioners where any approved final treatment utilization, processing, or depository of solid or semi-solid wastes occur, and includes designated sanitary landfills.

~~*Sanitary landfill* means the active portion of the landfill site where refuse is being dumped, compacted and covered.~~

~~(Prior code §13-116)~~

9.12.020 - Operation of refuse disposal sites.

Any refuse disposal site operated or designated by the City as a City disposal site shall be operated in accord with the state statutes and rules.

~~(Prior code §13-117)~~

~~9.12.030 - Operation to conform to state standards.~~

~~Any refuse disposal facility which has been approved and designated or operated as a City disposal site shall, at all times during which the same is so designated, be operated and maintained according to the minimum operating and maintenance standards as set forth in the state statutes and rules of the State Health Department.~~

~~(Prior code §13-118)~~

9.12.040 - Inspection and correction; authorities designated.

The administrative authority, in addition to the authorized agent of the County ~~Health Department or County Commissioners~~, shall regularly inspect the operation and maintenance of all City refuse disposal sites and supervise all corrective steps that shall be taken by the operators or City crews.

~~(Prior code §13-119)~~

9.12.060 - Duration of designation.

The designation of the refuse disposal site shall be for an indefinite duration; however, nothing in this Article~~Chapter~~ shall prohibit the City from entering into a contract with any other municipality or with the County for the joint acquisition, maintenance, and operation of solid or semisolid waste disposal sites in accord with the state statutes.

~~(Prior code §13-121)~~

Chapter 9.16 - Hazards to Health and the Environment

9.16.010 - Manure regulations.

Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, it is unlawful to keep manure or accumulated feces on any property for any purpose. Manure or feces shall either be plowed under or removed by the owner, occupant or agent.

~~(Prior code §13-123)~~

9.16.020 - Burning of refuse.

~~(a) Definitions. For the purpose of each and every provision of this Chapter, the following definitions of terms shall apply:~~

~~*Agricultural land* refers to any cultivated land, including ranching and the raising of livestock or the raising of livestock only as a commercial endeavor and provided that more than fifty percent (50%) of the roughage type food, such as hay or ensilage, is provided by the owner on his or her immediate property.~~

~~*Irrigation ditch* refers to any active ditch where water rights are currently utilized.~~

~~*Refuse* refers to any garbage and all of the waste material or discarded or unused material, all rubbish of any kind or nature whatsoever and other materials commonly known as rubbish or refuse of any kind or character or by any means known, furniture or fixtures, appliances and other household equipment of such weight and dimension, size and shape that they can be handled by not more than two (2) people, and all other useless, rejected and cast-off material.~~

(a~~b~~) Prohibitions.

(1) It is unlawful for any person, firm, or corporation to set on fire or burn any refuse or other waste material in any receptacle or upon the ground except as described in ~~subsection (c) of~~ this Section.

(2) It is unlawful for any person to burn weeds, leaves, limbs, trees, lawns, gardens, rubber tires, plastics, wire, insulation, or ~~and~~ other smoke-producing ~~materials~~ or ~~other~~ flammable materials except under the conditions described in ~~of subsections (c) and (d) of~~ this Section.

(3) A person shall not construct, erect, install, maintain, or use any incinerator or so burn any combustible material as to constitute or occasion a fire hazard by the use or burning thereof.

(b~~c~~) Exemptions.

(1) Burning pursuant to and within the limitations of a permit issued under ~~subsections (d) and (e) of~~ this Section shall be exempt from the foregoing restrictions.

(2) Fires for noncommercial cooking of food for human beings, in~~side~~ fireplaces, ~~or~~ stoves, or ~~and outside~~ barbecues shall be exempt from ~~subdivision (1) of subsection (b) of~~ this Section. ~~Fireplace and barbecue~~ Allowed fuel shall be limited to dry wood, coal, dry paper or smokeless fuel.

~~(3) Any exemption contained in this subsection shall constitute an affirmative defense to any alleged violation of subsection (b) of this Section.~~

(c~~d~~) Permit from Fire Chief.

(1) A permit must~~may~~ be issued by the Fire Chief or designee~~City~~ for the purpose of agricultural burning. This burning shall consist of and be limited to the burning of active irrigation or drainage ditches and fence rows. This is further limited to the burning of weeds and grass within the confines of the ditch (ditch bottom, inside walls

and ditch bank). Fence row burning shall be limited to an area no wider than three (3) feet from either side of the fence.

(2) A permit mustmay be issued for the flaring of waste gas derived from the operation of any municipally owned and operated sewer treatment facility.

(3) A permit mustmay be issued for the flaring of natural gas when such burning is necessary to test the quality and volume of the production at the well site. During the course of testing, burning conducted pursuant to this permit may also be utilized to clean up the well by removal from the well bore and the productive formation of water, drilling fluids and materials used in connection with the completion or recompletion of the well or any stimulation thereof. Such a permit shall be issued under the following conditions and shall be revoked when any of these conditions do not exist:

a. All natural gas must be flared into a pit;

b. The entire flame resulting from the operation must be below ground level, including berms. If the administrative authority determines that the resulting flame is not below ground level, including berms, it shall notify the operator or producer immediately in writing. Within forty-eight (48) hours from such notice, the flame must be brought into compliance with the provisions of this Section;

c. All flaring must be conducted for well test purposes as noted above;

d. Any permit issued for natural gas flaring shall run for a period of sixty (60) days from the date of issuance. Such permit shall be issued at the time that the necessary permits issued pursuant to the Fire Code (Chapter 16.36) are granted to the operator or producer. If no flaring is conducted within the sixty-day period from the date of issuance, such permit may be renewed on a one-time basis for a period of sixty (60) days. Actual flaring shall be limited to ten (10) days within the sixty-day period of the permit upon giving written notice thereof to the Fire Chief.

(4) A permit mustmay be issued for instructional, recreational, and ceremonial fires or for the burning of weeds, grass, gardens, or leaves.

a. Applicants for burning permits must be in legal control of the lot or parcel of land on which the burning is to be done.

b. No person shall kindle or maintain any fire or authorize any such fire to be kindled or maintained on any private land unless the location is more than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading to within fifty (50) feet of any structure. Weeds that are to be burned are to be cut and gathered together in small piles no larger than five (5) feet in diameter and separated at least fifteen (15) feet from other piles of weeds.

c. All fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use. The fire-extinguishing equipment shall be furnished by the applants of the burning permit and shall be of adequate size and quantity to control the fire, as determined by the Fire ChiefDepartment. If adequate equipment to control the fire cannot be obtained by the applicant, the Fire Department will be notified to stand by until the fire has

been extinguished, and a charge of one hundred dollars ($100.00) per hour will be charged for this service. The minimum charge will be one hundred dollars ($100.00).

d. Burning shall not occur, under permit or otherwise, which shall cause or create a dense smoke or odor to the extent it will be offensive to neighboring property owners.

e. No person shall kindle a fire upon the land of another without permission of the owner thereof or his or her agent.

f. All burning shall take place during hours approved by the Fire Chief. These hours shall be from one (1) hour after sunrise to 4:30 p.m., Monday thru Saturday only, unless specified otherwise in the burning permit.

(5) Prior to the issuance of any permit, the requesting party shall provide satisfactory proof that the proposed burning will comply with all county environmental regulations and City fire codes.

(6) All burning permits shall be subject to a fee to help defray administrative expenses.

(7) During burning all ~~Uniform~~ Fire Code requirements must be complied with.

(e) Fire Chief~~Administrative~~ authority.

(1) The Fire Chief~~Authority~~ shall be ~~the administrative authority~~ responsible for the issuance of any burning permit described in~~as outlined under~~ this Section. A permit ~~Such Authority~~ may be revoke~~d any permit pursuant to the provisions of this Section~~ if the burning is deemed a nuisance or a hazard. In reference to the flaring of oil and gas wells, such revocation may occur only after notice to correct has been submitted to the offending operator or producer. Such operator or producer shall have forty-eight (48) hours within which to correct the defect. If such defect has not been corrected, the Authority may proceed to revocation. The provisions regarding notice and the time period for correction shall not apply to any hazard which is deemed a threat to the public health or safety ~~of citizens of the community~~.

(2) The Fire Chief~~Authority~~ may prohibit any or all burning when atmospheric conditions or local circumstances make such fire hazardous.

~~(Ord. 26, 2011 §1; Ord. 25, 1999 §1(part); Ord. 10, 1983 §2; Ord. 51, 1982 §2; Ord. 29, 1981 §3; prior code §13-124)~~

9.16.030 - Stagnant ~~or unpure~~ water.

It is unlawful for any person, firm or corporation to maintain any building, structure, or premises that contains stagnant ~~or unpure~~ water or water ponds that serve as the breeding place for mosquitoes, insects, or rodents.

~~(Prior code §13-125)~~

9.16.040 - Decaying vegetation prohibited.

(a) It is unlawful for any owner or occupant of any lot, structure, or building to cause or permit decaying vegetable matter to be present on or in such lot, structure or building. Nothing in this ~~Section or in other Sections of this~~ Article ~~I~~ shall prevent any owner or occupant from maintaining a compost pile in conformity with rules promulgated by the administrative authority.

(b) The administrative authority is directed to promulgate rules, which may be changed from time to time, establishing restrictions and directives regarding material in compost piles and methods for the proper care and maintenance of them. Such rules shall be designed to prevent offensive odors and any condition hazardous to public health or safety.

~~(c) The administrative authority shall issue a notice of violation to any owner or occupant responsible for maintaining or permitting the maintenance of a compost pile not in conformity with this Code. The failure to comply with this Section is a code infraction subject to the sanctions set forth in Chapter 1.33 of this Code.~~

~~(Ord. 46, 2006 §1; Ord. 43, 1994 §2; prior code §13-126)~~

9.16.075 - Plant Management Advisory Commission Established.

In accordance with Chapter~~Section~~ 9.52~~.023(e)~~ of this Code and in addition to the powers and duties set forth therein, the City's Air Quality and Natural Resources Commission ("Commission") shall serve as the City's Plant Management Advisory Commission ~~as contemplated by Section 35-5.5-101, et seq., C.R.S~~.

~~(Ord. 70, 2002 §1; Ord. 25, 1999 §1(part); Ord. 43, 1994 §2)~~

9.16.077 - Powers and duties.

The ~~Air Quality and Natural Resources~~ Commission shall have the following powers and duties related to plant management:

(a~~1~~) The Commission shall develop and recommend a plan for the integrated management of designated troublesome, injurious, or otherwise undesirable plants ("Noxious Weed Management Plan") within the City, including recommended management criteria. The management plan shall be reviewed at regular intervals but not less often than once every three (3) years by the Commission. The management plan and any amendments made thereto shall be transmitted to City Council for approval, modification, or rejection.

(b~~2~~) The Commission shall designate undesirable plants which are recommended to be subject to integrated management as specified according to this Section~~Subsection (1) above~~ to be included in the Noxious Weed Management Plan.

(c~~3~~) The Commission shall recommend to City Council that identified land owners be required to submit an integrated management plan to control designated undesirable plants upon such owner~~person~~'s property.

(d4) The Commission shall have jurisdiction over requests for the granting of variances with respect to the management plan and management criteria created in accordance with the directives of this Section.

(e5) The Commission shall perform other such duties as may be prescribed by City Council.

~~(Ord. 25, 1999 §1(part); Ord. 43, 1994 §2)~~

9.16.080 - Control of weeds.

(a) Definitions. For the purpose of each and every provision of this Chapter, the following definitions shall apply:

~~*Administrative authority* means the Community Development Director or designee.~~

~~*Administrative official* means the Community Development Department through its Natural Resources Division or designee, which shall be responsible for enforcing compliance with this Title.~~

~~*Containment* means maintaining an intensively managed buffer zone that separates infested regions, where suppression activities prevail, from largely uninfested regions, where eradication activities prevail.~~

~~*Eradication* means reducing the reproductive success of a noxious weed species or specified noxious weed population in largely uninfested regions to zero and permanently eliminating the species or population within a specified period of time; once all specified weed populations are eliminated or prevented from reproducing, intensive efforts are to continue until the existing seed bank is exhausted.~~

~~*Noxious weed* means those plants as designated in the Noxious Weed Management Plan. The Noxious Weed Management Plan is kept on file in the Community Development Department and the City Clerk's office. The Noxious Weed Management Plan may be updated to include additional noxious weeds after a public hearing and with thirty (30) days' prior notice to the public.~~

~~*Restoration* means the removal of noxious weed species and reestablishment of desirable plant communities on lands of significant environmental or agricultural value in order to help restore or maintain said value.~~

~~*Suppression* means reducing the vigor of noxious weed populations within an infested region, decreasing the propensity of noxious weed species to spread to surrounding lands, and mitigating the negative effects of noxious weed populations on infested lands. Suppression efforts may employ a wide variety of integrated management techniques.~~

Weed means a troublesome or injurious plant. *Weed* does not include vegetation commonly recognized, cultivated and maintained as ornamental, herbal, agricultural or xeriscape.

(b) Prohibited.

(1) No owner, tenant or agent of any lot, block, or parcel of ground within the City shall allow or permit weeds to grow, or remain when grown, on such lot, block, or parcel of

ground, including vacant or unimproved property, or on or along a sidewalk or street adjoining the same or in the alley behind the same.

(2) Weeds which are in a reproductive (flowering or at seed) stage or when such stage is imminent must be appropriately controlled to eliminate further infestation of the property. Weeds on vacant lots, blocks or parcels which are over twelve (12) inches in height shall be kept cut near the ground. Weeds on developed lots, blocks, or parcels must be replaced with appropriate landscape or other lawful property improvement as per Chapter 18.44 of this ~~e Greeley Development~~ Code.

(3) It shall be unlawful to intentionally introduce, cultivate, sell, offer for sale or knowingly allow to grow any noxious weed designated pursuant to the Noxious Weed Management Plan~~this Chapter~~ or any state regulation~~statute~~, except that this prohibition shall not apply to any exceptions provided under state law.

(c) Inspection. The administrative official shall have the authority to perform inspections for the presence of weeds during normal business hours or other reasonable times upon receipt of a complaint, from referral by another City department, or upon observation during the normal course of duties. The inspection may occur from any public right-of-way or neighboring property, or the administrative official may enter onto the premises as per Section 9.04.070.

(d) Issuance of notice of violation. If the administrative authority determines that a violation exists, a notice of violation ~~for a code infraction~~ may be issued to the owner, tenant, or agent of the lot, block, or parcel, and the notice of violation may be issued without prior notice. If the administrative authority cannot serve the notice of violation directly to the owner, tenant, or agent (such as when the violator is not physically present in the City), the notice of violation shall be served in the manner set forth in Chapter 2.09 of this Code. If, within three hundred sixty-five (365) calendar days of a prior notice of violation, the administrative authority performs a second or further inspection (other than an inspection showing compliance) for the same property and finds a second or further violation of the same type, the owner, tenant, or agent may immediately receive a new notice of violation ~~for a code infraction~~.

(e) The following are not considered to have noxious weed growth~~Variances. Weed variances may be granted under the following circumstances or conditions~~:

(1) A~~An owner of a~~ tract of land that has been certified as a "Backyard Wildlife Habitat" may have a brush pile not to exceed eight (8) feet by eight (8) feet wide by three (3) feet in height and as further described in the certification document, if it is permitted by the terms of the Backyard Wildlife Habitat Certification. *Backyard Wildlife Habitat Certification* means certification by the ~~Air Quality and Natural Resources~~ Commission or other City entity as may be designated by the City Manager in accordance with applicable policies and guidelines, recognizing a yard as having the necessary components to sustain the desired wildlife species. Guidelines for the Backyard Wildlife Habitat Certification program may be obtained from the Community Development or Forestry Division offices.

(2) A~~An owner of a~~ tract of land that has been certified as a natural area is permitted to have grasses growing in excess of twelve (12) inches high, ~~. This variance will be~~

limited to the grass species and areas of the site identified within the certification document. *Natural Area Certification* means certification by the ~~Air Quality and Natural Resources~~ Commission or other City entity as may be designated by the City Manager in accordance with applicable and recognized policies and guidelines, designating a site of at least one-quarter (¼) acre in size as having the necessary components to be classified as a natural area. Guidelines for the Natural Area Certification program may be obtained from the Community Development or Forestry Division offices.

(3) Plants grown for the purpose of personal consumption.

~~(4) A variance shall not be available with regard to noxious weeds.~~

(f) Certification~~Variance~~ procedures. A landowner or occupant may seek the certifications described in this Section~~a variance from requirements of Subsection (b) above~~ in the following manner:

(1) A ~~variance~~ request shall be submitted on a form supplied by the administrative authority. The request shall contain the name and address of the applicant landowner, a correct legal description of the land involved, a site plan depicting the certification~~variance~~ requested, the reasons supporting the request, and a description of the land and existing improvements thereon in sufficient detail to enable the administrative~~reviewing~~ authority to predict with reasonable accuracy the impact which the proposed certification~~variance~~ would have on adjacent and nearby properties and on the City as a whole. The request shall be signed by all owners of the property involved or, if the property is subject to a contract for sale and purchase, by all contract purchasers. If a notification has been provided to a landowner regarding presence of noxious weeds, a certification~~variance~~ request shall be considered by the Commission only if presented by the landowner to the City, through the administrative official, within five (5) calendar days from the date of the notification.

(2) The request will be forwarded for technical review by the City's Administrative Review Team which shall provide written comment to the ~~Air Quality and Natural Resources~~ Commission.

(3) The request ~~for variance~~ shall be considered by the Commission at the earliest possible opportunity but no later than within thirty (30) days of the request.

a. The Commission shall certify the subject property or deny certification~~the variance~~ and shall state its findings and conclusions in writing, providing copies of the findings and conclusions to the administrative official and to the subject landowner.

b. If certification~~the variance~~ is denied, the landowner must come into compliance with all applicable regulations within five (5) days from the date of the ~~Air Quality and Natural Resource~~ Commission's findings.

(g) Noxious weeds prohibited. Plants~~The weeds~~ designated in the Noxious Weed Management Plan are hereby declared ~~noxious and, as such, are declared~~ a threat to the economic and environmental value of the land within the City, and it is hereby decreed that no owner, tenant, or agent shall allow any such plant growth to occur on any lot, block, or parcel of ground, including those areas adjoining public rights-of-way. Control and management of noxious weeds shall be done in compliance with the Noxious Weed Management Plan.

(h) Noxious weeds notice. The administrative official or designee~~City~~ shall have authority with regard to private lands within the City~~municipality, acting directly or indirectly through its agents or staff~~, to inspect per Subsection (c) and to notify the landowner or occupant of such lands, advising said landowner or occupant of the presence of noxious weeds. Said notice shall name the noxious weeds, advise the landowner or occupant to manage the noxious weeds and specify the best available control methods of integrated management. Where possible, the City shall consult with the affected landowner or occupant in the development of a plan for the management of noxious weeds on the premises or lands.

(1) Within five (5) days after service of notification, the landowner or occupant shall:

a. Comply with the terms of the notification; or

b. Acknowledge the terms of the notification and submit in writing a management plan which includes a schedule for the completion of the plan for compliance. Said plan shall be reviewed by the administrative authority within five (5) business days of receipt. If the plan is rejected by the administrative authority, the landowner may request an arbitration panel be convened to determine the final management plan.

1. The arbitration panel selected by the City shall be comprised of a weed management specialist or weed scientist, a landowner of similar land within the City and a third panel member chosen by agreement of the first two (2) panel members. The landowner or occupant shall be entitled to challenge any one (1) member of the panel, and the City shall name a new panel member from the same category. Said panel shall convene at the earliest possible opportunity to consider the case and develop a management plan for the subject property. The decision of the arbitration panel shall be final.

2. The City may assess the landowner costs for any actual expenses incurred for the conduct of the hearing.

~~(Ord. 42, 2011 §1; Ord. 26, 2011 §1; Ord. 46, 2006 §1; Ord. 17, 2005 §1; Ord. 24, 2004 §1; Ord. 70, 2002 §1; Ord. 25, 1999 §2(part); Ord. 43, 1994 §2; Ord. 19, 1988 §1(part); Ord. 66, 1986 §1; Ord. 35, 1982 §2; prior code §13-130)~~

9.16.110 - Failure to pay a lien.

Failure to pay an assessment as provided for at Section 9.16.100 within ~~such period of~~ thirty (30) days~~ described therein~~ shall cause such assessment to become a lien against such lot, block, or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to ~~so~~ pay~~ the same within thirty (30) days,~~ by the Director of Finance to the County Treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by state law.

~~(Ord. 24, 2004 §1; Ord. 19, 1988 §1(part); prior code §13-132(part))~~

9.16.111 - Fugitive dust; abatement.

(a) Definition. For the purpose of each and every provision of this Chapter, the following definition shall apply: *Fugitive dust* means dirt which becomes airborne and relocates on a property other than on the one from which it originated.

(b) All new development projects must file and comply with an erosion control plan as prescribed in Chapter 9.18, Grading and Soil Erosion Control, of this Code.

(c) Violation. No owner, tenant or agent of any lot, block, or parcel of ground in the City shall permit dust or dirt from their property to blow upon another property or right-of-way.

(d) Notice and abatement. After notice as described further in Section 9.16.200 to the owner, tenant, or agent of the subject property, a twenty-four-hour time period shall be given to resolve the fugitive dust complaint pursuant to Subsection (b) above. If after expiration of twenty-four (24) hours the property is not in compliance, the administrative authority or designeecode enforcement inspector may have an employee of the City, or a private individual or firm under contract, perform the necessary measures performed to control the fugitive dust. If, however, the administrative authority deems the property to be an immediate traffic, health, or safety hazard, it the authority may authorize that immediate action be taken.

(Ord. 25, 1999 §2(part); Ord. 19, 1988 §1(part))

9.16.113 - Failure to pay a lien.

Failure to pay an assessment as provided for at Section 9.16.112 within such period of thirty (30) days described therein shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within thirty (30) days, by the Director of Finance to the County Treasurer, to be placed upon The tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the State.

(Ord. 19, 1988 §1(part)

9.16.120 - Refuse disposal responsibilitiesaccumulations; duty of owner.

It is the duty of every person, whether owner, agent, or tenant, lessee, or occupant of any building, premises, or vacant lot, including but not limited to any place of business, hotel, restaurant, residence, or any other establishment, at all times, to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse other than thatthose ordinarily attendant upon the use for which such premises are legally intended.

(a) Refuse must be disposed of a minimum of once a week by a duly-authorized refuse hauler using containers sufficient in size to contain all refuse generated by the property. The administrative authority may require more frequent disposal to protect the public health or safety.

(1) Nothing in this Section shall prohibit the pPlacement of trash, garbage or refuse containers for pick-up on a public rights-of-way, street, sidewalk, or alley is allowed for one (1) twenty-four-hour period within a seven-day period. Prohibited items include but are not limited

~~to any such material commonly considered *refuse* and placed so as to be visible at ground level from a public right-of-way, street, alley or adjacent property or which may provide harborage for rats, mice or other vermin. All~~

(2) R~~r~~efuse ~~and debris~~ remaining as a result of the demolition or repair of any buildings or the erection and completion of any buildings shall be removed following substantial completion of the work. ~~Any such accumulation shall constitute a code infraction and a violation of this Environmental Sanitation Code.~~

(b) Refuse that is explosive or flammable, which might endanger the public health or safety, shall be removed to such places as approved by the administrative authority.

(c) Refuse shall not thrown, swept, or placed in any public rights-of way, street, sidewalk, alley, gutter, sewer, stormwater intake, vacant lot. or other property.

~~(Ord. 46, 2006 §1; Ord. 56, 1994 §1; Ord. 43, 1994 §2; Ord. 19, 1988 §1(part); prior code §13-133(part))~~

~~9.16.123 - Failure to pay assessment for City abatement.~~

~~Failure to pay an assessment as provided for at Section 9.16.122 within such period of thirty (30) days described therein shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within thirty (30) days, by the Director of Finance to the County Treasurer, to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the State.~~

~~(Ord. 19, 1988 §1(part)~~

9.16.130 - Owners; ultimate responsibility for violations.

Every owner remains liable for Code violations ~~of responsibilities imposed upon him or her by this Environmental Sanitation Code~~ even though an obligation is also imposed on the occupants or tenants~~of his or her building or premises and even though the owner has by agreement imposed on the occupant the duty of furnishing required equipment or of complying with this Environmental Sanitation Code~~.

~~(Prior code §13-133(part))~~

9.16.140 - Sanitary facilities responsibility.

Every owner shall~~, where required by this Environmental Sanitation Code,~~ furnish and maintain such approved sanitary facilities as required for the prevention of insect and rodent infestation and the infestation of noxious weeds and other vegetation or the pollution of air or water.

~~(Ord. 25, 1999 §2(part); prior code §13-133(part))~~

~~9.16.150 - Occupants; sanitation and disposal responsibilities.~~

~~Every occupant shall be responsible for keeping his or her dwelling, structure or premises which he or she occupies and controls in a clean, safe and sanitary condition and shall dispose of all his or her rubbish, refuse, garbage, animal feces and other organic waste, including growth from weeds, vegetation and trees, a minimum of once a week as required by this Environmental Sanitation Code.~~

~~(Ord. 31, 2000 §1; prior code §13-133(part))~~

~~9.16.160 - Businesses; removal of refuse required; explosive or inflammable materials disposal.~~

~~Discarded automobile parts, refuse of all kinds, wool, hides, junkyard refuse and packinghouse or slaughterhouse refuse shall be removed periodically from such respective establishments by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed to the City or county disposal site by the establishment creating such deposit. Any accumulation of refuse that is highly explosive or inflammable, which might endanger life or property, shall be removed to such places as approved by the administrative authority; such removal to be handled by the establishments therefor.~~

~~(Prior code §13-135)~~

~~9.16.170 - Placing refuse on premises prohibited; unhealthful or nuisance materials.~~

~~It is unlawful to deposit or place any refuse in such a manner that the same is or tends to become a nuisance or in such manner that the same endangers or tends to endanger the public health. No person shall, in any manner, throw, place, scatter, deposit or bury any refuse in or upon any public street, alley or other public place, or upon his or her own premises or the premises of another.~~

~~(Prior code §13-137)~~

~~9.16.180 - Throwing or sweeping refuse.~~

~~It is unlawful for refuse of any kind or nature whatsoever to be thrown or swept into any street, sidewalk, gutter, sewer, intake, alley, vacant lot or other property.~~

~~(Prior code §13-138)~~

9.16.190 - Interference with refuse containers and contents.

No person not an owner, occupant, lessee, or tenant of the residence or dwelling shall molest, remove, handle or otherwise disturb any refuse containers, bags, brackets, or contents for servicing by the collectors~~; provided that this Section does not apply to the owner, occupant, lessee or tenant of the residence or dwelling so placing the containers and contents~~.

~~(Prior code §13-139)~~

9.16.210 - Penalties~~Sanctions~~.

(a) Any violation of this Chapter is subject to the penalty provisions of~~shall be a code infraction and sanctions shall be as set forth in~~ Chapter 1.33 of this Code.

(b) For purposes of assessing penalties~~sanctions~~ for repeated offenses pursuant to this Section, *violation* includes each violation at any property or for an owner, agent, or tenant regardless of property location within the City; and, *violation* is limited to a violation of the same ~~Municipal~~ Code section.~~ Each repeat violation must be set forth on a notice of violation form and served as set forth in Subsection 2.09.120(d) of this Code~~.

~~(Ord. 26, 2011 §1; Ord. 46, 2006 §1; Ord. 18, 2005 §§1, 2; Ord. 27, 2002 §1; Ord. 30, 1990 §1(part))~~

STAFF ANALYSIS

9.04.020 - Interpretation of terms; definitions generally.

For the purpose of this Article I, definitions shall be construed as specified in this Chapter. Words used in the singular include the plural and the plural, the singular. Words used in the masculine ~~gender~~ include the feminine, and the feminine, the masculine. Terms, words, phrases, and their derivatives used but not specifically defined in this Article ~~I~~ shall have the same meaning defined in Section ~~Chapter~~ 1.04.020 of this Code~~, the Uniform Building Code and the Uniform Housing Code~~.

~~(Prior code §13-101(part))~~

9.04.030 - Refuse defined.

For the purpose of this Article ~~I~~, *refuse* means garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials, manufactured goods, appliances, fixtures, discarded furniture, machinery, motor vehicles or parts, or other such items which have been abandoned, demolished or dismantled, or are in such condition as to be unusable in their current state; discarded or inoperable vehicles, machinery parts and tires; and other materials commonly considered to be refuse, rubbish, or junk including organic waste such as, but not limited to, wool, hides, feces, weeds and other vegetation, and silt runoff from vehicle wash racks. As used in this definition, the term *discarded furniture* shall also include~~, without limitation,~~ upholstered furniture that is designed, manufactured, and intended primarily for indoor use but is used or stored outdoors in any unroofed area or area where subject to weather conditions, whether the upholstered furniture is actually discarded or not.

~~(Ord. 25, 1999 §1(part); Ord. 43, 1994 §1; prior code §13-101(part))~~

9.04.040 - Applicability.

The provisions of this Article ~~Environmental Sanitation Code~~ shall apply to all areas, territory, property, vacant lots, and buildings within the City.

~~(Prior code §13-102)~~

9.04.050 - Enforcement by administrative authority.

The term administrative authority as used in this Article is the Community Development Director or designee. The administrative authority is authorized and directed to administer and enforce all of the provisions of this Article ~~I~~.

~~(Prior code §13-103)~~

9.04.060 - ~~Administrative d~~Duties generally of administrative authority.

The administrative authority shall maintain public office hours necessary to effectively administer its duties~~the provisions of this Article I, the Environmental Sanitation Code and~~

Commented [Staff1]: Neither of these "Codes" are referenced anywhere in the Greeley Municipal Code ("GMC"), so they have been deleted.

Commented [Staff2]: Redundant sections in this Chapter have been eliminated, so these additions are intended to capture all "refuse" definitions from those eliminated sections.

Commented [Staff3]: With the upcoming recodification project, Chapter names may be changed, so the more generic term is used here and elsewhere in the Chapter.

Commented [Staff4]: The only definition of "administrative authority" appears late in this Chapter (in 9.16.080). The definition needs to be provided the first time the term it is used, however, and so has been moved here.

~~amendments thereto~~, and shall examine, observe, inspect, ~~and~~ check, and cause to be brought into compliance all property within the C~~c~~ity for violations of this Article ~~I, the Environmental Sanitation Code~~.

~~(Ord. 43, 1994 §1; prior code §13-104)~~

Chapter 9.08 - Refuse Haulers

9.08.010 - State authority required~~; residents hauling own refuse excepted~~.

No person, firm, or corporation may collect, transport, or remove refuse within the City without having first obtained current authority to do so from the Public Utilities Commission and having ~~first~~ registered such current authority with the Director of Finance~~; provided, however, that this prohibition does not apply to any resident of the City who, with his or her own conveyance removes his or her own refuse or ashes from his or her own premises~~.

~~(Ord. 42, 2016, §1(Exh. A), 12-20-2016; Ord. 33, 1980 §4; prior code §13-106)~~

9.08.050 - Collection of refuse by other than authorized personnel prohibited; exceptions.

(a) The City, by and through its duly authorized agents, employees, contractors, or City-licensed operators, shall be the sole agency for the collection and disposal of refuse, and no person except such duly authorized agents, employees, contractors, or City-licensed operators ~~of the City~~ shall collect or dispose of any refuse, whether his or her own or another's, within the City. Nothing in this Article~~Environmental Sanitation Code~~ shall relieve any contractor of the obligation of cleaning up premises after completion of his or her contract.

(b) This prohibition shall not apply to any resident of the City who, with his or her own conveyance removes his or her own refuse~~Nothing in this Environmental Sanitation Code shall prevent an individual from hauling his or her own waste material~~; provided that it is properly disposed of in conformity with this Article~~Environmental Sanitation Code and a permit is obtained as provided~~.

~~(Prior code §13-136)~~

Chapter 9.12 - Refuse Disposal Sites

9.12.010 - Definitions.

For the purpose of each and every provision of this Chapter, the following definitions of terms shall apply:

Disposal means the processing of solid or semisolid wastes by sanitary landfill, by incineration, ~~by~~ composting, ~~by~~ grinding or ~~by~~ any other equivalent sanitary method.

Refuse disposal site means any location designated by the City Council or the ~~Board of~~ County ~~Commissioners~~ where any approved final treatment utilization, processing, or depository of solid or semi-solid wastes occur, and includes designated sanitary landfills.

Commented [Staff5]: This exception appears in 9.08.050, too, a more logical placement, so this deleted language has been incorporated there.

Commented [Staff6]: No description of how to obtain a permit is provided, so the reference has been deleted.

Commented [Staff7]: All references to County departments, etcetera, will be generically, "County."

~~*Sanitary landfill* means the active portion of the landfill site where refuse is being dumped, compacted and covered.~~

~~(Prior code §13-116)~~

9.12.020 - Operation of refuse disposal sites.

Any refuse disposal site operated or designated by the City as a City disposal site shall be operated in accord with the state statutes and rules.

~~(Prior code §13-117)~~

~~9.12.030 - Operation to conform to state standards.~~

~~Any refuse disposal facility which has been approved and designated or operated as a City disposal site shall, at all times during which the same is so designated, be operated and maintained according to the minimum operating and maintenance standards as set forth in the state statutes and rules of the State Health Department.~~

Commented [Staff8]: This section is a redundant restatement of 9.12.020 and so has been deleted.

~~(Prior code §13-118)~~

9.12.040 - Inspection and correction; authorities designated.

The administrative authority, in addition to the authorized agent of the County ~~Health Department or County Commissioners~~, shall regularly inspect the operation and maintenance of all City refuse disposal sites and supervise all corrective steps that shall be taken by the operators or City crews.

~~(Prior code §13-119)~~

9.12.060 - Duration of designation.

The designation of the refuse disposal site shall be for an indefinite duration; however, nothing in this Article~~Chapter~~ shall prohibit the City from entering into a contract with any other municipality or with the County for the joint acquisition, maintenance, and operation of solid or semisolid waste disposal sites in accord with the state statutes.

~~(Prior code §13-121)~~

Chapter 9.16 - Hazards to Health and the Environment

9.16.010 - Manure regulations.

Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, it is unlawful to keep manure or accumulated feces on any property for any purpose. Manure or feces shall either be plowed under or removed by the owner, occupant or agent.

Commented [Staff9]: "Manure" is typically different from, for example, dog feces. Both can constitute public concerns, however.

~~(Prior code §13-123)~~

9.16.020 - Burning of refuse.

~~(a) Definitions. For the purpose of each and every provision of this Chapter, the following definitions of terms shall apply:~~

~~*Agricultural land* refers to any cultivated land, including ranching and the raising of livestock or the raising of livestock only as a commercial endeavor and provided that more than fifty percent (50%) of the roughage type food, such as hay or ensilage, is provided by the owner on his or her immediate property.~~

~~*Irrigation ditch* refers to any active ditch where water rights are currently utilized.~~

~~*Refuse* refers to any garbage and all of the waste material or discarded or unused material, all rubbish of any kind or nature whatsoever and other materials commonly known as rubbish or refuse of any kind or character or by any means known, furniture or fixtures, appliances and other household equipment of such weight and dimension, size and shape that they can be handled by not more than two (2) people, and all other useless, rejected and cast-off material.~~

(a~~b~~) Prohibitions.

(1) It is unlawful for any person, firm, or corporation to set on fire or burn any refuse or other waste material in any receptacle or upon the ground except as described in ~~subsection (c) of~~ this Section.

(2) It is unlawful for any person to burn weeds, leaves, limbs, trees, lawns, gardens, rubber tires, plastics, wire, insulation, or ~~and~~ other smoke-producing ~~materials~~ or ~~other~~ flammable materials except under the conditions described in ~~of subsections (c) and (d) of~~ this Section.

(3) A person shall not construct, erect, install, maintain, or use any incinerator or so burn any combustible material as to constitute or occasion a fire hazard by the use or burning thereof.

(b~~c~~) Exemptions.

(1) Burning pursuant to and within the limitations of a permit issued under ~~subsections (d) and (e) of~~ this Section shall be exempt from the foregoing restrictions.

(2) Fires for noncommercial cooking of food for human beings, in~~side~~ fireplaces, ~~or~~ stoves, or ~~and outside~~ barbecues shall be exempt from ~~subdivision (1) of subsection (b) of~~ this Section. ~~Fireplace and barbecue~~ Allowed fuel shall be limited to dry wood, coal, dry paper or smokeless fuel.

~~(3) Any exemption contained in this subsection shall constitute an affirmative defense to any alleged violation of subsection (b) of this Section.~~

(c~~d~~) Permit from Fire Chief.

(1) A permit must~~may~~ be issued by the Fire Chief or designee~~City~~ for the purpose of agricultural burning. This burning shall consist of and be limited to the burning of active irrigation or drainage ditches and fence rows. This is further limited to the burning of weeds and grass within the confines of the ditch (ditch bottom, inside walls

Commented [Staff10]: These definitions are eliminated because they are not used in the GMC.

Commented [Staff11]: "Refuse" has already been defined in 9.04.030.

Commented [Staff12]: This subsection could be construed as an offering of legal advice and has been deleted.

Commented [Staff13]: The Article variously references "City," "Fire Department," "Fire Chief," "administrative authority," etcetera. For consistency, all have been changed to "Fire Chief" or "Fire Chief or designee" where appropriate.

and ditch bank). Fence row burning shall be limited to an area no wider than three (3) feet from either side of the fence.

(2) A permit must~~may~~ be issued for the flaring of waste gas derived from the operation of any municipally owned and operated sewer treatment facility.

(3) A permit must~~may~~ be issued for the flaring of natural gas when such burning is necessary to test the quality and volume of the production at the well site. During the course of testing, burning conducted pursuant to this permit may also be utilized to clean up the well by removal from the well bore and the productive formation of water, drilling fluids and materials used in connection with the completion or recompletion of the well or any stimulation thereof. Such a permit shall be issued under the following conditions and shall be revoked when any of these conditions do not exist:

a. All natural gas must be flared into a pit;

b. The entire flame resulting from the operation must be below ground level, including berms. If the administrative authority determines that the resulting flame is not below ground level, including berms, it shall notify the operator or producer immediately in writing. Within forty-eight (48) hours from such notice, the flame must be brought into compliance with the provisions of this Section;

c. All flaring must be conducted for well test purposes as noted above;

d. Any permit issued for natural gas flaring shall run for a period of sixty (60) days from the date of issuance. Such permit shall be issued at the time that the necessary permits issued pursuant to the Fire Code (Chapter 16.36) are granted to the operator or producer. If no flaring is conducted within the sixty-day period from the date of issuance, such permit may be renewed on a one-time basis for a period of sixty (60) days. Actual flaring shall be limited to ten (10) days within the sixty-day period of the permit upon giving written notice thereof to the Fire Chief.

(4) A permit must~~may~~ be issued for instructional, recreational, and ceremonial fires or for the burning of weeds, grass, gardens, or leaves.

a. Applicants for burning permits must be in legal control of the lot or parcel of land on which the burning is to be done.

b. No person shall kindle or maintain any fire or authorize any such fire to be kindled or maintained on any private land unless the location is more than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading to within fifty (50) feet of any structure. Weeds that are to be burned are to be cut and gathered together in small piles no larger than five (5) feet in diameter and separated at least fifteen (15) feet from other piles of weeds.

c. All fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use. The fire-extinguishing equipment shall be furnished by the applicant~~s~~ of the burning permit and shall be of adequate size and quantity to control the fire, as determined by the Fire Chief~~Department~~. If adequate equipment to control the fire cannot be obtained by the applicant, the Fire Department will be notified to stand by until the fire has

been extinguished, and a charge of one hundred dollars ($100.00) per hour will be charged for this service. The minimum charge will be one hundred dollars ($100.00).

d. Burning shall not occur, under permit or otherwise, which shall cause or create a dense smoke or odor to the extent it will be offensive to neighboring property owners.

e. No person shall kindle a fire upon the land of another without permission of the owner thereof or his or her agent.

f. All burning shall take place during hours approved by the Fire Chief. These hours shall be from one (1) hour after sunrise to 4:30 p.m., Monday thru Saturday only, unless specified otherwise in the burning permit.

(5) Prior to the issuance of any permit, the requesting party shall provide satisfactory proof that the proposed burning will comply with all county environmental regulations and City fire codes.

(6) All burning permits shall be subject to a fee to help defray administrative expenses.

(7) During burning all ~~Uniform~~ Fire Code requirements must be complied with.

(e) Fire Chief~~Administrative~~ authority.

(1) The Fire Chief~~Authority~~ shall be ~~the administrative authority~~ responsible for the issuance of any burning permit described in~~as outlined under~~ this Section. A permit ~~Such Authority~~ may be revoke~~d any permit pursuant to the provisions of this Section~~ if the burning is deemed a nuisance or a hazard. In reference to the flaring of oil and gas wells, such revocation may occur only after notice to correct has been submitted to the offending operator or producer. Such operator or producer shall have forty-eight (48) hours within which to correct the defect. If such defect has not been corrected, the Authority may proceed to revocation. The provisions regarding notice and the time period for correction shall not apply to any hazard which is deemed a threat to the public health or safety ~~of citizens of the community~~.

(2) The Fire Chief~~Authority~~ may prohibit any or all burning when atmospheric conditions or local circumstances make such fire hazardous.

~~(Ord. 26, 2011 §1; Ord. 25, 1999 §1(part); Ord. 10, 1983 §2; Ord. 51, 1982 §2; Ord. 29, 1981 §3; prior code §13-124)~~

9.16.030 - Stagnant ~~or unpure~~ water.

Commented [Staff14]: "Unpure water" is a vague term.

It is unlawful for any person, firm or corporation to maintain any building, structure, or premises that contains stagnant ~~or unpure~~ water or water ponds that serve as the breeding place for mosquitoes, insects, or rodents.

~~(Prior code §13-125)~~

9.16.040 - Decaying vegetation prohibited.

(a) It is unlawful for any owner or occupant of any lot, structure, or building to cause or permit decaying vegetable matter to be present on or in such lot, structure or building. Nothing in this ~~Section or in other Sections of this~~ Article ~~I~~ shall prevent any owner or occupant from maintaining a compost pile in conformity with rules promulgated by the administrative authority.

(b) The administrative authority is directed to promulgate rules, which may be changed from time to time, establishing restrictions and directives regarding material in compost piles and methods for the proper care and maintenance of them. Such rules shall be designed to prevent offensive odors and any condition hazardous to public health or safety.

~~(c) The administrative authority shall issue a notice of violation to any owner or occupant responsible for maintaining or permitting the maintenance of a compost pile not in conformity with this Code. The failure to comply with this Section is a code infraction subject to the sanctions set forth in Chapter 1.33 of this Code.~~

~~(Ord. 46, 2006 §1; Ord. 43, 1994 §2; prior code §13-126)~~

9.16.075 - Plant Management Advisory Commission Established.

In accordance with Chapter~~Section~~ 9.52~~.023(e)~~ of this Code and in addition to the powers and duties set forth therein, the City's Air Quality and Natural Resources Commission ("Commission") shall serve as the City's Plant Management Advisory Commission ~~as contemplated by Section 35-5.5-101, et seq., C.R.S.~~.

~~(Ord. 70, 2002 §1; Ord. 25, 1999 §1(part); Ord. 43, 1994 §2)~~

9.16.077 - Powers and duties.

The ~~Air Quality and Natural Resources~~ Commission shall have the following powers and duties related to plant management:

(a~~1~~) The Commission shall develop and recommend a plan for the integrated management of designated troublesome, injurious, or otherwise undesirable plants ("Noxious Weed Management Plan") within the City, including recommended management criteria. The management plan shall be reviewed at regular intervals but not less often than once every three (3) years by the Commission. The management plan and any amendments made thereto shall be transmitted to City Council for approval, modification, or rejection.

(b~~2~~) The Commission shall designate undesirable plants which are recommended to be subject to integrated management as specified according to this Section~~Subsection (1) above~~ to be included in the Noxious Weed Management Plan.

(c~~3~~) The Commission shall recommend to City Council that identified land owners be required to submit an integrated management plan to control designated undesirable plants upon such owner~~person~~'s property.

Commented [Staff15]: The violations penalty provision for entire Chapter is located in 9.16.210, so this has been deleted.

Commented [Staff16]: Again, broad cross-references are used in the event numbering changes with recodification project.

Commented [Staff17]: This erroneous statutory citation is unnecessary and therefore deleted.

Commented [Staff18]: These adjectives are added to provide an explanation of what might be considered "undesireable" plants.

(d4) The Commission shall have jurisdiction over requests for the granting of variances with respect to the management plan and management criteria created in accordance with the directives of this Section.

(e5) The Commission shall perform other such duties as may be prescribed by City Council.

~~(Ord. 25, 1999 §1(part); Ord. 43, 1994 §2)~~

9.16.080 - Control of weeds.

(a) Definitions. For the purpose of each and every provision of this Chapter, the following definitions shall apply:

~~*Administrative authority* means the Community Development Director or designee.~~

~~*Administrative official* means the Community Development Department through its Natural Resources Division or designee, which shall be responsible for enforcing compliance with this Title.~~

~~*Containment* means maintaining an intensively managed buffer zone that separates infested regions, where suppression activities prevail, from largely uninfested regions, where eradication activities prevail.~~

~~*Eradication* means reducing the reproductive success of a noxious weed species or specified noxious weed population in largely uninfested regions to zero and permanently eliminating the species or population within a specified period of time; once all specified weed populations are eliminated or prevented from reproducing, intensive efforts are to continue until the existing seed bank is exhausted.~~

~~*Noxious weed* means those plants as designated in the Noxious Weed Management Plan. The Noxious Weed Management Plan is kept on file in the Community Development Department and the City Clerk's office. The Noxious Weed Management Plan may be updated to include additional noxious weeds after a public hearing and with thirty (30) days' prior notice to the public.~~

~~*Restoration* means the removal of noxious weed species and reestablishment of desirable plant communities on lands of significant environmental or agricultural value in order to help restore or maintain said value.~~

~~*Suppression* means reducing the vigor of noxious weed populations within an infested region, decreasing the propensity of noxious weed species to spread to surrounding lands, and mitigating the negative effects of noxious weed populations on infested lands. Suppression efforts may employ a wide variety of integrated management techniques.~~

Weed means a troublesome or injurious plant. *Weed* does not include vegetation commonly recognized, cultivated and maintained as ornamental, herbal, agricultural or xeriscape.

(b) Prohibited.

(1) No owner, tenant or agent of any lot, block, or parcel of ground within the City shall allow or permit weeds to grow, or remain when grown, on such lot, block, or parcel of

Commented [Staff19]: These two definitions have been moved to a more logical place (9.04.050).

Commented [Staff20]: While the term "noxious weed" is used in this Chapter, it is clear by context that it is a "designated undesirable plant[s]" per 9.16.077(1) as determined by the Commission, and does not need to be further defined.

Commented [Staff21]: "Containment," "eradication," "restoration," and "suppression" are not used in this Chapter or Article, so do not need to be defined.

ground, including vacant or unimproved property, or on or along a sidewalk or street adjoining the same or in the alley behind the same.

(2) Weeds which are in a reproductive (flowering or at seed) stage or when such stage is imminent must be appropriately controlled to eliminate further infestation of the property. Weeds on vacant lots, blocks or parcels which are over twelve (12) inches in height shall be kept cut near the ground. Weeds on developed lots, blocks, or parcels must be replaced with appropriate landscape or other lawful property improvement as per Chapter 18.44 of thise ~~Greeley Development~~ Code.

(3) It shall be unlawful to intentionally introduce, cultivate, sell, offer for sale or knowingly allow to grow any noxious weed designated pursuant to the Noxious Weed Management Plan~~this Chapter~~ or any state regulation~~statute~~, except that this prohibition shall not apply to any exceptions provided under state law.

(c) Inspection. The administrative official shall have the authority to perform inspections for the presence of weeds during normal business hours or other reasonable times upon receipt of a complaint, from referral by another City department, or upon observation during the normal course of duties. The inspection may occur from any public right-of-way or neighboring property, or the administrative official may enter onto the premises as per Section 9.04.070.

(d) Issuance of notice of violation. If the administrative authority determines that a violation exists, a notice of violation ~~for a code infraction~~ may be issued to the owner, tenant, or agent of the lot, block, or parcel, and the notice of violation may be issued without prior notice. If the administrative authority cannot serve the notice of violation directly to the owner, tenant, or agent (such as when the violator is not physically present in the City), the notice of violation shall be served in the manner set forth in Chapter 2.09 of this Code. If, within three hundred sixty-five (365) calendar days of a prior notice of violation, the administrative authority performs a second or further inspection (other than an inspection showing compliance) for the same property and finds a second or further violation of the same type, the owner, tenant, or agent may immediately receive a new notice of violation ~~for a code infraction~~.

(e) The following are not considered to have noxious weed growth~~Variances. Weed variances may be granted under the following circumstances or conditions~~:

(1) A~~An owner of a~~ tract of land that has been certified as a "Backyard Wildlife Habitat" may have a brush pile not to exceed eight (8) feet by eight (8) feet wide by three (3) feet in height and as further described in the certification document, if it is permitted by the terms of the Backyard Wildlife Habitat Certification. *Backyard Wildlife Habitat Certification* means certification by the ~~Air Quality and Natural Resources~~ Commission or other City entity as may be designated by the City Manager in accordance with applicable policies and guidelines, recognizing a yard as having the necessary components to sustain the desired wildlife species. Guidelines for the Backyard Wildlife Habitat Certification program may be obtained from the Community Development or Forestry Division offices.

(2) A~~An owner of a~~ tract of land that has been certified as a natural area is permitted to have grasses growing in excess of twelve (12) inches high, ~~. This variance will be~~

limited to the grass species and areas of the site identified within the certification document. *Natural Area Certification* means certification by the ~~Air Quality and Natural Resources~~ Commission or other City entity as may be designated by the City Manager in accordance with applicable and recognized policies and guidelines, designating a site of at least one-quarter (¼) acre in size as having the necessary components to be classified as a natural area. Guidelines for the Natural Area Certification program may be obtained from the Community Development or Forestry Division offices.

(3) Plants grown for the purpose of personal consumption.

~~(4) A variance shall not be available with regard to noxious weeds.~~

(f) Certification~~Variance~~ procedures. A landowner or occupant may seek the certifications described in this Section~~a variance from requirements of Subsection (b) above~~ in the following manner:

(1) A ~~variance~~ request shall be submitted on a form supplied by the administrative authority. The request shall contain the name and address of the applicant landowner, a correct legal description of the land involved, a site plan depicting the certification~~variance~~ requested, the reasons supporting the request, and a description of the land and existing improvements thereon in sufficient detail to enable the administrative~~reviewing~~ authority to predict with reasonable accuracy the impact which the proposed certification~~variance~~ would have on adjacent and nearby properties and on the City as a whole. The request shall be signed by all owners of the property involved or, if the property is subject to a contract for sale and purchase, by all contract purchasers. If a notification has been provided to a landowner regarding presence of noxious weeds, a certification~~variance~~ request shall be considered by the Commission only if presented by the landowner to the City, through the administrative official, within five (5) calendar days from the date of the notification.

(2) The request will be forwarded for technical review by the City's Administrative Review Team which shall provide written comment to the ~~Air Quality and Natural Resources~~ Commission.

(3) The request ~~for variance~~ shall be considered by the Commission at the earliest possible opportunity but no later than within thirty (30) days of the request.

a. The Commission shall certify the subject property or deny certification~~the variance~~ and shall state its findings and conclusions in writing, providing copies of the findings and conclusions to the administrative official and to the subject landowner.

b. If certification~~the variance~~ is denied, the landowner must come into compliance with all applicable regulations within five (5) days from the date of the ~~Air Quality and Natural Resource~~ Commission's findings.

(g) Noxious weeds prohibited. Plants~~The weeds~~ designated in the Noxious Weed Management Plan are hereby declared ~~noxious and, as such, are declared~~ a threat to the economic and environmental value of the land within the City, and it is hereby decreed that no owner, tenant, or agent shall allow any such plant growth to occur on any lot, block, or parcel of ground, including those areas adjoining public rights-of-way. Control and management of noxious weeds shall be done in compliance with the Noxious Weed Management Plan.

Commented [Staff22]: "Variance" has been changed to "certification" for clarity.

(h) Noxious weeds notice. The administrative official or designee~~City~~ shall have authority with regard to private lands within the City~~municipality, acting directly or indirectly through its agents or staff~~, to inspect per Subsection (c) and to notify the landowner or occupant of such lands, advising said landowner or occupant of the presence of noxious weeds. Said notice shall name the noxious weeds, advise the landowner or occupant to manage the noxious weeds and specify the best available control methods of integrated management. Where possible, the City shall consult with the affected landowner or occupant in the development of a plan for the management of noxious weeds on the premises or lands.

(1) Within five (5) days after service of notification, the landowner or occupant shall:

a. Comply with the terms of the notification; or

b. Acknowledge the terms of the notification and submit in writing a management plan which includes a schedule for the completion of the plan for compliance. Said plan shall be reviewed by the administrative authority within five (5) business days of receipt. If the plan is rejected by the administrative authority, the landowner may request an arbitration panel be convened to determine the final management plan.

1. The arbitration panel selected by the City shall be comprised of a weed management specialist or weed scientist, a landowner of similar land within the City and a third panel member chosen by agreement of the first two (2) panel members. The landowner or occupant shall be entitled to challenge any one (1) member of the panel, and the City shall name a new panel member from the same category. Said panel shall convene at the earliest possible opportunity to consider the case and develop a management plan for the subject property. The decision of the arbitration panel shall be final.

2. The City may assess the landowner costs for any actual expenses incurred for the conduct of the hearing.

~~(Ord. 42, 2011 §1; Ord. 26, 2011 §1; Ord. 46, 2006 §1; Ord. 17, 2005 §1; Ord. 24, 2004 §1; Ord. 70, 2002 §1; Ord. 25, 1999 §2(part); Ord. 43, 1994 §2; Ord. 19, 1988 §1(part); Ord. 66, 1986 §1; Ord. 35, 1982 §2; prior code §13-130)~~

9.16.110 - Failure to pay a lien.

Failure to pay an assessment as provided for at Section 9.16.100 within ~~such period of~~ thirty (30) days ~~described therein~~ shall cause such assessment to become a lien against such lot, block, or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to ~~so~~ pay ~~the same within thirty (30) days,~~ by the Director of Finance to the County Treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by state law.

~~(Ord. 24, 2004 §1; Ord. 19, 1988 §1(part); prior code §13-132(part))~~

9.16.111 - Fugitive dust; abatement.

(a) Definition. For the purpose of each and every provision of this Chapter, the following definition shall apply: *Fugitive dust* means dirt which becomes airborne and relocates on a property other than on the one from which it originated.

(b) All new development projects must file and comply with an erosion control plan as prescribed in Chapter 9.18, Grading and Soil Erosion Control, of this Code.

(c) Violation. No owner, tenant or agent of any lot, block, or parcel of ground in the City shall permit dust or dirt from their property to blow upon another property or right-of-way.

(d) Notice and abatement. After notice as described further in Section 9.16.200 to the owner, tenant, or agent of the subject property, a twenty-four-hour time period shall be given to resolve the fugitive dust complaint pursuant to Subsection (b) above. If after expiration of twenty-four (24) hours the property is not in compliance, the administrative authority or designeecode enforcement inspector may have an employee of the City, or a private individual or firm under contract, perform the necessary measures performed to control the fugitive dust. If, however, the administrative authority deems the property to be an immediate traffic, health, or safety hazard, it the authority may authorize that immediate action be taken.

(Ord. 25, 1999 §2(part); Ord. 19, 1988 §1(part))

9.16.113 - Failure to pay a lien.

Failure to pay an assessment as provided for at Section 9.16.112 within such period of thirty (30) days described therein shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within thirty (30) days, by the Director of Finance to the County Treasurer, to be placed upon The tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the State.

(Ord. 19, 1988 §1(part)

9.16.120 - Refuse disposal responsibilitiesaccumulations; duty of owner.

It is the duty of every person, whether owner, agent, or tenant, lessee, or occupant of any building, premises, or vacant lot, including but not limited to any place of business, hotel, restaurant, residence, or any other establishment, at all times, to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse other than thatthose ordinarily attendant upon the use for which such premises are legally intended.

(a) Refuse must be disposed of a minimum of once a week by a duly-authorized refuse hauler using containers sufficient in size to contain all refuse generated by the property. The administrative authority may require more frequent disposal to protect the public health or safety.

(1) Nothing in this Section shall prohibit the pPlacement of trash, garbage or refuse containers for pick-up on a public rights-of-way, street, sidewalk, or alley is allowed for one (1) twenty-four-hour period within a seven-day period. Prohibited items include but are not limited

Commented [Staff23]: Redundant (see 9.16.110).

Commented [Staff24]: Added pursuant to City Council direction.

~~to any such material commonly considered *refuse* and placed so as to be visible at ground level from a public right-of-way, street, alley or adjacent property or which may provide harborage for rats, mice or other vermin. All~~

(2) R~~r~~efuse ~~and debris~~ remaining as a result of the demolition or repair of any buildings or the erection and completion of any buildings shall be removed following substantial completion of the work. ~~Any such accumulation shall constitute a code infraction and a violation of this Environmental Sanitation Code.~~

(b) Refuse that is explosive or flammable, which might endanger the public health or safety, shall be removed to such places as approved by the administrative authority.

(c) Refuse shall not thrown, swept, or placed in any public rights-of way, street, sidewalk, alley, gutter, sewer, stormwater intake, vacant lot. or other property.

~~(Ord. 46, 2006 §1; Ord. 56, 1994 §1; Ord. 43, 1994 §2; Ord. 19, 1988 §1(part); prior code §13-133(part))~~

~~9.16.123 - Failure to pay assessment for City abatement.~~

~~Failure to pay an assessment as provided for at Section 9.16.122 within such period of thirty (30) days described therein shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within thirty (30) days, by the Director of Finance to the County Treasurer, to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the State.~~

~~(Ord. 19, 1988 §1(part)~~

9.16.130 - Owners; ultimate responsibility for violations.

Every owner remains liable for Code violations ~~of responsibilities imposed upon him or her by this Environmental Sanitation Code~~ even though an obligation is also imposed on the occupants or tenants~~of his or her building or premises and even though the owner has by agreement imposed on the occupant the duty of furnishing required equipment or of complying with this Environmental Sanitation Code~~.

~~(Prior code §13-133(part))~~

9.16.140 - Sanitary facilities responsibility.

Every owner shall~~, where required by this Environmental Sanitation Code,~~ furnish and maintain such approved sanitary facilities as required for the prevention of insect and rodent infestation and the infestation of noxious weeds and other vegetation or the pollution of air or water.

~~(Ord. 25, 1999 §2(part); prior code §13-133(part))~~

Commented [Staff25]: The violations penalty provision for entire Chapter is located in 9.16.210, so this has been deleted.

Commented [Staff26]: Redundant (see 9.16.110).

~~9.16.150 - Occupants; sanitation and disposal responsibilities.~~

~~Every occupant shall be responsible for keeping his or her dwelling, structure or premises which he or she occupies and controls in a clean, safe and sanitary condition and shall dispose of all his or her rubbish, refuse, garbage, animal feces and other organic waste, including growth from weeds, vegetation and trees, a minimum of once a week as required by this Environmental Sanitation Code.~~

~~(Ord. 31, 2000 §1; prior code §13-133(part))~~

~~9.16.160 - Businesses; removal of refuse required; explosive or inflammable materials disposal.~~

~~Discarded automobile parts, refuse of all kinds, wool, hides, junkyard refuse and packinghouse or slaughterhouse refuse shall be removed periodically from such respective establishments by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed to the City or county disposal site by the establishment creating such deposit. Any accumulation of refuse that is highly explosive or inflammable, which might endanger life or property, shall be removed to such places as approved by the administrative authority; such removal to be handled by the establishments therefor.~~

~~(Prior code §13-135)~~

~~9.16.170 - Placing refuse on premises prohibited; unhealthful or nuisance materials.~~

~~It is unlawful to deposit or place any refuse in such a manner that the same is or tends to become a nuisance or in such manner that the same endangers or tends to endanger the public health. No person shall, in any manner, throw, place, scatter, deposit or bury any refuse in or upon any public street, alley or other public place, or upon his or her own premises or the premises of another.~~

~~(Prior code §13-137)~~

~~9.16.180 - Throwing or sweeping refuse.~~

~~It is unlawful for refuse of any kind or nature whatsoever to be thrown or swept into any street, sidewalk, gutter, sewer, intake, alley, vacant lot or other property.~~

~~(Prior code §13-138)~~

Commented [Staff27]: These deleted subsections have been consolidated into 9.04.030 and 9.16.120.

9.16.190 - Interference with refuse containers and contents.

No person not an owner, occupant, lessee, or tenant of the residence or dwelling shall molest, remove, handle or otherwise disturb any refuse containers, bags, brackets, or contents for servicing by the collectors~~; provided that this Section does not apply to the owner, occupant, lessee or tenant of the residence or dwelling so placing the containers and contents~~.

~~(Prior code §13-139)~~

9.16.210 - Penalties~~Sanctions~~.

(a) Any violation of this Chapter is subject to the penalty provisions of~~shall be a code infraction and sanctions shall be as set forth in~~ Chapter 1.33 of this Code.

(b) For purposes of assessing penalties~~sanctions~~ for repeated offenses pursuant to this Section, *violation* includes each violation at any property or for an owner, agent, or tenant regardless of property location within the City; and, *violation* is limited to a violation of the same ~~Municipal~~ Code section. ~~Each repeat violation must be set forth on a notice of violation form and served as set forth in Subsection 2.09.120(d) of this Code~~.

~~(Ord. 26, 2011 §1; Ord. 46, 2006 §1; Ord. 18, 2005 §§1, 2; Ord. 27, 2002 §1; Ord. 30, 1990 §1(part))~~

Council Agenda Summary

July 2, 2019

Agenda Item Number 13

Title
Pulled Consent Agenda Items

Council Agenda Summary

July 2, 2019

Agenda Item Number 14

Key Staff Contact: Renee Wheeler, Finance Director, 350-9732

Title:

Public hearing and final reading of an ordinance amending Sections 2.07.040 and 4.20.160 of the Greeley Municipal Code regarding Intergovernmental Agreements and Change Orders

Summary:

There are two municipal code provisions staff believes need clarification to direct accountability appropriately and avoid cluttering city council agendas with administrative level review: intergovernmental agreements and change orders.

City Council approved revisions to the contracts and purchasing chapters of the code April, 2018. Over the last year as the code provisions were being administered, clarifications around the dollar threshold for elevating the oversight responsibility to the City Council level appeared to be necessary. The following minor changes are being recommended for consideration.

1) 2.07.040 Intergovernmental Agreements - more specificity around when intergovernmental agreements should be submitted to City Council for consideration (over $100,000, significant policy, or required by law).
2) 4.20.160 Change Orders – more specifically designating City Council consideration for cumulative change orders that would add 25% or more to the original contract cost of $100,000 or greater. If the original contract cost is less than $100,000 and the cumulative value of change orders are greater than 25% of the original contract price, then City Manager's signature is required.

All recommendations are being made to maintain the integrity the oversight responsibility of the code provisions at a $100,000 threshold.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Click & Select.
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	Click & Select.
If yes, does this grant require a match?	

Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

On first reading of the ordinance staff had included a provision to exclude the prohibition of cost plus a percentage of cost contract in an effort to ensure that staff has be ability to make the most effective use of alternate delivery contracts that are common place in the construction industry (i.e., construction management at risk CMAR, progressive design build).

The City Attorney's Office has reviewed the recommended changes and clarified the definition of a cost plus a percentage of cost (CPPC) contract. A CPPC contract is a type of cost reimbursement contract. A CPPC contract "is an arrangement under which the contractor is paid performance costs plus a stated percentage of costs" for his/her services. Frank Reda, Anatomy of Cost-Plus-Percentage-of-Cost, 10 A.F.L.Review 39 (1968).

A determination has been made that alternative delivery contracts are in compliance with the existing code provision because the the contracts are written to include either fixed fee or guaranteed maximum price. Further it has been determined that the city should retain the prohibition of cost plus contracts to eliminate the inherent risk associated increasing costs with no defined maximum exposure for the City.

Consideration of this matter is a legislative process which includes the following public hearing steps:

1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other Issues and Considerations:

The following are examples of cost reimbursement examples to assist with the understanding of what is prohibited with existing (and retained) code provisions.

- Cost + Fixed Percentage of Cost (CPPC) Contract - Compensation is based on a percentage of the cost.

  Not ok under the current Municipal Code.

- Cost + Fixed Fee Contract - Compensation is based on a fixed sum independent of the final project cost. The customer agrees to reimburse the contractor's actual costs (often with a "not to exceed" limitation), and in addition pay a negotiated fee independent of the amount of the actual costs.

  Ok under the current Municipal Code.

- Cost + Fixed Fee with Guaranteed Maximum Price Contract – Compensation

is based on a fixed sum of money. The total project cost will not exceed an agreed upper limit.

Ok under the current Municipal Code.

Applicable Council Priority and Goal:

The municipal code serves as the legal foundation to perform our duties and provide regulation transparency.

Infrastructure & Growth: Civic Infrastructure – create a community that recognizes and capitalizes on the power of aligned principled relationships to address any challenges we face.

Decision Options:

1. Adopt the ordinance as presented; or
2. Amend the ordinance and adopt as amended; or
3. Deny the ordinance; or
4. Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish in full.

Attachments:

Ordinance

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2019

AN ORDINANCE AMENDING SECTIONS 2.07.040 AND 4.20.160,
OF THE GREELEY MUNICIPAL CODE REGARDING
INTERGOVERNMENTAL AGREEMENTS AND CHANGE ORDERS

WHEREAS, the Greeley City Council adopted Chapter 2.07 by adoption of Ordinance No. 18, 2018 and 4.20 by adoption of Ordinance No. 17, 2018; and

WHEREAS, Chapter 2.07 governs the execution of Contracts by the City and sets forth the approvals and signatures required at specified contractual limits; and

WHEREAS, Chapter 4.20 governs Purchasing policy at the City of Greeley; and

WHEREAS, a Finance Department staff review of Chapter 2.07 and 4.20 determined that additional changes need to be made; and

WHEREAS, the proposed changes to the Municipal Code are for the purpose of clarification and uniformity; and

WHEREAS, it is in the best interests of the citizens of the City of Greeley to amend Chapter 2.07 and 4.20.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GREELEY, COLORADO, AS FOLLOWS:

Section 1. Sections 2.07.040 and 4.20.160 of the Greeley Municipal Code shall be amended as set forth in Exhibit A attached hereto and incorporated herein by this reference.

Section 2. This Ordinance shall become effective five days following its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 2nd DAY OF JULY, 2019.

ATTEST: CITY OF GREELEY, COLORADO

_____ _____

City Clerk Mayor

Exhibit (Simple Mark-Up Version)

2.07.040 - Intergovernmental agreements.

The City may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies. ~~Approval of such agreements will be approved by City Council resolution or ordinance authorizing the City Manager or his/her designee to sign the agreement.~~ **Such agreements will be approved as to substance by the City Manager or designee, as to legal form by the City Attorney or designee, and as to availability of funds by the Director of Finance or designee, except such agreements will be approved by City Council resolution or ordinance:**

(a) **When the approval of the proposed agreement involves the direct, monetary payment of more than $100,000; or,**

(b) **in the judgment of the City Manager, the proposed agreement entails significant policy considerations; or,**

(c) **the approval by City Council is required by state or federal law.**

~~(Ord. 18, 2018 , §1(Exh. A), 4-3-2018; Ord. 23, 2013 §2; Ord. 13, 2011 §1; Ord. 78, 1992 §1(part))~~

4.20.160 - Change orders.

All change orders are processed on a form with the need and source of funds. The description shall include what impacts this change order will have on the future of the project's availability of monies. Department directors may approve any and all change orders within the budgeted contingency. The budgeted contingency shall be included in all original project budgets as adopted with the City's adopted budget. ~~The City Manager can authorize a maximum of twenty-five percent (25%) of the original contract. Every contract modification, change order or contract price adjustment in excess of twenty-five percent (25%), under a contract with the City shall be subject to prior approval by the City Council.~~ City Council consideration is required for cumulative change orders that would add 25% or more to the original contract cost of $100,000 or greater. If the original contract cost is less than $100,000 and the cumulative value of change orders are greater than 25% of the the original contract price, then the City Manager's signature is required.

~~(Ord. 17, 2018 , § 1(Exh. A, B), 4-3-2018)~~

Formatted: Font: 16 pt, Bold

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt, Font color: Dark Red

Field Code Changed

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Table Normal1, Space Before: Auto, After: Auto

Formatted: historynote1

Formatted: Font: 12 pt

Formatted: Font: Arial, 12 pt

Formatted: Font: 12 pt

Field Code Changed

Formatted: Font: 12 pt

Municipal Code Changes

Public Hearing July 9, 2019

2.07.040 Regarding Intergovernmental Agreements

And

4.20.160 Regarding Change Orders

2.07.040 Regarding Intergovernmental Agreements

The City may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies. ~~Approval of such agreements will be approved by City Council resolution or ordinance authorizing the City Manager or his/her designee to sign the agreement.~~ **Such agreements will be approved as to substance by the City Manager or designee, as to legal form by the City Attorney or designee, and as to availability of funds by the Director of Finance or designee, except such agreements will be approved by City Council resolution or ordinance:**

(a) **When the approval of the proposed agreement involves the direct, monetary payment of more than $100,000; or,**

(b) **in the judgment of the City Manager, the proposed agreement entails significant policy considerations; or,**

(c) **the approval by City Council is required by state or federal law.**

4.20.160 Regarding Change Orders

All change orders are processed on a form with the need and source of funds. The description shall include what impacts this change order will have on the future of the project's availability of monies. Department directors may approve any and all change orders within the budgeted contingency. The budgeted contingency shall be included in all original project budgets as adopted with the City's adopted budget. ~~The City Manager can authorize a maximum of twenty five percent (25%) of the original contract. Every contract modification, change order or contract price adjustment in excess of twenty five percent (25%), under a contract with the City shall be subject to prior approval by the City Council.~~ City Council consideration is required for cumulative change orders that would add 25% or more to the original contract cost of $100,000 or greater. If the original contract cost is less than $100,000 and the cumulative value of change orders are greater than 25% of the the original contract price, then the City Manager's signature is required.

Questions or Concerns?

Council Agenda Summary

July 2, 2019

Agenda Item Number 15

Key Staff Contact: Renee Wheeler, Finance Director, 970-350-9732

Title:

Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2019 and for funds held in reserve for encumbrances at December 31, 2018

Summary:

This is the third additional appropriation ordinance modifying the 2019 budget. This ordinance was introduced at the June 4, 2019 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	$ 2,144,336
What is the annual impact?	$ 2,144,336
What fund of the City will provide Funding?	See Ordinance
What is the source of revenue within the fund?	Fund Balance, Operating Transfers, Grant, Expense Reimbursement, and Private Contributions.
Is there grant funding for this item?	Yes Item 6
If yes, does this grant require a match?	No
Is this grant onetime or ongoing?	Onetime

Additional Comments:

Total appropriations made by this ordinance are $2,144,336. The following funding sources will be used to cover the appropriations made by this ordinance.

Fund Balance	$ 1,887,897
Expense Reimbursement	73,039
Operating Transfers	68,075
Grants	65,000
Private Contributions	50,325
Grand Total:	**$ 2,144,336**

Legal Issues:
City Charter prohibits actual expenditures from exceeding appropriations at the fund level. This ordinance will insure that this does not occur.

Consideration of this matter is a legislative process which includes the following public hearing steps:
1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other Issues and Considerations:
None

Applicable Council Priority and Goal:
Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play.

Decision Options:
1) Adopt the ordinance as presented; or
2) Amend the ordinance and adopt as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:
A motion to adopt the ordinance and publish with reference to title only.

Attachments:
Ordinance
Detail Supporting Schedule
PowerPoint Presentation

THE CITY OF GREELEY
ORDINANCE NO._____, 2019

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2019 AND FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2018.

WHEREAS, the City of Greeley has or will incur expenses for certain activities described below during the 2019 fiscal year, and

WHEREAS, the revenues received in the City of Greeley in 2018, exceeded the amount of revenues estimated in the 2018 Budget by more than the total amount of the expenditures in the same year;

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

Section 1. In accordance with section 5-17 of the Greeley Charter, from actual and anticipated revenues which exceed the revenue estimates in the 2019 budget and amounts held in fund balance reserves from 2018, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2019:

Fund	**Total**
001 General	$ 141,114
105 Conservation Trust	8,500
108 Designated Revenue	37,750
303 Public Art	84,450
304 Food Tax	35,000
312 Transportation Development	215,000
401 Sewer	1,202,102
406 Water Capital Replacement	65,000
408 Cemetery	45,000
513 Information Technology Acquisition	260,095
602 Museum	47,325
605 Memorials	3,000
Grand Total:	**$ 2,144,336**

Section 2. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the officers, agents and employees of the City in connection with this appropriation are hereby ratified, approved and confirmed.

Section 3. This Ordinance shall become effective five (5) days after its final publication as is provided by Section 3-16 of the Greeley Charter,

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____, 2019.

ATTEST: THE CITY OF GREELEY

_____ BY_____

City Clerk Mayor

5/28/2019

City of Greeley
2019 Appropriation No. 3
City Council Meetings: June 4 and July 2

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
001 General							
	1	Operating Transfer from Designated Revenue Fund	Funding is being requested to proceed with 30% Level Construction Drawings, a Phasing Plan for implementation, and an engineer's estimate of cost regarding the Union Colony Civic Center's (UCCC) Plaza. This approach will allow us to identify appropriate funding sources, timeline for implementation, and any necessary fundraising to complete the project. Fund Balance from the designated revenue UCCC Improvement Fund will support the project.	-	17,750	17,750	-
	10	Expense Reimbursement	Funding is being requested to repair a Greeley Evans Transit Bus 965 that was badly damaged on April 17th, 2018 as a result of a water truck accident. The trucking company did not have insurance. Unexpectedly, the city is paying for the bodywork associated with repairing this almost new bus from transit's maintenance budget. Funding is being requested from the City of Greeley's liability funds.	-	73,039	73,039	-
	12	Operating Transfer from Museum Fund and Memorials Fund	Museum funds from private contributions are requested to support the following: 1) New microfilm reader and PC upgrade for the Hazel E. Johnson Research Center, replacing older machines. 2) Oral history project utilizing funds donated for that specific purpose and also re-house historic maps using improved archival storage materials. 3) The hiring of a seasonal employee to serve as a liaison with staff from the Weld County Extension Service for $3,000. This will help in the implementation of a series of agriculture related classes at Plumb Farm, assistance in regards to the transition from flood irrigation to a more efficient drip line in the west field and to implement a sustainable plan for that site based upon the findings of the 2017 Long Range Plan. 4) Replacement of failing flooring in the Exhibits Office at the Greeley History Museum along with the addition of efficient storage racks and shelves.	-	50,325	50,325	-
001 General				-	141,114	141,114	-
105 Conservation Trust							
	2	Fund Balance	Funding is requested at the Rodarte Community Center to purchase two commercial picnic tables and two commercial trash receptacles for the new front entrance patio project which was completed using a community development block grant (CDBG). Funding from the Conservation Trust Fund would be used since lottery funds are restricted to parks and recreation projects.	8,500	-	8,500	-
105 Conservation Trust				8,500	-	8,500	-
108 Designated Revenue							
	4	Fund Balance	The Poudre River Trail Board (PRTB, Inc.) is requesting funding in the amount of $20,000 to hire a design firm to develop a master site plan for the Missile Silo Park area, near the Poudre Trail. The PRTB would like to utilize funds kept in reserve for specific projects to support the design and possible use of the site as an added trailhead location connected to the Poudre River Trail. The site is currently owned and operated by Weld County. However, Weld County will allow the City of Greeley to lease the site long-term to manage and maintain. The Poudre River Trail would partner in design and development of the site along with possible design for capital campaign purposes.	20,000	-	20,000	-
108 Designated Revenue				20,000	-	20,000	-
303 Public Art							
	3	Fund Balance	The Art Commission recommends, with the approval for the construction of Fire Station 6, to use stakeholders to select an artist to produce artwork that honors our first responders. This artwork provided for the City of Greeley will be placed near the new Fire Station. The Art Commission recommends allocating funds in the amount of $84,450 for artwork design, fabrication, installation, as well as the supporting costs for project management and contingency. Funding comes from existing balance in the public art fund. Funds are accumulated through the 1% allocated from new construction projects.	84,450	-	84,450	-
303 Public Art				84,450	-	84,450	-

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
304 Food Tax							
	11	Fund Balance	The Funplex building and ballfield parking lot lighting was identified during the 2012 building audit as a building Energy Savings project. The 53 existing fixtures have reached their service life of 15 years. Currently, 15 of the total 53 lights in the Funplex parking area are in need of replacement. Annual operating savings are estimated to be $2,216 by replacing current fixtures with energy efficient lighting. In addition, there should be no expected maintenance during the 10-year warranty period. The maintenance savings to keep repairing the lights is over $1,000 per visit with multiple calls per year. The anticipated energy savings over a 10-year period would be $22,169 plus maintenance cost.	35,000	-	35,000	-
304 Food Tax				35,000	-	35,000	-
312 Transportation Development							
	8	Fund Balance	The Transportation Division is requesting funds to install nine street lights at strategic locations along O Street between 11th Avenue and 59th Avenue. These street lights would be installed on existing Excel Energy utility poles located at street intersections, major drive entrances, and along curved sections. Installing street lighting at these strategic locations should reduce crash rates during night-time periods by 25%. During recent years, there have been 12 reported crashes along this 0 Street corridor during night-time periods. Installation and maintenance of these street lights would be performed under an agreement with Excel Energy. Estimated total costs to install nine street lights along the 0 Street corridor would be $35,000.	35,000	-	35,000	-
	9	Fund Balance	Funding is being requested to support the road widening of 35th Avenue, extending from 4th Street to F Street. Recent changes in State law for investigating underground utilities has added substantial costs to the initial engineering scope of this project. Total project costs will increase with from $9,090,000 to $9,270,000.	180,000	-	180,000	-
312 Transportation Development				215,000	-	215,000	-
401 Sewer							
	13	Fund Balance	Additional funding is being requested to settle Aschcroft Basin fees due to the City of Evans. The cities of Greeley and Evans have an Intergovernmental Agreement (IGA) that provides the terms of sewer service for Greeley citizens and businesses that are located in the Aschroft Draw Basin, which includes the Saint Michaels development. Sewer flows from this region currently flow to Evans to be treated by their wastewater treatment facility. The IGA stipulates how Greeley collects and then conveys to Evans the plant investment fees and rate revenue associated with any new sewer tap in the Ashcroft Draw Basin. The IGA's requirements for fee collection and conveyance to Evans was applied correctly from 2002 to 2009, but after that point each city failed to track the new sewer taps connected in the Ashcroft Draw Basin. Recently, Greeley has begun the process to install the infrastructure to bring the sewer flows from this area back to Greeley's wastewater treatment facility. While reviewing the requirements of the IGA to terminate sewer service, staff discovered that Evans had not been paid the plant investment fees and sewer rate revenue correctly since 2010.	1,202,102	-	1,202,102	-
401 Sewer				1,202,102	-	1,202,102	-
406 Water Capital Replacement							
	6	Grant	Funding is being requested to develop a book describing the history of Greeley's water development by Michael Welsh of UNC and Justice Greg Hobbs. The initial contract with the book authors did not fully consider the extensive nature of Greeley's water history or the difficulty in researching historical records. Since contractual resources are running short of completion, the water and sewer department has been coordinating with informed advisors, including CPRD staff to define the remaining scope, tasks, timeline and budget. Total expense, including the self-publication printing costs, to complete the book will be approximately $162,000. The water and sewer department has received $50,000-$65,000 of philanthropic grants from the Achieving Community Excellence (ACE) fund that will be used in concert with the previously budgeted resources to complete the book project. In summary, $65,000 of grant revenue is being requested from ACE fund.	-	65,000	65,000	-
406 Water Capital Replacement				-	65,000	65,000	-

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
408 Cemetery							
	7	Fund Balance	Funding is being requested to support the wireless needs at the Cemetery to alleviate network inefficiencies, increasing data throughput to support operations, and resolve VPN and other technical difficulties. The requested funds will cover all survey work, network access equipment, antennas, cabling and all installation costs associated with the project. The possibility to integrate the network of the cemetery wirelessly into the city is now a possibility via the Waste Water Treatment Plant. Additionally, eliminating Century Link will save approximately $4,200 annually.	45,000	-	45,000	-
408 Cemetery				45,000	-	45,000	-
513 Information Technology Acquisition							
	5	Fund Balance	Funding is needed to support an array of information technology hardware. These funds will support the purchase of necessary equipment which was not finalized in 2018. The equipment purchases include: firewalls, infrastructure power supplies, TB Raw Shelving, Dell Power Edge R720, VM Environment Storage, EXSI Host and Server Exchange expenses.	260,095	-	260,095	-
513 Information Technology Acquisition				260,095	-	260,095	-
Total Less Additional Operating Expenditures Between Funds				**1,870,147**	**206,114**	**2,076,261**	**-**
Additional Operating Expenditures Between Funds							
	1	Fund Balance	UCCC Plaza Designs - Operating Transfer of Fund Balance: Designated Revenue Fund to General Fund	17,750	-	17,750	-
	12	Private Contributions	Museums - Operating Transfer of Private Contributions: Museum & Memorials Funds to General Fund	-	50,325	50,325	-
Total Additional Operating Expenditures Between Funds				**17,750**	**50,325**	**68,075**	**-**
Grand Total				**1,887,897**	**256,439**	**2,144,336**	**-**

2019
3rd Additional Appropriation

July 2, 2019

Renee Wheeler – Finance Director
Presented by Robert Miller – Budget & Compliance Manager

Third Appropriation - 2019

- The third appropriation includes the allocation of fund balances to ensure the completion of identified projects and commitments.
- The appropriation records grants and other received revenues.

Fund Budget Balance

Fund	2019 Budget (5/28/2019)	Ordinance	2019 Revised Budget
001 General	$ 118,341,442	$ 141,114	$ 118,482,556
105 Conservation Trust	953,438	8,500	961,938
108 Designated Revenue	1,611,302	37,750	1,649,052
303 Public Art	731,474	84,450	815,924
304 Food Tax	10,131,149	35,000	10,166,149
312 Transportation Development	12,086,925	215,000	12,301,925
401 Sewer	6,833,832	1,202,102	8,035,934
406 Water Capital Replacement	42,445,115	65,000	42,510,115
408 Cemetery	742,711	45,000	787,711
513 Information Technology Acquisition	4,429,398	260,095	4,689,493
602 Museum	250	47,325	47,575
605 Memorials	75	3,000	3,075
Grand Total	**$ 198,307,111**	**$ 2,144,336**	**$ 200,451,447**
All Funds	**$ 554,368,450**	**$ 2,144,336**	**$ 556,512,786**

Appropriation Funding Sources

Funding Sources	Amount
Fund Balance	$ 1,887,897
Expense Reimbursement	73,039
Operating Transfers	68,075
Grant	65,000
Private Contributions	50,325
Grand Total:	**$ 2,144,336**

General Fund

Request	Funding Source	Ordinance
Transit Bus Repairs	Expense Reimbursement	$ 73,039
Develop UCCC Plaza Designs	Fund Balance from Designated Revenue	17,750
Seasonal Staff at Plumb Farm	Private Contributions from Memorials	3,000
Museums: Microfilm reader, PC upgrades, oral history project, storage racks, & flooring replacement	Private Contributions from Museum	47,325
Total		**$ 141,114**

Required Operating Transfers	Ordinance
Designated Revenue to General Fund	$ 17,750
Memorials to General Fund	3,000
Museum to General Fund	47,325
Total	**$ 68,075**

Special Revenue Funds

Request	Funding Source	Ordinance
Rodarte Community Center: Outdoor Furniture	Conservation Trust Fund Balance	$ 8,500
Poudre Trail Master Plan: Missile Silo Park Area	Designate Revenue Fund Balance	20,000
Total		**$ 28,500**

Capital Funds

Request	Funding Source	Ordinance
Public Art at Fire Station #6	Public Art Fund Balance	$ 84,450
Funplex Parking Lot: Replace lighting	Food Tax Fund Balance	35,000
Additional Street Lights: O Street: Between 11th Avenue & 59th Avenue	Transportation Development Fund Balance	35,000
Road Widening of 35th Avenue: Increase for underground utilities	Transportation Development Fund Balance	180,000
Total		**$ 334,450**

Enterprise Funds

Request	Funding Source	Ordinance
Ashcroft Basin Sewer Fees: Agreement with City of Evans	Sewer Fund Balance	$ 1,202,102
Water History Book	Grant	65,000
Cemetery Wireless Network	Cemetery Fund Balance	45,000
Total		**$ 1,312,102**

Internal Service Fund

Request	Funding Source	Ordinance
Information Technology: Firewalls, power supplies, shelving, server, storage, and related expenses	IT Acquisition Fund Balance	$ 260,095
Total		**$ 260,095**

Summary

- The Appropriations in this Ordinance increase the Total Budget by $2,144,336.
- This Ordinance affirms prior commitments for various City projects.
- This Ordinance completes the necessary accounting actions that maintain the transparency required for all City reporting.
- Budgets are living documents that must adjust to ongoing changes.

City of
Greeley
Colorado

Council Agenda Summary

July 2, 2019

Agenda Item Number 16

Key Staff Contact: Sean Chambers, Water and Sewer Department, 350-9518
Renee Wheeler, Finance Department, 350-9732

Title:

Public hearing and final reading of an ordinance repealing Section 14.04.100 of the Greeley Municipal Code regarding the water and sewer budget setting process

Summary:

The process for water and sewer budget development as provided for in 14.04.100 is no longer the most effective means of developing meaningful water and sewer budget recommendations, because the established deadlines are too early to know significant factors that influence prudent fiscal planning. Water sufficiency cannot possibly be known as early as March. There is no way of knowing if the assumptions made for the current year budget associated with growth and water usage are likely to materialize as projected. This performance serves as a basis for assessing the reasonableness of the future years' assumptions and projections. The Water and Sewer budget development must better align with the overall City budget development process to ensure a unified and equitable organizational strategy for personnel, equipment, services and capital projects. This ordinance was introduced at the June 4, 2019 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	N/A
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Repeal of Municipal Code Section 14.04.100 will not alter the roles and responsibilities of the Water and Sewer Board as set out in the Greeley Municipal Charter, which provides as follows:

Section 17-4. - Water and Sewer Board, Powers or Duties.

The Water and Sewer Board shall have the power and shall be required to:

a. Annually establish minimum water rates, which need not be uniform for all classes of users; the minimum rates must be sufficient to include all expenditures for the following:

1. All operation and maintenance of the water system;

2. All debt service requirements;

3. Additions to a reserve account in sufficient amounts to offset depreciation to the water system. Said reserve shall be based on accepted principles of accounting for a water system.

b. Annually establish minimum sanitary sewer service rates, which need not be uniform for all classes of users; the minimum rates must be sufficient to include all expenditures for the following:

1. All operation and maintenance of the sanitary sewer system;

2. All debt service requirements;

3. Additions to a reserve account in sufficient amounts, to offset depreciation to the sanitary sewer system. Said reserve shall be based on accepted principles of accounting for a sanitary sewer system.

. . . .

Section 17-7. - Water and Sewer Board, Annual Budget and Advisory Duties.

The Water and Sewer Board shall recommend to the City Manager a separate annual budget for water and sanitary sewer. The Water and Sewer Board shall also submit long range plans to the City Council for water and sanitary sewer improvements; said long range plans shall include the ensuing five (5) years and may also include longer periods.

Consideration of this matter is a legislative process which includes the following public hearing steps:

1) City staff presentation (if requested)

2) Council questions of staff

3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)

4) Council discussion

5) Council decision

Other Issues and Considerations:

The communication protocols that have been established since 2015 when the City Council adopted 14.04.100 between all the parties that influence water and sewer resources and rate setting strategies assure that ideas associated with the strategic planning and operational planning initiatives are vetted as recommendations are being development. For example, the Executive Leadership Team (ELT) meets

monthly to ensure that the City Manager, the Water and Sewer Board Chair, the City Attorney, and the Water and Sewer Director are informed and aligned regarding critical water and sewer policy, including rate and budget strategy.

Applicable Council Priority and Goal:
Infrastructure & Growth

Decision Options:
1) Adopt the ordinance as presented; or
2) Amend the ordinance and adopt as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:
A motion to adopt the ordinance and publish with reference to title only.

Attachments:
Ordinance
Appendix A Greeley Municipal Code Section 14.04.100

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2019

AN ORDINANCE REPEALING CHAPTER 14.04.100 OF THE GREELEY MUNICIPAL CODE REGARDING THE WATER AND SEWER BUDGET SETTING PROCESS

WHEREAS, on August 18, 2015, Ordinance No. 27, 2015 was enacted to establish a process for the review of both draft and recommended water and sewer budgets to the Water and Sewer Board and the City Council at the City of Greeley, Colorado; and

WHEREAS, there are factors that influence the budget development and rate modeling that cannot be known in time to effectively generate recommendations within the timeline established in this chapter, like sufficiency of the water supply for the year and the current year's growth related revenue collections; and

WHEREAS, one of the primary objectives of the City of Greeley budget development process is to align resources with the community priorities outlined in the comprehensive master plan (Imagine Greeley) using consistent strategies throughout the organization; and

WHEREAS, the Water and Sewer budget development must better align with the overall City budget development process to ensure a unified and equitable organizational strategy for personnel, equipment, services and capital projects; and

WHEREAS, after review of these recommended changes, Council believes that it is in the best interests of the citizens of the City of Greeley that this ordinance be adopted.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GREELEY, COLORADO, AS FOLLOWS:

Section 1. Chapter 14.04.100 of Title 14 of the Greeley Municipal Code of Ordinances are hereby repealed in its entirety.

Section 2. This Ordinance shall become effective five days following its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____, 2019.

ATTEST: CITY OF GREELEY, COLORADO

_____ _____

City Clerk Mayor

14.04.100. - Budget setting process.

(1) *Preparation for Draft Budgets.* In order to prepare the annual water and sanitary sewer budgets for recommendation to the City Manager, the Water and Sewer Board will meet with Water and Sewer Department staff and the City Finance Director to review and discuss information that may impact the water and sanitary sewer budgets. The information may include, but is not limited to, the following: (a) current estimates of debt service requirements and depreciation costs, (b) actual budget figures from previous years, current year's actual/estimated expenses and revenues, and recommended and estimated revenues and expenses for future years, and (c) (i) relevant factors affecting maintenance of current operational service levels; (ii) large rehabilitation projects that may require bonding; (iii) capital improvement projects required to meet federal or state regulations; (iv) capital improvement projects to meet court decrees; (v) new capital improvement projects to meet city council's approved long range (minimum five-year) plan and adopted comprehensive plan; (vi) adjustments in operational service levels and capital projects required to maintain operational service levels; and (vii) acquisition of additional water rights. The Water and Sewer Board will also review and consider any other information presented by Water and Sewer Department staff that may materially affect preparation of the budgets, including but not limited to: growth projections; projected and actual city personnel salary adjustments and other items which may affect the operations of the Water and Sewer Department and/or approved long range (minimum five-year) plan and adopted comprehensive plan. To the extent possible or practicable, the foregoing will be presented to the Water and Sewer Board on or before the annual April Water and Sewer Board meeting. After presentation to the Water and Sewer Board, the same information shall be presented to City Council, together with any recommendations by the Water and Sewer Board for City Council's consideration. To the extent possible or practicable, the foregoing will be presented to City Council on or before the annual June Water and Sewer Board meeting.

(2) *Recommended Budgets.* Water and Sewer Department staff and the Finance Director will prepare draft budgets and a long range plan that considers comments or direction received from the Water and Sewer Board or City Council. The draft budgets will be presented to the Water and Sewer Board for its review, approval, and recommendation to the City Manager, as well as a draft long range (minimum five-year) plan for Water and Sewer capital improvement projects for the Water and Sewer Board's review and submittal to City Council. The recommended budgets will estimate the water and sewer rates necessary for all expenditures for all operation and maintenance of the water and sewer systems; all debt service requirements; and additions to a reserve account in sufficient amounts to offset depreciation to the water or sewer systems. The Water and Sewer recommended budgets and long range plans will also separately estimate the rates necessary for all expenditures for new Water and Sewer capital improvement projects and for which funds are recommended to be appropriated from the Sewer Construction Fund, Water Construction Fund, Water Rights Acquisition Fund, or other identified fund, in order to meet City Council's approved long range (minimum five-year) plan and adopted comprehensive plan. City Council reviews and approves the long range plan as it deems appropriate during City Council's budget setting process. To the extent possible or practicable, the foregoing will be presented to the Water and Sewer Board on or before the annual July Water and Sewer Board meeting.

(3) *Presentation to City Council.* When the City Manager presents his or her proposed budget to City Council, any changes to the Water and Sewer Board's recommended budgets that are not supported by both the Water and Sewer Board and the City Manager will be documented and presented to City Council with supporting explanation for and against the changes. The Water and Sewer Board will receive notice of any such changes prior to the City Council budget work session scheduled to review the Water and Sewer budgets. The Water and Sewer Board may then meet with City Council at the City Council budget work session to discuss any changes in the recommended budget, subject to all applicable open meeting laws.

(4) *Setting the rates for water and sewer.* As soon as practicable after City Council adopts the city budget, but before December 31st, the Board shall approve minimum water and sewer rates in accordance with Section 17-4 of the City Charter. The rates adopted by the Board may also include

~~funding in order to meet City Council's long range plan and adopted comprehensive plan, and any other expenditure included in the adopted City budget as approved by City Council.~~

(Ord. 27, 2015 , § 1(Exh. 1), 8-18-2015; Ord. 97, 1992 §4(part))

City of Greeley Colorado

Water & Sewer Dept. Support of Repeal Municipal Code 14.04.100

July 2, 2019

Key Budget Preparation Inputs for Water & Sewer

- Water & Sewer Dept. staff needs ample time to update their financial modeling with year end actual revenues and expenses
  - This updated info is key to running the water & sewer rate making model as part of the budget development process
- Water resource availability data is essential to forecasting irrigation restrictions and their correlated impacts to the water fund revenues
  - Colorado Big Thompson Project (CBT) per unit water quota information is released to shareholders in April of each year (CBT allocation comes with storage and makes up a significant portion of Greeley's supply and storage)
  - Water & Sewer Staff update to our reservoir accounting and yield model to determine storage levels and any need for drought response
- Importance of review of the City's annual Growth and Development report (May) and review of PIF, Cash in Lieu and Rate revenue through Q-1

Council Agenda Summary

July 2, 2019

Agenda Item Number 17

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:

Public hearing and final reading of an ordinance adopting amendments to the Greeley Municipal Code, including Chapter 18.04 and Appendix 18-A, regarding reassignment of City Engineer certification on plats and other development review documents to the Engineering Development Review and Civil Inspection Manager

Summary:

The proposed code change is to reassign the City Engineer certification on plat and other development review documents to the Engineering Development Review and Civil Inspections Manager (Chapter 18.04 and Appendix A). It is the opinion of staff that this change will assist in streamlining the land use processes for applicants. The Planning and Engineering Development Review Departments will continue to coordinate with ancillary reviewers within the other departments of the City government, primarily Public Works and Water/Sewer Departments, by providing referrals during the land use process. The departments will continue to work in a collaborative, coordinated way to provide the best service to applicants, while protecting the City's infrastructure.

At its meeting on May 28, 2019, the Planning Commission voted unanimously to recommend approval by the City Council. City Council approved this item on first reading on June 4, 2019.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	N/A
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other Issues and Considerations:

None noted.

Applicable Council Priority and Goal:

Consistency with Comprehensive Plan

Decision Options:

1) Adopt the ordinance as presented; or
2) Amend the ordinance and adopt as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish by reference to title only.

Attachments:

Ordinance, with attachments
Planning Commission Summary (Staff Report) (May 28, 2019)
Draft Planning Commission Minutes (May 28, 2019)

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

CASE NO. CU2019-0005

AN ORDINANCE ADOPTING AMENDMENTS TO THE GREELEY MUNICIPAL CODE, INCLUDING CHAPTER 18.04 AND APPENDIX A, REGARDING REASSIGNMENT OF CITY ENGINEER CERTIFICATION ON PLATS AND OTHER DEVELOPMENT REVIEW DOCUMENTS TO THE ENGINEERING DEVELOPMENT REVIEW AND CIVIL INSPECTION MANAGER

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to adopt zoning codes and development standards that continue to align with public values and Council priorities; and,

WHEREAS, there has been a desire to reassign the City Engineer certification on plat and other development review documents to the Engineering Development Review and Civil Inspections Manager; and,

WHEREAS, amending the Development Code in this manner will assist in streamlining the land use processes for applicants, while still ensuring that departments continue to work in a collaborative, coordinated way to provide the best service to applicants while protecting the City's infrastructure; and,

WHEREAS, the Planning Commission conducted a public hearing to review and consider the proposed changes on May 28, 2019, and recommended their adoption by City Council.

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

Section 1. Portions of the Greeley Municipal Code Chapter 18 related to reassignment of City Engineer certification on plats and other development review documents to the Engineering Development Review and Civil Inspection Manager are hereby amended as described in Exhibit A, attached hereto.

Section 2. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF _____, 2019.

ATTEST:

_____
City Clerk

THE CITY OF GREELEY

_____
Mayor

Attachment A

Chapter 18.04
Subdivision of Land

18.04.530 Required information.

(a) All final plats shall contain the following information:

(12) The following statements and notes shall be shown on the plat, the forms of which are found in Appendix 18-A:

c. Certificate of approval by Engineering Development Review and Civil Inspections Manager or their designee; and

18.04.630 Required information.

(a) All minor plats shall contain the following information:

(16) The following statements and notes shall be shown on the plat, as applicable, the forms of which are found in Appendix 18-A:

c. Certificate of approval by the Engineering Development Review and Civil Inspections Manager or their designee;

18.04.1130 Streets, alleys and easements.

(c) Intersections of streets shall be at right angles unless otherwise approved by the Engineering Development Review and Civil Inspections Manager or their designee.

(k) Alleys and other easements shall be controlled by the following requirements:

(5) Storm drainage easements shall be provided as required and approved by the Engineering Development Review and Civil Inspections Manager or their designee.

APPENDIX 18-A

Signature Blocks

A. Final Plat

3. The final plat shall bear the Certificate of Approval of the Engineering Development Review and Civil Inspections Manager or their designee concerning all technical data such as distances, angles, reference points, control monuments and other survey data. The Engineering Development Review and Civil Inspections Manager Certificate shall be substantially as follows:

Approved this _____ day of _____, 20___, by the Engineering Development Review and Civil Inspections Manager or their designee of the City of Greeley, Colorado.

_____
Engineering Development Review and
Civil Inspections Manager

B. Minor Plat

3. The minor plat shall bear the Certificate of Approval of the Engineering Development Review and Civil Inspections Manager or their designee concerning all technical data such as distances, angles, reference points, control monuments and other survey data. The Engineering Development Review and Civil Inspections Manager Certificate shall be substantially as follows:
Approved this _____ day of _____, 20___, by the Engineering Development Review and Inspections Manager of the City of Greeley, Colorado.

_____
Engineering Development Review and
Civil Inspections Manager

PLANNING COMMISSION SUMMARY

ITEM: Amendments to the Greeley Municipal Code regarding signatures for plats

PROJECT: Chapter 18 Development Code updates

LOCATION: (not applicable)

APPLICANT: City of Greeley, Community Development Department

CASE PLANNER: Mike Garrott AICP, Planning Manager

PLANNING COMMISSION HEARING DATE: May 28, 2019

PLANNING COMMISSION FUNCTION:
The Planning Commission shall consider the staff report, along with testimony and comments made by the staff and the public, and shall then make recommendations to the City Council regarding the proposed various amendments to the Development Code.

PROJECT OVERVIEW AND BACKGROUND:
Planning staff, from time to time, makes recommendations for various changes to the Development Code as part of an on-going effort to ensure the Code's effectiveness, accuracy, and functionality. Revisions are proposed to address inconsistencies that may have been discovered, or to improve the structure and allow easier use by the public and others who use the Code. Changes may also be proposed to address a new need in community development, either based on best professional practices, or to respond to a recent City issue.

This change is to reassign the City Engineer certification on plat and other development review documents to the Engineering Development Review and Civil Inspections Manager (Chapter 18.04 and Appendix A).

It is the opinion of the Community Development staff that this change will assist in streamlining the land use processes for applicants. The Planning and Engineering Development Review Departments will continue to coordinate with ancillary reviewers within the other departments of our City government, primarily Public Works and Water/Sewer Departments, by providing referrals during the land use process. The departments will continue to work in a collaborative, coordinated way to provide the best service to applicants, while protecting the City's infrastructure.

KEY ISSUES / STAFF ANALYSIS:
Article XIX, Section 19-1(b) of the Greeley Charter describes the role of the Planning Commission in providing land use recommendations to City Council. These proposed changes are relevant for the Commission's review and recommendation for Council consideration.

NOTICE AND COMMENTS:
No formal noticing of the Planning Commission meeting concerning Code changes is required.

PLANNING STAFF RECOMMENDATION: Approval

PLANNING COMMISSION RECOMMENDED MOTION:
A motion that, based on the Project Summary and accompanying analysis, the Planning Commission find that the proposed amendments to Chapter 18 of the Greeley Municipal Code as presented are necessary and appropriate to the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommend approval to City Council.

ATTACHMENTS:
Attachment A – Proposed Code Changes & Staff Analysis
Attachment B – Proposed Clean Version

ATTACHMENT A

Annotated Explanation of Code Changes

~~Strikethrough~~ = Text removed, deleted
Bold, Italicized = Text added/amended
Italicized = Explanation

Topic: Community Development Manager Approvals

Staff Analysis: *The City of Greeley has traditionally required the City Engineer to approve subdivision. Several years ago, the City of Greeley created the Engineering Development Review (EDR) Division (within Community Development Department). EDR is responsible for coordinating with and often on behalf of the City Engineer. Currently, as plans are submitted for signature, many individuals within multiple departments are required to sign and/or approve plans, prior to recording plats or approving development plans, which can result in some additional time before completion for the City's applicants. EDR, along with the City Engineer have explored several options to expedite the approval process, especially since EDR is reviewing engineering plans on behalf of the City Engineering. The solution proposed here is to reassign the certificate of approval from the City Engineer to the Engineering Development Review and Civil Inspections Manager or their designee.*

Proposed Changes:

Chapter 18.04

Subdivision of Land

18.04.530 Required information.

(a) All final plats shall contain the following information:

(12)The following statements and notes shall be shown on the plat, the forms of which are found in Appendix 18-A:

c. Certificate of approval by the ~~City Engineer~~ *Engineering Development Review and Civil Inspections Manager or their designee)*; and

18.04.630 Required information.

(a) All minor plats shall contain the following information:

(16)The following statements and notes shall be shown on the plat, as applicable, the forms of which are found in Appendix 18-A:

c. Certificate of approval by the ~~City Engineer~~ ***Engineering Development Review and Civil Inspections Manager or their designee)***;

APPENDIX A

Signature Blocks

A. Final Plat

3. The final plat shall bear the Certificate of Approval of the ~~City Engineer~~ ***Engineering Development Review and Civil Inspections Manager*** **or their designee** concerning all technical data such as distances, angles, reference points, control monuments and other survey data. The ~~City Engineer's~~ ***Engineering Development Review and Civil Inspections Manager*** Certificate shall be substantially as follows:

Approved this _____ day of _____, 20___, by the ~~City Engineer~~ ***Engineering Development Review and Civil Inspections Manager or their designee)*** of the City of Greeley, Colorado.

_____

~~City Engineer~~ ***Engineering Development Review and Civil Inspections Manager***

B. Minor Plat

3. The minor plat shall bear the Certificate of Approval of the ~~City Engineer~~ ***Engineering Development Review and Civil Inspections Manager or their designee*** concerning all technical data such as distances, angles, reference points, control monuments and other survey data. The Certificate shall be substantially as follows:

Approved this _____ day of _____, 20___, by the ~~City Engineer~~ ***Engineering Development Review and Inspections Manager or their designee*** of the City of Greeley, Colorado.

_____

~~City Engineer~~ ***Engineering Development Review and Civil Inspections Manager***

ATTACHMENT B

Chapter 18.04

Subdivision of Land

18.04.530 Required information.

(a) All final plats shall contain the following information:

(12)The following statements and notes shall be shown on the plat, the forms of which are found in Appendix 18-A:

c. Certificate of approval by Engineering Development Review and Civil Inspections Manager or their designee; and

18.04.630 Required information.

(a) All minor plats shall contain the following information:

(16)The following statements and notes shall be shown on the plat, as applicable, the forms of which are found in Appendix 18-A:

c. Certificate of approval by the Engineering Development Review and Civil Inspections Manager or their designee;

18.04.1130 Streets, alleys and easements.

(c) Intersections of streets shall be at right angles unless otherwise approved by the Engineering Development Review and Civil Inspections Manager or their designee.

(k) Alleys and other easements shall be controlled by the following requirements:

(5) Storm drainage easements shall be provided as required and approved by the Engineering Development Review and Civil Inspections Manager or their designee.

APPENDIX A

Signature Blocks

A. Final Plat

3. The final plat shall bear the Certificate of Approval of the Engineering Development Review and Civil Inspections Manager or their designee concerning all technical data such as distances, angles, reference points, control monuments and other survey data. The Engineering Development Review and Civil Inspections Manager Certificate shall be substantially as follows:

Approved this _____ day of _____, 20___, by the Engineering Development Review and Civil Inspections Manager or their designee of the City of Greeley, Colorado.

_____
Engineering Development Review and Civil Inspections Manager

B. Minor Plat

3. The minor plat shall bear the Certificate of Approval of the Engineering Development Review and Civil Inspections Manager or their designee concerning all technical data such as distances, angles, reference points, control monuments and other survey data. The Engineering Development Review and Civil Inspections Manager Certificate shall be substantially as follows:

Approved this _____ day of _____, 20___, by the Engineering Development Review and Inspections Manager of the City of Greeley, Colorado.

_____
Engineering Development Review and Civil Inspections Manager

PLANNING COMMISSION
Proceedings

May 28, 2019

City Center South
Council Chambers Room
1001 11th Avenue
1:15 p.m.

DRAFT

I. Call to Order

Chair Yeater called the meeting to order at 1:15 p.m. Commissioners Andersen, Modlin, Briscoe, Rarick and Romulo were present. (Commissioner Schulte was absent.)

II. Approval of minutes for meeting held on May 14, 2019

Commissioner Rarick moved to approve minutes of the meeting held on May 14, 2019. Commissioner Andersen seconded the motion. The motion carried 6-0. (Commissioner Schulte was absent.)

III. A public hearing to consider amendments to Chapter 18 of the Municipal Code regarding signatures for plats and other land use documents

Name: Chapter 18 Development Code updates
Applicant: City of Greeley, Community Development Department
Case No.: CU2019-0005
Presenter: Mike Garrott, Planning Manager

Mike Garrott addressed the Commission and briefly explained the process about the proposed change to the Development Code. Mr. Garrott shared some history about past procedures for this code process and stated that the last code update was undertaken in 1988. He presented the staff report and request to amend Chapter 18 regarding signatures on plats and other development review documents. Mr. Garrott reported that staff is proposing to reassign the City Engineer certification on plats and other development review documents to the Engineering Development Review and Civil Inspections Manager, Julie Cozad. He noted that this would affect Chapter 18.04, Subdivision of Land, Appendix A, Title Blocks. Mr. Garrott added that this change would assist in streamlining the land use process for applicants.

Mr. Garrott added that the revisions would improve the structure and allow easier use by the public and others who use the Development Code. He commented other portions of the Code would eventually be revised. Mr. Garrott advised that staff would continue to coordinate with other departments as appropriate throughout the development review process. Staff recommended approval.

Chair Yeater asked whether a professional engineer (PE) signature was required on plats and other documents. Mr. Garrott advised that a PE signature is not required. Chair Yeater had a follow up question about the word "certification," holding that the city could be liable for certifying that everything is approved with respect to the actual construction. Mr. Garrott stated that the process already sets forth the required documentation. Upon question by Chair Yeater, Mr. Garrott reported that no change was being requested beyond formalizing the process for signatures.

Commissioner Rarick expressed concern that a department could miss a review on a document. Mr. Garrott stated that this is currently coordinated by the Engineering Development Review division (EDR). Commissioner Modlin asked whether there is a checklist in place for the review process in other departments. Mr. Mueller clarified that over the years the City has been trying to implement this method to help everyone work together and better understand the review of other departments. He stated the goal is not for them to approve but to share feedback that might be useful.

Chair Yeater opened the public hearing at 1:22 p.m. There being no public input, the hearing was closed at 1:22 pm

Commissioner Andersen moved that, based on the Project Summary and accompanying analysis, the Planning Commission finds that the proposed amendments to Chapter 18 of the Greeley Municipal Code as presented are necessary and appropriate to the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommend approval to City Council. Commissioner Rarick seconded the motion. The motion carried 6-0. (Commissioner Schulte was absent.)

IV. Staff Report

Mr. Mueller reported that Planner, Rachel Prelog, had accepted a position in Arizona and would be leaving Community Development. He also welcomed new Commissioner Chelsie Romulo to Planning Commission. Mr. Mueller talked about future development review changes as well as staffing changes taking place in various departments. He noted positive citizen response to the housing plan as it moves forward.

Council Agenda Summary

July 2, 2019

Agenda Item Number 18

Key Staff Contact: Joel Hemesath, Public Works Director, 970-350-9795

Title:

Public hearing and final reading of an ordinance of the Greeley Municipal Code amending Chapter 9.18; amending Chapter 14.15; and amending Chapter 14.16 all related to the City of Greeley's Municipal Separate Storm Sewer System

Summary:

The City of Greeley holds a Municipal Separate Storm Sewer System (MS4) permit mandated by the Environmental Protection Agency (EPA) and Colorado Department of Public Health and Safety (CDPHE). The MS4 permit is a general permit under the National Pollution Discharge Elimination System (NPDES) that authorizes the City of Greeley to discharge uncontaminated stormwater from their storm sewer system to Waters of the State and Waters of the United States.

With every permit term since the inception of the MS4 program, requirements of the permittee (the City of Greeley) have become progressively more stringent. Each permit term is effective for 5 years, after that timeframe the permit is either administratively continued or rewritten. When the permit is rewritten, new requirements are introduced that permittees must implement within an established timeframe. The current permit term requires modifications to chapters 9.18, 14.15, and 14.16 of Greeley's municipal code. Generally speaking, these updates include:

- More robust regulatory mechanisms for Stormwater's Construction, Post-Construction, and Illicit Discharge programs
- The establishment of water quality standards for permanent best management practices within new or redevelopment sites
- The establishment of allowable regulatory exemptions for multiple areas within the MS4 permit

Since these chapters have not been updated since 2012 and much of the language has remained the same since 2001, additional changes within these chapters were proposed. These proposed changes look to update language to reflect current workflow, incorporate references to match current industry standards, eliminate unnecessary or out of date sections and terminology, and rephrase sections that were unclear or ambiguous.

The Stormwater Quality staff, alongside the City Attorney's Office, have thoroughly reviewed every line of code within these three chapters and proposed revisions that are written to account for the updated permit requirements and future process changes. Also, these proposed changes were made with future permit terms in mind and should allow enough latitude to encompass minor permit update requirements in

the future.

The Stormwater Quality staff respectfully requests that City Council review, and adopt, the proposed changes for these three chapters in order to remain compliant with the City's MS4 permit. This ordinance was introduced at the June 4, 2019 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

Infrastructure & Growth: Environmental Infrastructure

Decision Options:

1) Adopt the ordinance as presented; or
2) Amend the ordinance and adopt as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance

Chapter 9.18 - Redlines
Chapter 14.15 - Redlines
Chapter 14.16 – Redlines
Chapter 9.18 – Proposed
Chapter 14.15 – Proposed
Chapter 14.16 – Proposed
Summary of Changes

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2019

AN ORDINANCE OF THE GREELEY MUNICIPAL CODE AMENDING CHAPTER 9.18; AMENDING CHAPTER 14.15; AND AMENDING CHAPTER 14.16 ALL RELATED TO THE CITY OF GREELEY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM

WHEREAS, the City of Greeley ("City") is a Municipal Separate Storm Sewer System ("MS4") Phase II general permit holder, as required by the Colorado Department of Public Health and Environment and the Environmental Protection Agency; and

WHEREAS, the City is occasionally required by the MS4 permit to update regulatory mechanisms in order to better protect and enhance the quality of stormwater that is discharged from the City's MS4 to Waters of the State and Waters of the United States; and

WHEREAS, the recommended amendments to the Greeley Municipal Code would ensure compliance with MS4 permit requirements; and

WHEREAS, after review of these Chapters, the Stormwater Department revised dated sections throughout to more closely match current processes and procedures.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GREELEY, COLORADO, AS FOLLOWS:

Section 1. Chapter 9.18 of the Greeley Municipal Code shall be amended as shown on Exhibit A attached hereto and incorporated herein by this reference.

Section 2. Chapter 14.15 of the Greeley Municipal Code shall be amended as shown on Exhibit B attached hereto and incorporated herein by this reference.

Section 3. Chapter 14.16 of the Greeley Municipal Code shall be amended as shown on Exhibit C attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____, 2019.

ATTEST: CITY OF GREELEY, COLORADO

_____ _____

City Clerk Mayor

Exhibit A

Chapter 9.18 of the Greeley Municipal Code is amended as follows (additions indicated by underline; deletions indicated by strikethrough):

CHAPTER 9.18 - GRADING AND SOIL EROSION CONTROL

9.18.010 - Legislative findings.

The City Council hereby finds that excessive quantities of soil are eroding from certain areas that are undergoing development for nonagricultural uses such as housing and commercial developments, industrial areas, recreational facilities~~,~~ and roads. This erosion makes necessary costly repairs to gullies, washed out fills, roads~~,~~ and embankments. The resulting sediment clogs streets, storm sewers~~,~~ and road ditches, ~~and~~ leaves deposits of silt in streams, lakes~~,~~ and reservoirs and is considered a significant water pollutant.

(~~Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

9.18.020 - Purpose.

(a) The purpose of this Chapter is to prevent soil erosion and sedimentation from leaving ~~areas~~~~sites~~ areas that occur from nonagricultural development and construction ~~activities~~ within the City, by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience~~,~~ and general welfare of the community.

~~(~~b) Any person who undertakes, develops~~,~~ or is responsible for an undertaking ~~which involves earth disturbance i) equal to~~ or ~~greater than one (1) acre, or ii) less than one (1) acre that is part of a larger common plan of~~ development ~~or sale, is ultimately~~ that involves land~~—~~disturbing activity ~~descibed~~described in ~~section~~Subsection 9.16.060(a) of this Title is responsible to see that soil erosion and sedimentation, as well as resulting changed water flow characteristics ~~resulting therefrom~~, are controlled to avoid damage to property and ~~to avoid~~ pollution of receiving waters. Nothing in this Chapter shall be taken or construed as lessening or modifying the ultimate responsibility of such persons. The ~~permit~~ requirements of this Chapter do not imply the assumption of ~~any liability therefor~~ responsibility on the part of the City. The standards, criteria and requirements of this Chapter are to be seen as minimum standards which are not necessarily adequate to meet the highly variable conditions which must be covered by effective control measures. Compliance with the requirements of this Chapter may not, therefore, of itself discharge ~~such~~ a person's responsibility to provide effective control measures.

(~~Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

9.18.030 - Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the following meanings:

~~Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of State Waters . Best Management Practices (BMPs) also include treatment requirements, operating procedures and practices to control construction site runoff.~~

City Inspector means the person authorized by the City Engineer, or the City Engineer's designee, to inspect a site for the purpose of determining compliance with the provisions of this Chapter.

Common Planplan of Developmentdevelopment or Salesale means contiguous (within one-quarter (1/4) mile of each other) multiple, separate, and distinct Construction Activitiesconstruction activities that may be taking place at different times on different schedules, but remain related because they share the same builder, contractor, equipment, or storage areas.

Construction activities means clearing, grading, excavation and other ground disturbance activities. Construction activities, installing or improving roads, creating staging areas, stockpiling fill materials, borrow areas, and compacting associated with stabilization of structures, but does not include routine maintenance performed by public agencies or their agents to maintain original line grade, hydraulic capacity, or the original purpose of a facility.

CSESCP (Construction Site Erosion and Sediment Control Plan) or CSESCP means a plan submitted to the City that addresses erosion, sediment and waste control, and water quality issues pertaining to the site. This plan shall contain containing such information as site description, location, and description of appropriate temporary and/or permanent BMPs, best management practices, as that term is defined in Chapter 14.15, maintenance procedures, and all other matters necessary or appropriate to comply with the provisions of this Chapter and the City of Greeley Storm Drainage Volume II Design Criteria and Construction Specifications Manual.

Final Stabilizationstabilization means the condition reached when all land-disturbing activities at a development site have been completed, and a uniform vegetative cover has been established with an individual plant density of at least seventy percent (70%) of pre-disturbance levels or equivalent permanent physical erosion reduction methods have been employed.

Developer Land Disturbing Activity disturbing activity means a person who undertakes land development activities.

Development means an activity that results in a , excavation or fill, alteration, subdivision, change in land use or practice, undertaken by private or public entities, that may affect the discharge of stormwater runoff. *Development* does not include the maintenance of stormwater runoff facilities.the existing surface,

Disturbed area means that area of the land's surface disturbed by any work activity upon the property by means including but not limited to grading; excavating; stockpiling soil, fill or other materials; clearing; vegetation removal; removal or deposit of any rock, soil or other materials; or other activities which expose soil. *Disturbed area* does not include the tillage of land that is zoned Construction Activitiesconstruction activities, but does not include tilling agricultural land.

OwnerStormwater means any individual, partnership, limited liability company, corporation or other legal entity that has any legal title or equitable ownership interest in the real property.

Permanent BMPs means those permanent stormwater quality BMPs that are properly installed and regularly maintained in order to treat stormwater runoff, snow melt runoff, and surface runoff and drainage.ensure long-term water quality enhancements.

Person means anyone that has legal or contractual rights and obligations with the construction activities, including but not limited to the developer, land owner, contractor or homeowners.

SWMP (Stormwater Management Plan) means a document, approved at the site design phase, that outlines the measures means a plan for receiving, handling and transportingpractices used to control stormwater within runoff at a site.

State Waters means "State Waters" as defined by the Colorado Water Quality Control Act (CWQCA), and includes "any and all surface and subsurface waters which are contained in or flow in or through this State, but [do] not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems and all water withdrawn for use until use and treatment have been completed."

Stop work order means an order issued by the City which requires that all construction activity on a development, or part thereof, be stopped.

Stormwater discharge permit means a permit issued to a developer or other person that will be disturbing one (1) acre or more of soil or less than one (1) acre when part of a larger common plan of development, by the Colorado Department of Public Health and Environment, Water Quality Control Division, to discharge stormwater runoff from construction site activities.

Stormwater drainage system the City's stormwater drainage system. means any man-made improvement or conveyance intended for stormwater runoff from real property, including but not limited to open channels, streets, gutters, catch basins, underground pipes, ditches, swales, detention ponds, retention ponds and lakes.

(Ord. 37, 2012 §1)

9.18.040 - Compliance with Chapter required for site plan or plat approval.

No applicable site plan, plot plan, plat, or replat shall will be approved unless said site plan, plot plan or plat shall include it includes soil erosion and sediment control measures consistent with the requirements of this Chapter and related land development regulations.

(a1) Control measures must be implemented for the development area and associated Construction Activitiesconstruction activities for the time starting with initial Land Disturbing Activityland-disturbing activity until Final Stabilizationfinal stabilization. Adequate control measures must be selected, designed, installed, implemented, and maintained to provide control of all potential discharges into the City's stormwater drainage system from Construction Activitiesconstruction activities.

(b2) (Ord. 37, 2012 §1; Ord. 15, 1996 §1) 9.18.050 - Adoption by reference of erosion, sediment and waste control criteria.

There is hereby adopted by reference, as a part of this Chapter as if fully set forth herein, that certain code consisting of the published criteria of the City known as "Erosion and Sediment Control for

~~Construction Activities," as the same may be amended from time to time.~~ The ~~City Engineer~~ site plan must locate and identify all structural and ~~non-structural~~nonstructural control measures for the applicable ~~Construction Activities~~construction activities, including installation and implementation specifications for all structural controls or a reference to the document that does contain those specifications. The site plan must also include a narrative description of ~~non-structural~~nonstructural control measures.

9.18.050 - Adoption ~~by reference of erosion, sediment and waste control criteria~~manuals by reference.

~~There is hereby adopted by reference, as a part of this Chapter as if fully set forth herein, that certain code consisting of the published criteria of the City known as "Erosion and Sediment Control for Construction Activities," as the same may be amended from time to time. TheCity Engineer, or the City Engineer's designee,~~As criteria for stormwater drainage design and ~~Construction Activities~~construction activities, the most recent edition and revisions of the City's Storm Drainage Design Criteria and Construction Specifications Manual and the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual are both hereby adopted by reference as if fully set forth herein. The Director of Public Works shall apply the criteria contained in ~~that code, with this Code taking first priority,~~these manuals in the administration of this Chapter, with the Storm Drainage Design Criteria and Construction Specifications Manual taking first priority.

(~~Ord. 37, 2012 §1; Ord. 15, 1996 §1~~)

9.18.060 - City ~~Permits~~ permits and fees.

~~(~~a) Grading permit. A City grading permit is required for any development involving ~~Land Disturbing Activity~~ land-disturbing activity that is:

~~(1.i)~~ ~~equal~~ Equal to or greater than one (1) acre;

~~(2. or ii)~~ ~~less~~ Less than one (1) acre if the construction activities are part of a ~~larger~~ common plan of development or sale within the City~~; or which falls under the jurisdiction of the State Department of Public Health and Environment, Water Quality Control Commission, including regulations for the State Discharge Permit System.~~; or

~~(~~3)~~ ~~an~~An area of any size that, due to the nature of its topography or location, provides a potential for ~~-~~negative impact on the City's stormwater facilities, streets~~,~~ or receiving waters, and will have a detrimental effect upon the public welfare or upon the watershed.

The Director of Public Works ~~or designee~~ shall identify such development sites and provide written notice to the property owner and/or developer with instructions to obtain a grading permit and prepare a CSESCP and SWMP prior to beginning or continuing grading activities.

(b) Permit requirement. ~~Except as~~ Unless exempted by this Chapter, no person shall ~~do any grading, stripping, excavating or filling~~ conduct ~~Construction Activities~~construction activities or undertake any ~~earth disturbance~~ ~~Land Disturbing Activity~~land-disturbing activity within the ~~City's jurisdiction, unless~~ City~~,~~ without a ~~valid~~ City grading permit ~~is issued by the City. Permit issuance~~. Issuance of a grading permit by the City does not exempt parties from obtaining other applicable permits required by the City, State ~~or the~~ (in particular, a "Stormwater Discharges Associated with Construction Activities Permit from Colorado Department of Public Health and Environment: Water Quality Division") or federal government.

~~(~~c) Permit application ~~contents~~. A separate application ~~shall be~~ is required for each grading permit. Prior to grading permit issuance, a CSESCP and SWMP must be submitted to, and reviewed and approved by, the Director of Public Works ~~or designee.~~, ~~including a copy of the State general or individual permit for stormwater discharges, in accordance with the~~ ~~CSESCP and SWMP approved~~

by the Director of Public Works or designee.Stormwater Management Plan, including erosion and sediment control plan, pursuant to requirements of this Chapter.

(d) Stormwater Management Plan. The plans and specifications required for the permit shall include a Stormwater Management Plan (SWMP) prepared in accordance with the construction guidelines available from the State Department of Public Health and Environment. The SWMP shall include a CSESCP pursuant to the requirements and criteria enacted by this Chapter.

(ed) Fees. At the time of filing an application for a grading permit, a nonrefundable filing fee shall be paid to the Director of Finance. An additional nonrefundable fee will be charged for plan review and site inspections. The fees authorized by this Section shall be determined by the City Manager in accordance with Section 1.05.010 of this Code.Every application for a permit must be accompanied by the appropriate fee as set in accordance with Section 1.05.010 of this Code.Fees for City permits are set out in the Storm Drainage Design Criteria and Construction Specifications Manual.

(Ord. 37, 2012 §1; Ord. 26, 2011 §1; Ord. 15, 1996 §1)

9.18.070 - Time.

The permitteeA permit- holder shall comply with all of the provisions of this Chapter and all of the terms and conditions of the grading permit, and shall complete all of the work contemplated under the grading permit within the time limit specified in the grading permit, or within one hundred eighty (180) days (1) year after the date of issuance of the grading permit, whichever is earlier. If the permitteepermit-holder is unable to complete the work within the specified time, at least ten (10) days prior to the expiration of the permit, a written request to the City EngineerDirector of Public Works or designee for an extension of time shallmust be submitted setting forth the reasons for the requested extension. In the event such an extension is warranted, the City EngineerDirector of Public Works or designee may grant additional time for the completion of the work up to one hundred eighty (180) days, but no such extension shall constitute a release the owner from any requirements of this Chapter.

(Ord. 37, 2012 §1; Ord. 15, 1996 §1)

9.18.080 - Failure to complete the work.

In the event the permitteepermit- holder fails to complete the work or fails to comply with all the requirements, conditions, and terms of thea permit, the City EngineerDirector of Public Works or designee may order completion of such work as is necessary to eliminate any danger to persons or property,; to leave the site in a safe condition,; and for for completion of all necessary temporary or permanent soil erosion control measures.

(Ord. 37, 2012 §1; Ord. 15, 1996 §1)

9.18.090 - Denial of permit.

Grading permits shallwill not be issued where:

(1) The proposed work would cause foreseeable hazards to the public safety and welfare;

(2) The work, as proposed by the applicant, will would cause damage to any public or private property;, interfere with any existing drainage course to the extent and cause damage may occur to anyan adjacent property;, result in the deposit of debris or sediment on any public way or into any waterway;, or create an unreasonable hazard to persons or property;

(3) The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work will eliminate or sufficiently reduce earth settlement, slope instability; or any other such hazard to persons or property; or

(4) The land area onfor which the grading is proposed layslies within the designated floodplain of any stream or watercourse unless a hydrologic report, prepared by a

professional engineer, is submitted to certify that the proposed grading will have~~, in his or her professional opinion,~~ no detrimental influence on the public welfare or upon the ~~total development of the~~ watershed and is consistent with ~~the~~ floodplain ordinances and Federal Emergency Management Agency regulations.

(~~Ord. 37, 2012 §1; Ord. 15, 1996 §1~~)

9.18.100 - Modifications of approved plans.

Major proposed modifications of an approved CSESCP must be submitted with all supporting materials to the ~~City Engineer~~Director of Public Works ~~or designee~~. No work in connection with major proposed modifications shall be permitted without prior approval of the ~~City Engineer~~Director of Public Works ~~or designee~~. All changes in hydrology constitute ~~*Major proposed modifications*~~ major proposed modifications ~~are defined as all changes in hydrology~~. In addition, ~~Field~~ field conditions may require ongoing modifications to site soil and erosion control plans~~. Minor modifications to these plans are considered to be BMP substitutions that are equivalent in performance or more suitable to the specific site conditions. Approval of modifications may be issued when the applicant demonstrates that the modifications will provide soil erosion controls equivalent to or better than the originally approved CSESCP~~.

(~~Ord. 37, 2012 §1; Ord. 15, 1996 §1~~)

9.18.110 - Responsibility of ~~permittee~~permit~ holder.

During ~~grading operations, the permittee~~ ~~Construction Activities~~construction activities and until ~~Final Stabilization~~final stabilization, the permit~ holder shall be responsible for:

(~~1~~a1)~~.~~ The prevention of damage to any public utilities or services within the ~~limits or grading~~ area in which ~~Land Disturbing Activity~~land-disturbing activity is taking place and along any routes of travel of ~~the~~ equipment.

(~~2~~b2)~~.~~ The prevention of damage to adjacent property.

(~~3~~c3)~~.~~ Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of ~~the permit~~any permits and this Chapter.

(~~4~~d4)~~.~~ The prompt removal of all soil, debris~~,~~ and materials deposited on public streets, highways, sidewalks~~,~~ or other public thoroughfares or any other nonauthorized off-site location, including transit routes to and from the construction site, or ~~otherwise~~elsewhere, where such deposits may constitute a public nuisance, trespass~~,~~ or hazard.

(~~5~~e5)~~.~~ Implementing and maintaining control measures for~~to control~~ sediment and erosion within~~for~~ the permitted area and associated ~~Land Disturbing Activity~~land-disturbing activity.

(Ord. 37, 2012 §1; Ord. 15, 1996 §1)

9.18.120 - General requirements.

The following requirements must be met for ~~earth disturbance~~Land Disturbing Activityland-disturbing activity authorized pursuant to a grading permit:

(~~1~~a1)~~.~~ All temporary erosion control facilities and all permanent facilities intended to control erosion ~~of any earth disturbance operation~~ shall be installed before any ~~earth disturbance operations take~~Land Disturbing Activityland-disturbing activity takes place, if practicable.

(~~2~~b2)~~.~~ Any ~~earth disturbances~~Land Disturbing Activityland-disturbing activity shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting

sedimentation, and should not exceed the erosion expected to occur for the ~~site in its totally~~area if undeveloped ~~state~~.

(~~3~~c3) ~~—~~ All persons engaged in ~~earth disturbances~~Land Disturbing Activityland-disturbing activity shall design, implement and maintain ~~acceptable~~ soil erosion and sedimentation control measures, in conformance with the erosion control technical standards adopted by the City contained in the Storm Drainage Design Criteria and Construction Specifications Manual and the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual.~~.~~

(~~4~~d4) ~~—~~ All ~~earth disturbances~~Land Disturbing Activity land-disturbing activity shall be designed~~, constructed~~ and completed in such a manner so that the ~~exposed area of any disturbed~~change in existing land ~~shall be~~surface is limited to ~~a~~the minimum period of time.

(~~5~~e5) ~~—~~ Sediment caused by accelerated soil erosion shall be removed, to the maximum extent practicable, from runoff water before it leaves the ~~site~~area of the ~~earth disturbance~~Land Disturbing Activityland-disturbing activity.

(~~6~~f6) ~~—~~ Any temporary or permanent facility designed and constructed for the conveyance of water around, through~~,~~ or from the ~~earth disturbance area~~area of ~~Land Disturbing Activity~~ land-disturbing activity shall be designed to limit the water flow to a nonerosive velocity.

(~~7~~g7) ~~—~~ Temporary soil erosion control ~~facilities~~measures shall be removed and ~~earth disturbance~~disturbed areas graded and stabilized with permanent soil erosion control measures pursuant to standards and specifications prescribed in accordance with the provisions of the SWMP ~~plan~~, applicable regulations~~,~~ and the grading permit.

~~(~~8h8) ~~—~~ Permanent soil erosion control measures for all slopes, channels, ditches~~,~~ or any disturbed ~~land~~ area shall be completed within fourteen (14) calendar days, depending on climate conditions, after final ~~regrading or the final earth disturbance~~Stabilizationstabilization has been completed. When it is not possible to permanently stabilize ~~a disturbed~~an area after ~~an earth disturbance~~Land Disturbing Activityland-disturbing activity has ~~been completed or where significant earth disturbance activity ceases~~ceased, adequate temporary soil erosion control measures in compliance with the Storm Drainage Design Criteria and Construction Specifications Manual and the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual shall be implemented within fourteen (14) calendar days, depending on climate conditions. All temporary soil erosion control measures shall be maintained until permanent soil erosion measures are implemented.

(~~Ord. 37, 2012 §1; Ord. 15, 1996 §1~~)

9.18.130 - Maintenance requirements.

Persons carrying out soil erosion and sediment control measures required by this Chapter, and all subsequent owners of property upon which such measures have been taken, shall maintain all permanent erosion control measures such as retaining walls, structures, plantings~~,~~ and other protective devices. Should the ~~applicant or subsequent property owners fail to adequately maintain the~~ permanent erosion control facilities fail to be maintained, the City reserves the right and authority to enter the affected property, provide needed maintenance~~,~~ and ~~charge the owner~~be reimbursed for the cost of work performed.

(~~Ord. 37, 2012 §1; Ord. 15, 1996 §1~~)

9.18.140 - Grading permit/soil and erosion control plan requirements.

All CSESCPs and specifications, including modifications of previously approved plans, shall include design standards for erosion, sediment and waste control in accordance with the ~~City's Design Criteria Manual, Volume 2, as amended from time to time~~Storm Drainage Design Criteria and Construction Specifications Manual and the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual. Soil and erosion control plans are required ~~on the following sites:~~for

~~(1) Development having construction activity including clearing, grading and excavation activities that result in the disturbance of land equal to or greater than one (1) acre which are not part of a larger common plan of~~ development described in ~~section~~Subsection 9.18.060(a) of this Chapter. ~~or sale.~~

(2) Development having construction activity including clearing, grading and excavation activities that result in the disturbance of land less than one (1) acre if part of a larger common plan of ~~development or sale.~~

~~(~~3~~) Other sites not included in Paragraph (1) or (2) above but which, due to the nature of their topography or location, provide a potential for significant negative impact on the City's stormwater facilities, streets or receiving waters.~~ The ~~City Engineer~~Director of Public Works ~~or designee~~ shall identify such sites and provide written notice to the property owner and/or developer with instructions to obtain a grading permit and prepare a CSESCP prior to beginning or continuing grading activities.

(~~Ord. 37, 2012 §1; Ord. 43, 2003 §1; Ord. 15, 1996 §1~~)

9.18.150 ~~– Variances and exceptions~~Exemptions.

(~~a~~) No grading permits ~~shall~~will be required for the following:

(~~1~~a1) Agricultural use of land zoned ~~holding~~ agricultural.

(~~2~~b2) Grading or excavations below finished grade for basements, footings, retaining walls~~,~~ or other structures ~~on plots zoned RL - RH,~~ that result in ~~land disturbance~~ ~~Disturbing Activity~~land-disturbing activity of less than one (1) acre in size and are not part of a ~~larger~~~~Common~~common plan of development or sale, unless required ~~pursuant to Paragraph~~by ~~section~~Section 9.18.140 above.~~(2).~~

(~~3~~c3) A sidewalk or driveway, authorized by a valid permit, that is less than one (1) acre in size and not part of a ~~Common Plan~~common plan of ~~Development~~development or ~~Sale~~sale.~~.~~

(~~4~~d4) Gravel, sand, dirt~~,~~ or topsoil removal as ~~authorized~~approved by the state Mined Land Reclamation Board, provided that ~~said~~ approval includes an erosion plan that meets the ~~minimum~~ requirements specified by this Chapter.

(~~5~~e5) Upon sites where the ~~City Engineer~~Director of Public Works ~~or designee~~ certifies in writing that the planned work, ~~and the~~ final structures~~,~~ or topographical changes ~~will not result in or contribute to soil erosion or sedimentation; will~~do not ~~interfere with any existing drainage course~~meet the conditions described in ~~such a manner as to cause damage to any adjacent property; will not result in the deposit of debris~~~~sections~~Paragraph ~~9.16.060(a)(3)~~9.18.060(a)(3) or 9.18.080(2) of this Chapter.~~sediment on any public way; will not present any hazard to any persons or property; and will have no detrimental effect upon the public welfare or upon the total development of the watershed.~~

(~~6~~f6) Even though ~~no~~ permits are not required under ~~sections~~~~Paragraphs~~Paragraphs ~~(a)~~(1) through (5) above, those operations and construction activities which are exempted from obtaining permits must comply with the rules and regulations concerning grading and

erosion specified in this Chapter, and shall provide appropriate controls to retain any eroded soil ~~erosion~~ on the construction site.

~~(b) Where it is alleged that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the City Engineer, the Director of Public Works may hear appeals regarding the decisions of the City Engineer to determine if the decisions of the City Engineer were based on a misinterpretation of the requirements of this Chapter and referenced criteria. The decision of the Public Works Director shall be final.~~

(~~Ord. 37, 2012 §1; Ord. 43, 2003 §2; Ord. 15, 1996 §1~~)

9.18.160 - Inspection, control and stop work orders.

(a) The requirements of this Chapter shall be enforced by the Director of Public Works ~~or his or her designee~~. The Director of Public Works ~~or his or her designee~~ shall have the authority to inspect the work~~;~~ and require the property owner and/or developer to obtain services for adequate on-site inspection, including compaction testing by an acceptable soil engineer, ~~unless he or she determines that such inspection requirements may be waived due to the nonhazardous nature of the grading~~if determined necessary.

(~~b~~c) ~~(b) Upon satisfactory execution of all approved grading plans and other requirements, the Director of Public Works or his or her designee may issue a certification of completion.~~ If the Director of Public Works ~~or his or her designee finds any existing conditions not in conformance with any application, grading permit or approved plan, he or she may refuse to approve further work until a revised SWMP plan which conforms to the existing condition has been prepared and approved.~~

~~(c) If the Director of Public Works or his or her designee~~ finds that eroded soils are leaving the ~~construction site~~area where ~~Construction Activities~~construction activities are occurring, the Director of Public Works ~~or his or her designee~~ may ~~direct by written order the~~order the property owner~~, his or her agent or contractor~~ and/or developer to install any and all erosion controls that are deemed necessary to prevent said soil erosion from migrating ~~off~~ off-site. ~~It shall be the duty of the permittee to immediately take all necessary steps to comply with such order and otherwise to take all necessary steps to prevent such soils migrating off premises or entering receiving waters. Delivery of such a written order by the Director of Public Works or his or her designee to the owner's agent or contractor shall be deemed to be notice thereof to and binding upon the owner.~~

(c~~d~~) Stop work orders. When any construction activities are being performed in noncompliance with any provisions of this Chapter or any other applicable law, rule or regulation, the Director of Public Works ~~or his or her designee can~~may order the work stopped by serving written notice describing the violation upon the person performing the ~~activity~~~~Construction Activities~~construction activities ~~describing the violation~~. The person should immediately stop work and not proceed with any work until written approval to proceed has been obtained from the ~~City~~Director of Public Works ~~or designee~~. If the person cannot be located, the notice may be posted in a conspicuous place upon the ~~construction~~ site~~. The notice shall state~~site ~~or~~ of the ~~specific provision, law, rule or regulation that constitutes the violation~~~~Construction Activities~~construction activities. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the ~~City Inspectors.~~Director of Public Works ~~or designee~~.

(d) Developed property.~~e) Individual lot controls.~~ Oversight of ~~individual construction lots sold to builders and/or homeowners who allow~~developed property from which pollutants, ~~especially~~ sediment~~, and~~ concrete wastes~~,~~ and other materials are allowed~~,~~ to ~~leave their sites will be~~spread are addressed and ~~enforcement action taken pursuant~~enforced pursuant to Chapter 14.16 of this Code~~, prohibiting illegal discharges into the City's stormwater drainage system~~.

(~~Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

9.18.170 - Notice of violation.

The Director of Public Works ~~or designee his or her~~ designee may issue a notice of violation to any property owner and/or developer~~, owner or person~~who ~~fails~~has not obtained a grading permit pursuant to this Chapter~~,~~ or has failed to implement ~~their~~a CSESCP and maintain the site ~~BMPs~~ as proscribed in the ~~erosion and sediment control plan. Such notice of violation shall be issued in accordance with Section 2.09.120 of this Code.~~CSESCP.

(~~Ord. 37, 2012 §1)~~

9.18.180 - Code violation ~~and administrative hearing procedures~~.

(a) ~~-~~ A ~~notice of~~ violation ~~issued~~noticed under ~~Section 9.18.170 above is a code~~this Chapter shall be deemed a misdemeanor infraction~~, and~~ shall proceed in accordance with Section 2.09.120 of this Code and shall be subject to penalties ~~as~~ set forth in Chapter 1.33 of this Code.

(b) ~~-~~ In addition, if a permit~~-~~ holder violates a condition of a City-issued grading permit, this Chapter~~,~~ or applicable state or federal laws or regulations regarding ~~Construction Activities~~construction activities, the City shall revoke the grading permit. The City may reinstate the permit upon a showing of proof that the noncompliance has been corrected.

(Ord. 37, 2012 §1)

9~~.18.190 - Penalties and enforcement.~~

~~(a) Whenever any person is in noncompliance with the provisions of this Chapter, the hearing officer may impose penalty fines up to the amount of one thousand dollars ($1,000.00) per day per violation and pursue the code infraction sanctions as defined in Chapter 1.33 of this Code and any other sanctions permitted under law. Each repeat violation must be set forth on a notice of violation form and served as set forth in Subsection 2.09.120(d) of this Code.~~

~~(b) Whenever the administrative authority determines a person is violating or failing to comply with any provision of this Chapter, the administrative authority may immediately issue a cessation order causing the person to immediately cease all operations which violate and fail to comply with this Chapter until such person has complied with the provisions of this Chapter. This order of cessation of activities is additional to any other penalties, sanctions or remedies contained in this Chapter or otherwise allowed by law.~~

(~~c) The City may seek and obtain remedies, including but not limited to civil and administrative sanctions and temporary or permanent injunctive relief against persons for noncompliance with the provisions, standards and requirements of this Chapter.~~

~~(d) Any fee which shall not be paid when due may be recovered in an action at law by the City. In addition to any other remedies or penalties provided by this Chapter or any ordinance of the City, the administrative hearing officer is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the City shall, at all reasonable times, have access to any premises served by the City for inspection, repair or the enforcement of the provisions of this Chapter.~~

(~~Ord. 37, 2012 §1; Ord. 46, 2006 §1; Ord. 15, 1996 §1)~~

Exhibit B

Chapter 14.15 of the Greeley Municipal Code is amended as follows (deletions indicated by strikethrough; additions indicated by underline):

CHAPTER 14.15 - STORMWATER MANAGEMENT PROGRAM

14.15.010 - Declaration of purpose.

(a) The City Council hereby finds, determines and declares that providing stormwater facilities for the drainage and control of flood and surface waters within the City, including areas to be subdivided and developed, is necessary in order that storm and surface waters may be properly drained, treated and controlled and is necessary to protect the health, property, safety and welfare of the City and its inhabitants.

(b) The City Council further finds, determines and declares that the owners of all real property within the City are the ultimate beneficiaries and users of the City's stormwater ~~Drainage~~drainage system and should pay a portion of the costs of providing, maintaining and administering the facilities~~, maintenance and administration~~ necessary for the reasonable control of stormwater.

(c) The City Council further finds, determines and declares that dedicated funding for stormwater management is needed.

(d) The City Council further finds that the appropriate way to establish and administer this program is by establishing a Stormwater Management Program as an enterprise fund operation of the City.

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

14.15.020 - Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the following meanings:

~~*Control ~~Measures~~measures~~Best Management Practices (BMPs)~~ shall mean methods that have been determined to be the most effective, practical~~ means BMPs (best ~~of preventing or reducing pollution from stormwater runoff. These include schedules of activities, prohibitions of practices, maintenance procedures and other~~ management practices) or other ~~. *BMPs* also include treatment requirements,~~ operating procedures ~~of~~for methods used to prevent or reduce the discharge of pollutants~~and practices~~ to the City's Stormwater Drainage System from ~~control plant or~~ construction site runoff, spillage~~,~~ and ~~or~~ leaks, and can include the installation, operation~~,sludge or waste disposal or drainage from raw material storage.~~

City shall mean the City of Greeley including staff and maintenance of structural controlselected and treatment devices, appointed officials.

Detention shall mean the collection and temporary storage of stormwater in such a manner as landscape buffers and swales, modular block porous pavement, and detention basins and proprietary.to provide treatment through physical, chemical or biological processes, with subsequent gradual release of the stormwater.

Impervious Areaarea means areas covered in *Developed land* shall mean land on which any part of its surface has been modified by the works of humans in such a way that prevents the land'sland's natural ability to absorb and infiltrate typicalhold precipitation and irrigation events, like roofs, walkways, patios, driveways, parking lots, storage areas, concrete and asphalt, and any other continuous watertight pavement or covering.has been reduced.

MS4 Permit *MS4 Permit* means the Colorado Discharge Permitting System's General Permit for Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems issued by the Colorado Department of Public Health and Environment under which the Stormwater Drainage System operates.

*Stormwater Drainage System**Drainage basin* shall mean the watershed area contributing stormwater to the stormwater system.

Impervious surface shall mean a surface that has been compacted or covered so that it is highly resistant to infiltration by water.

Owner means any man-made improvement or conveyance intended for stormwater runoff from individual, partnership, limited liability company, corporation or other legal entity that has any legal title or equitable ownership interest in the real property.

Permanent BMPs means those permanent stormwater quality BMPs, including but not limited to open channels, streets, gutters, catch basins, grass buffers and swales, modular block porous pavement, porous pavement and landscape detention, extended detention basins and proprietary (underground pipes, ditches, swales, detention or retention ponds,) BMPs to be properly installed and regularly maintained in order to treat stormwater runoff and ensure long-term water quality enhancements.

Retention shall mean the prevention of, or to prevent the discharge of, a given volume of stormwater runoff into surface waters by permanent storage.

Stormwater shall mean the flow of surface water that results from and occurs following a precipitation event or irrigation return flow.

Stormwater Board shall mean the five (5) persons appointed by City Council and shall hereinafter be referred to as the *Board* .

Stormwater management shall mean all activities related to the administration, planning, master planning, financing, construction, operation and maintenance of the stormwater system.

Stormwater management plan shall mean a plan for receiving, handling and transporting stormwater within the City stormwater system.

Stormwater Management Program shall be operated as an enterprise following the accepted principles and procedures established by the Governmental Accounting Standards Board as a publicly held "Enterprise Fund."

Stormwater system shall mean all natural and manmade elements, facilities, structures, equipment and land that are used for or incidental to the conveyance, control, treatment or disposition of stormwater.

Surface waters shall mean all water naturally open to the atmosphere (rivers, and lakes, reservoirs, ponds, streams, impoundments, seas, etc.) and all springs, wells or other collectors directly influenced by surface water.

Undeveloped land shall mean land that has not been altered or on which no development has been constructed.

(Ord. 31, 2013 §1; Ord. 37, 2012 §2; Ord. 18, 2008 §1; Ord. 70, 2002 §1; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))

14.15.030 - Creation of Stormwater Management Program.

There is hereby created a Stormwater Management Program of the City empowered to implement the provisions of this Chapter.

(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))

14.15.040 - Administration by City Manager.

The administration of the provisions of this Chapter is hereby vested in and shall be exercised by the City Manager, who may prescribe forms, rules, and regulations in conformity with this Chapter or for the ascertainment, computation, and collection of fees imposed hereunder and for the proper administration and enforcement hereof. The City Manager may delegate the administration of this Chapter or any part thereof, subject to the limitations of the Charter and Code of the City, to duly qualified employeesdeputies and agents of the City.

(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))

14.15.050 - Creation of Stormwater Board.

There is hereby created a board, to be known as the "Stormwater Board," hereinafter referred to in this Chapter as the "Board," to assist in the administration of this Chapter. The Board shall consist of five (5) members appointed by the City Council. The Department of Public Works shall be responsible for developing plans, establishing proposed design and construction standards and evaluating proposals from subdividers and developers.

(Ord. 31, 2013 §1; Ord. 37, 2012 §2; Ord. 70, 2002 §1; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))

14.15.060 - Comprehensive stormwater management plan.

The purpose of The the Stormwater Management Program shall be to develop a comprehensive stormwater management plan for the City based on sound engineering studies that indicate the location of all facilities in the City, including those facilities that currently exist and those determined to be needed and that are intended to be constructed in the future. The City Council may adopt the comprehensive stormwater management plan is described in the City's Storm Drainage Design Criteria and Construction

Specifications Manual and serves to~~by resolution upon recommendation of the Board. All substantial modifications or amendments shall also be made by resolution of the City Council upon recommendation of Council or of the Board. Such plan shall~~ guide the Stormwater Management Program in the construction, operation~~,~~ and maintenance of the stormwater ~~Drainage~~drainage system. The City shall, in all ways and within the limits of its powers, solicit adjacent municipalities~~,~~ and Weld~~the~~ County to cooperate in providing stormwater facilities in drainage basins~~, or parts thereof,~~ extending outside the City limits and, in general, to carry out the stormwater management plan~~ developed therein. Maps showing all drainage basins and proposed facilities shall be furnished to the County Commissioners for their use in this matter, as they are requested and become available and updated~~.

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1 (part))~~

14.15.070 - Duties of Stormwater Board.

(a) The Stormwater Board shall make recommendations to the City Council on all matters concerning stormwater management, priorities, policies, fees~~,~~ and procedures.

(b) The Board shall also review and make recommendations to the City Council on the ~~comprehensive~~ stormwater management plan.~~ and any proposed amendments thereto.~~

(c) The Board shall recommend the facilities needed to provide an adequate stormwater ~~Drainage~~drainage system. Such recommendations shall include the following:

(1) The facilities to be constructed.

(2) The prioritization and schedule for construction of facilities.

(3) The method of assessing fees against property.

(4) Apportionment of the cost of new facilities to be assessed against ~~the~~ property and the portion, if any, of such cost which should be paid by the City.

(5) Long-range plans~~ not only in the ensuing five-year proposed capital improvement budget, but also longer periods of time~~.

Before making recommendation for any project, the Board shall analyze the project and compare the benefits to be achieved with the anticipated cost of the project.

(d) The Board shall annually recommend stormwater rates, including the Stormwater Drainage Development Impact~~drainage development~~ ~~fees~~ Fees imposed pursuant to Chapter 4.64 of this Code, which need not be uniform for all classes of users. Rates shall include all costs for the construction, reconstruction, replacement, rehabilitation~~,~~ and improvement of the stormwater ~~Drainage~~drainage system.

(e) The Board shall make recommendations to the City Manager for expenditures for the stormwater ~~Drainage~~drainage system annual budget.

(f) The Board shall also hear the appeal of any owner of property in the City who disputes the amount of the Stormwater Management Program fee made against ~~such owner's~~ property or who disputes any determination made by or on behalf of the City pursuant to and by authority of this Chapter. After the hearing, the Board may make such revision or modification of such fee or determination as it shall deem appropriate.~~ in accordance with Section 14.15.180.~~

(~~Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

14.15.080 - Stormwater Management Program fee.

~~(~~a) There is hereby imposed on each and every property within the City and upon the owners thereof a Stormwater Management Program fee. This fee is deemed reasonable and is necessary to pay for the construction, reconstruction, maintenance, replacement~~,~~ and improvement of the City stormwater

drainage facilities and of such future stormwater drainage facilities as may be required, and to pay for the design, right-of-way acquisition, and construction or reconstruction of stormwater drainage facilities to the extent that such costs have been determined not to be the responsibility of developed properties. All of the proceeds of the Stormwater Management Programthis fee are deemed to be in payment for use of the City's stormwater Drainagedrainage system by the real property on which the fee is imposed and by the owners thereof. This fee is in addition to and not in replacement of the Stormwater Drainage Development Impact feesdrainage fee for new development imposed pursuant to Chapter 4.64 of this Code.

(b) The Stormwater Board shall provide recommendations as to the amount of the Stormwater Management Program fee to the City Manager. The recommendations will be based on a property's potential to produce stormwater runoff. The City Manager shall be responsible for establishing the amount of the Stormwater Management Program fee in accordance with Section 1.05.010 of this Code.

(c) Property owners who have provided stormwater management facilities operatingand are consistent with the stormwater management plan, may request a reduction in the Stormwater Management Program fee fromfee. The schedule of the Stormwaterfee assessed against individual properties shall be recommended by the Board and shall be based upon the property's potential to produce stormwater runoff. The Board shall set forth its determination as to the appropriate amount of the fee by resolution.

(Ord. 37, 2012 §2; Ord. 26, 2011 §1; Ord. 41, 2003 §2; Ord. 91, 2001 §1)

14.15.090 - Stormwater Management Program Fund.

(a) All Stormwater Management Program fees collected by the City and such other fundsmoneys as might be available to the City for the purposes of this Chapter shall be deposited into a special fund which is hereby created, known as the "Stormwater Management Program Fund. The Stormwater Management Program." Such fund Fund shall be used for the purpose of paying the costs of stormwater drainage facilities to be constructed and the operation, operations, administration, repairs, and maintenance of the existing stormwater drainage facilities of the City.

(b) All amounts available in the Stormwater Management Program Fund shallsuch fund, from time to time, shall be invested by the Director of Finance in investments proper for City funds. All funds collected pursuant to the provisions of this Chapter for operation, administration, maintenance and construction of stormwater facilities shall be separately designated as such and shall be used solely for those purposes.

(Ord. 37, 2012 §2; Ord. 91, 2001 §1)

14.15.100 - Development Infrastructure Fund.

The Stormwater Drainage Development ImpactThe drainage development fees currently collected pursuant to Chapter 4.64 of this Code and deposited in the separate account of the Development Infrastructure Fund pursuant to that Chapter shall be placed and administered by the Stormwater Management Program and expended in accordance with the provisions of Chapter 4.64 and Section 5-6 of the Greeley Charter.

(Ord. 37, 2012 §2; Ord. 41, 2003 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))

14.15.110 - Billing for fee.

The Stormwater Management Program fee may be billed and collected with the City water and sewer bill, or other method as determined by the Board, for propertythose lots or parcels of land utilizing City water and sewer services orand billed and collected separately as the Stormwater Management Program feefees for propertythose lots or parcels of land and owners thereof not utilizing other City water

and sewer services~~utilities~~. All such bills for Stormwater Management Program fees shall be paid to the Department of Finance and shall become due and payable in accordance with the rules and regulations of the Department of Finance pertaining to the collection of such charges. The Director of Finance shall place all ~~such charges so~~ collected funds into the Stormwater Management Program Fund. ~~to be deposited and separately kept as a fund to be used only for the purposes stated herein.~~

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1)~~

14.15.120 - Certain properties exempt from fees.

The following ~~land uses~~ are exempt from Stormwater Management Program fees:

(~~1~~a1) ~~—~~ ~~All public~~ Public park and recreational properties;~~land;~~

(~~2~~b2) ~~—~~ ~~All public~~ Public or private ponds, lakes, reservoirs, rivers, creeks, natural water courses, wetlands~~,~~ or irrigation ditch/canal rights-of-way;

(~~3~~c3) ~~—~~ ~~All public~~ Public streets, highways, rights-of-way~~,~~ and alleys;

(~~4~~d4) ~~—~~ ~~All railroad rights-of-way except railroad~~ Railroad property ~~not~~ utilized for railroad purposes;

(~~5~~e5) ~~—~~ ~~All cemeteries~~Cemeteries; and

(~~6~~f6) Properties ~~All lands~~ actively used for agriculture and classified agricultural by the Weld County Assessor.

~~(Ord. 37, 2012 §2; Ord. 18, 2008 §2; Ord. 91, 2001 §1)~~

14.15.130 - Stormwater fee reduction or waiver.

~~In the event that a private or public entity, authority, special district or any other person or company has obtained, in its own name, a Colorado Discharge Permit System (CDPS) permit from the State and said permit is in good standing, then said entity, person or company may request that the City enter into an agreement to reduce and/or waive the Stormwater Program Management fees for the period of its CDPS permit. The terms of any agreement shall state, among other things, the reduced fee or waiver of fees; the requirement to maintain the party's CDPS permit in good standing at its sole cost; and an agreement to pay stormwater fees in the event of default or termination.~~

~~(Ord. 37, 2012 §2; Ord. 11, 2006 §1)~~

14.15.140 - Enforcement.

~~Any fee which has~~shall not be paid when due may be recovered in an action at law by the City. In addition to any other remedies or penalties provided by this Chapter or this Code. Authorized~~any ordinance of the City, the City Manager is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the City shall, at all reasonable times, have access to any premises served by the City for inspection, repair~~,~~ or the enforcement of the provisions of this Chapter.~~

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1)~~

14.15.150 - Unpaid fees to be a lien.

(a) An unpaid Stormwater Management Program fee shall become a lien upon the property to which such charge is associated from the date the fee becomes due until the fee is paid.

~~(~~b) ~~(a) All Stormwater Management Program fees made pursuant to this Chapter shall become a permanent lien upon the property to which such charge is associated from the date said fee becomes due until such fee is paid. The owner of every building, premises, lot or house shall be obligated to pay the charge for all service provided for their premises, which obligation may be enforced by the City by action at law or suit to enforce the lien. In the case that a tenant in possession of any~~

premises or buildings shall not pay said fee, it shall not relieve the landowner from such obligation and lien; and the City shall not be required to look to any person whatsoever other than the owner for the payment of such fees. No changes of ownership or occupation or use shall affect the application of this Section, and the failure of any owner to learn that they purchased property against which a lien for Stormwater Management Program fees exists shall in no way affect their responsibility for such payment. Notwithstanding any provision to the contrary, any delinquent amount may be enforced by assessment and lien upon the property and premises so served and certification thereof to the County Treasurer for collection. All actions are cumulative.

(b) If the City incurs expenses and costs by reason of providing services or causing services to be provided and providing materials in connection with the operation of the Stormwater Management Program, including administrative costs, those or causing materials to be provided, such total costs and expense shall be set forth in a written special assessment notice to be prepared by the Director of Finance and to be mailed by him or her to the owner or other person in possession whose duty it is to provide such services and materials. All such assessment notices shall declare that the full amount is immediately due and payable. Failure to pay the specialany such assessment shall cause the amount to immediately become a lien against the property, and thatlot, block or parcel of land owned or occupied by the person to whom the assessment notice was mailed, and such lien shall have priority over all other liens, except the general taxes and prior special assessments. Such lien shall be enforced in the same manner as the lien for special assessments is enforced under Subsection 13.44.080(c) of this Code.

(Ord. 37, 2012 §2; Ord. 91, 2001 §1)

14.15.160 - Requirement for permanent stormwater water quality Control Measurescontrol measuresBMPs.

(a) The owner or developer of Any any new or existing development that involves Land Disturbing Activityland-disturbing activity as defined in sectionSection 9.18.030 of this Code that is:

(1) developments that disturb: i) equal to or greater than one (1) acre; , or

(2 ii) less than one (1) acre if the construction activities arethat is part of a larger common plan of development or sale as defined in sectionSection 9.18.030,

, must design, construct, install, perform inspections on, and maintain in perpetuity Control Measurescontrol measuresindefinitely permanent BMP units or systems that prevent or minimize water quality impacts and address stormwater runoff quality.

(b) The Control Measurescontrol measures must be designed, installed, and maintained, in accordance with the following:

(1) The City's Storm Drainage Design Criteria and Construction Specifications Manual; and

(2) Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual; and

(3) The design standards required by the City's MS4 permit.

. All permanent BMP units or systems shall, at a minimum, comply withmeet the City's Storm Drainage Design Criteria and Construction Specifications Manual. Such Control Measurescontrol measures, including their attainment of design standards in conformance with the City's MS4 permit requirements, must be reviewed and approved by the Director of Public Works or designee., as amended, and adopted as design criteria specification.

(b) Permanent BMPs. Developed land, for both private and public projects, that meets the requirements of this Chapter and disturbs: i) greater than or equal to one (1) acre; or ii) less than one (1) acre that

~~is a part of a larger plan of development, must address stormwater runoff quality through the use of permanent BMPs which shall be maintained in perpetuity.~~

~~(1) Treatment BMPs, including but not limited to inlet inserts, bioretention, grass swales and buffers, extended detention basins, sand filters, permeable pavement, constructed wetland ponds and channels, and underground BMPs located on private property shall be owned and operated by the owners of the property on which the BMP is located, unless the City in writing agrees that a person other than the owner shall own or operate such BMP.~~

(~~2~~) ~~Nontreatment BMPs, including but not limited to site operations, employee training and site planning incorporating low impact development techniques to address stormwater quality, shall be implemented in perpetuity.~~

(~~3~~) ~~As a condition of approval of the BMP, the owner of a private developed land project shall also agree to maintain the BMP to its design capacity unless or until the City relieves the property owner of that responsibility in writing.~~ The obligation to maintain the ~~Control Measures~~control measures in perpetuity~~BMP~~ shall be memorialized on a~~the~~ subdivision plat, annexation plat, development agreement~~,~~ or other instrument ~~or in a form acceptable to the City and shall be~~ recorded in the office of the Weld County Clerk and Recorder.

(c~~b~~) Should the owner or developer fail to adequately maintain the ~~Control Measures~~control measures, the City shall have the right to enter the property for the purposes of performing operation and maintenance. All associated costs, including administrative costs, shall be assessed pursuant to ~~section~~Subsection 14.15.150(b) above.

(d~~e~~) In addition to the above section, failing to adequately maintain ~~Control Measures~~control measures shall be a violation of this Chapter.

~~1~~4.15.165 - Excluded projects.

The following new or existing development is not required to comply with ~~section~~Section 14.15.160 above:

(~~a~~1) Paving that does not result in a substantial increase of ~~Impervious Area~~impervious area and infrastructure, like routine maintenance, rehabilitation, replacement~~,~~ and reconstruction.

(~~b~~2) Redevelopment of existing roads when:

~~(1)~~a.- less than one (1) acre of paved area per mile of road is added; or

~~(2)~~b.- less than eight and one-fourth (8.25) feet of paved width at any location is added.

(~~c~~3) Installation or maintenance of underground utilities or infrastructure that does not permanently alter existing terrain, ground cover~~,~~ or drainage patterns.

(~~d~~4) – Single-family residential or agricultural zoned property equal to or greater than two and one-half (2.5) acres per dwelling, having a total ~~Impervious Area~~impervious area of less than ten percent (10%).

(~~e~~5) Any development that submits to the Director of Public Works a site-specific study detailing rainfall and soil conditions demonstrating that post-development surface infiltration will not result in the discharge of concentrated stormwater flow during an 80th percentile runoff event. The site-specific study must be approved by the Director of Public Works ~~or designee~~.

(f6) Undeveloped property on which Land Disturbing Activityland-disturbing activity occurs but results in no added structures or Impervious Areaimpervious area.

(g7) Stream stabilization sites.

(h8) Bike and pedestrian trails that are not attached to roads.

(i9) Oil and gas exploration.

(Ord. 37, 2012 §2)

14.15.170 - Stormwater facilities and Control Measurescontrol measuresBest Management Practices (BMPs) required for subdivisions.

Prior to acceptancethe final approval of the plat of aany subdivision or the plan for a Planned Unit Development (PUD), the owner or developer of the proposed subdivision or PUD must submit to the Director of Public Works for review and approval P.U.D.) plan, the owners of the property being subdivided shall, at such owners' cost, prepare detailed plans and specifications for the construction and installation of all required stormwater facilities and Control Measurescontrol measuresBMPs required for such subdivision, including the facilities required to convey stormwater to existing drains, detention ponds, or other existing discharge points that conform with the City's Storm Drainage Design Criteria and Construction Specifications Manual or other existing discharge points, all in conformity with the stormwater management plan adopted by the City Council. The Director of Public Works shall review such plans and specifications and, after the Director's acceptance of the same, the plat of the subdivision or P.U.D. plan may be approved, subject to the City's being furnished with acceptable assurance that such facilities will be constructed and installed as indicated and approved.

(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))

14.15.180 - Administrative review; appeals.

(a) Any owner who disputes the amount of the Stormwater Management Program fee made against such owner's property or who disputes any determination made by or on behalf of the City pursuant to and by the authority of this Chapter may petition for a hearing on a revision or modification of such fee or determination. The Director of Public Works may hold such hearings or may designate a person as a Hearing Officer with authority to hold such hearings. Such petition may be filed only once in connection with any such fee or determination, except upon a showing of changed circumstances sufficient to justify the filing of such additional petition.

(b) Such petitions shall be in writing, filed with the City Clerk, and the facts and figures submitted shall be submitted under oath either in writing or orally at a duly scheduled hearing. The hearing, if any, shall take place in the City Hall of Greeley, or other places as designated by the Hearing Officer, and notice thereof and the proceedings shall otherwise be in accordance with the rules and regulations issued by the City. The petitioner shall have the burden of proof.

(c) Within thirty (30) days of filing, the Hearing Officer shall make findings of fact based upon all relevant information, shall make a determination based upon such findings and, if appropriate, modify such fee or determination accordingly. Such determination shall be considered a final order of the Hearing Officer, which order may, within thirty (30) days of its issuance, be appealed to the Board for a hearing on such a revision or modification of such fee. Any such appeal to the Board shall be in writing, filed with the City Clerk, setting forth the specific errors and omissions of the Hearing Officer in the Officer's determination and such hearings shall take place in the City, and notice thereof and the proceedings shall otherwise be in accordance with the bylaws, rules and regulations of the Board. The appellant shall have the burden of proof.

(d) Persons desiring to appeal a decision of the Hearing Officer to the Board shall, at that time of making such appeal, pay to the Director of Finance a docket fee in an amount as established in

accordance with Section 1.05.010 of this Code. The Director of Finance shall have the ability to waive such docket fee under hardship conditions. Written notice of hearing shall be given to all parties concerned at least seven (7) days prior to the hearing or by mailing the same to such party's last known address by regular mail. The Board shall, from time to time, adopt such additional rules and regulations as it deems necessary and advisable for the conduct of its hearings and for carrying out the provisions hereof. Within thirty (30) days of filing, the Board shall make its final determination and, if appropriate, modify such charge or determination of the Hearing Officer in accordance with the facts submitted, to the extent that the Board finds such facts to be true.

(e) Any person in interest shall have the power to appeal the decision of the Board to the City Council, provided that such person in interest files with the City Clerk a notice of appeal within ten (10) days after final action by the Board. In the event of any such appeal, the City Council shall schedule a date for hearing the appeal, giving at least seven (7) days' advance notice of the time and place of the hearing or by mailing the same to such party's last known address by regular mail. The Council shall consider the same factors on appeal as considered by the Board as set forth in this Section. The decision of a majority of the City Council present at a duly constituted meeting of the City Council shall be determinative of this appeal.

(f) Every decision or determination of the Hearing Officer or the Board shall be in writing, and notice thereof shall be from the date of such action. Service by certified mail, return receipt requested, shall be conclusive evidence of service for the purpose of this Chapter.

(Ord. 37, 2012 §2; Ord. 26, 2011 §1; Ord. 91, 2001 §1)

14.15.190 - Title granted to City.

Title granted to the City for stormwater structures and facilities, including but not limited to detention ponds, inlet and outlet structures and ditches shall be by warranty deed for unencumbered fee simple title.

(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))

14.15.200 - Responsibilities for stormwater facilities, inspections, right of entry.

(a) All private stormwater facilities constructed by private individuals or entities and designated for operation and maintenance by said individual, entity or property owner, including but not limited to those constructed by a homeowners'a property owners' association, ("POA"), shall not be the property of the City, and. The the City shall not be responsible for theirthe operation and maintenance of said privately constructed facilities unless the Director of Public Works City has accepted responsibility forinspected the facilities same and agreed in writing. All stormwater facilities constructed, installed or provided hereunder shall, upon Upon acceptance of the stormwater facilities,same by the City, become the property of the City, and the public thereafter shall be responsible for the operation and maintenance of the same. The City may refuse to accept facilities shall become public stormwater facilities describedinadequately constructed or constructed in sectionSection 14.15.210 below.variance with City requirements.

(b) Authorized City All authorized personnel under the supervision of the City Manager or designee, shall have the power to conduct inspections of private stormwater facilities, enter the premises at reasonable times, give verbal direction, issue notices of violation, and enforce the conditions set forth in development agreements. for the long-term maintenance of permanent stormwater facilities.

(Ord. 37, 2012 §2; Ord. 18, 2008 §3; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))

14.15.210 - City to maintain public stormwater facilities.

The City shall maintain all public stormwater facilities accepted by the City, located on City-owned property, and additional stormwater facilities dedicated to the City.within the City-owned land,

~~City rights-of-way and public easements and may maintain additional dedicated public stormwater facilities located within or adjacent to the City. Such public facilities include, but are not limited to, open drainageways and piped stormwaters constructed expressly for use by the general public and, as a part of the City stormwater facilities, bridges, roadside stormwater ditches and gutters, flood control facilities, including detention and retention basins, dikes, overflow channels, pump stations and other improvements that have been designed and constructed expressly for use by the general public. Such public stormwater facilities do not include facilities not accepted by the City for maintenance.~~

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

14.15.220 - Disclaimer.

Floods or drainage problems associated with stormwater ~~runoff~~ may occasionally occur which exceed the capacity of the stormwater drainage ~~-system~~~~storm sewer facilities~~ constructed and maintained by funds made available under this Chapter. This Chapter does not imply~~, and the City expressly disclaims,~~ that property liable for the charges established herein will always be free from stormwater flooding or flood damage. This Section does not purport to reduce the ~~need or the~~ necessity for ~~the owner obtaining~~ flood insurance. The establishment of the~~a~~ Stormwater Management Program~~, its functions, maintenance of stormwater drainage structures~~ and its ~~facilities, and the~~ activities ~~of the Stormwater Management Program and/or its agents~~ does not create liability ~~of any nature or kind on the part~~ of the City for damages caused by stormwater, except as provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S.

14.15.230 - Enforcement.

(a) Any fee which has not be paid when due may be recovered in an action at law by the City in addition to any other remedies or penalties provided by this Chapter or this Code.

(b) Authorized employees of the City shall, at all reasonable times, have access to any premises served by the City for inspection, repair~~,~~ or the enforcement of the provisions of this Chapter.

(c) The Director of Public Works ~~or designee~~ may issue a notice of violation to any property owner and/or developer who has not installed and maintained permanent stormwater control measures in accordance with this Chapter.

(d) A violation noticed under this Chapter shall be deemed a misdemeanor infraction, ~~-~~shall proceed in accordance with Section 2.09.120 of this Code~~,~~ and shall be subject to penalties set forth in Chapter 1.33 of this Code.

(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 60, 1997 §2; Ord. 5, 1995 §1(part))

Exhibit C

Chapter 14.16 of the Greeley Municipal Code is amended as follows (deletions indicated by strikethrough; additions indicated by underline):

CHAPTER 14.16 - ~~STORM SEWERS~~STORMWATER DRAINAGE SYSTEM

14.16.010 - Declaration of purpose and legislative intent.

~~(~~a)~~—~~ This Chapter sets forth ~~uniform~~ requirements for direct and indirect discharges ~~or the depositing of inappropriate material or substances~~ into the City's Stormwater Drainage System as defined in ~~section~~Section 14.15.020 of this Title.~~City stormwater system.~~ This Chapter is necessary to provide for and promote the public health, safety~~,~~ and welfare of the citizens residing within the City and property owners or other ~~water~~ users that depend on the same water sources by preventing illicit discharges ~~the deposit of inappropriate material or substances~~.

(b)~~—~~ The purposes of this Chapter are to:

~~(~~1)~~—~~ Prevent the introduction of pollutants, substances or debris ~~that will pass~~ into the Stormwater Drainage System~~system receiving such stormwaters,~~ or that will otherwise be incompatible with the system or interfere with the beneficial uses of the~~said~~ system.

(2)~~—~~ Protect the public and City personnel who may work with or be exposed to the Stormwater Drainage ~~system~~ System because of their presence within the ~~City stormwater drainage~~ system in the course of their employment.

(3)~~—~~ Promote pollution prevention and prevent the introduction of materials or other debris that may adversely affect the environment or hamper the Stormwater Drainage~~storm sewer system~~System.

(4)~~—~~ Provide for equitable distribution of the cost of repairing or servicing the Stormwater ~~drainage system~~Drainage System among property owners or other users by having those who cause obstructions or problems to the ~~stormwater~~ system pay their ~~full~~ share of the costs of such incidents.

(c)~~—~~ The City Council reserves the right to establish discharge limitations, and restrict ~~other debris or~~ substances that may be introduced to the Stormwater Drainage System~~from their stormwater system,~~ more stringent than federal and state requirements or current municipal limitations~~,~~ if deemed necessary to comply with the objectives of this Chapter.

(~~Ord. 37, 2012 §3; Ord. 32, 1999 §1~~)

14.16.020 - Definitions.

In addition to the definitions contained in Section 14.15.020 and 9.18.020 of this Code, which are expressly incorporated herein, and unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

CDPHE means the Colorado Department of Public Health and Environment.

CDPS means the Colorado Discharge Permit System.

Debris means all rubbish, waste material, refuse, garbage, trash, foreign substances, solid or liquid, of every form, size kind and description.

Deleterious substance means any substance capable of causing physical, chemical or biological contamination or degradation to the environment; a deleterious (acute or chronic) effect on fish, birds, wildlife and plant life; or that would otherwise interfere with the beneficial use of receiving waters.

Discharge means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment or to the stormwater system.

EPA means the Environmental Protection Agency.

Facility means any building, structure, installation, equipment, pipe or pipeline (including without limitation any pipe or line into any storm sewer or any portion of the stormwater drainage system), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, the processing of food byproducts, the processing of agricultural products and the handling, storage and sale of produce.

Hazardous pollutants means any constituent or combination of constituents that is classified as hazardous under state or federal law or regulation, or that is included on the federal list of toxic pollutants as currently specified in 40 C.F.R. 403.

Hazardous waste means a waste that is classified as hazardous under federal regulations or is included in the federal list of hazardous waste as currently specified in 40 C.F.R. 261, subparts C and D.

NPDES means the National Pollution Discharge Elimination System.

Owner means any individual, partnership, limited liability company, corporation or other legal entity that has any legal title or equitable ownership interest in the real property.

Pollutant means dredged soil, dirt, slurry, solid waste, incinerator residue, sewage, biosolids, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand or any industrial, municipal or agricultural waste.

~~*Pollution* means the man-made man-induced or natural alteration of the physical, chemical, biological and radiological integrity of water.~~

~~*Pollution prevention* means the application of source reduction and recycling during day-to-day operations which reduces the need for treatment and disposal of wastes without transferring contamination to air, water, solid waste or hazardous waste.~~

~~*Premises* means a parcel of real estate, including any improvements thereon, which is determined by the City to be a single user for purposes of contributing to the stormwater drainage system.~~

~~*Receiving waters* means lakes, rivers, streams or other watercourses that receive treated or untreated wastewater.~~

~~*Stormwater drainage system* means any man-made improvement or conveyance intended for stormwater runoff from real property, including but not limited to open channels, streets, gutters, catch basins, underground pipes, ditches, swales, detention ponds, retention ponds and lakes.~~

~~*Toxic pollutants* means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Federal Water Pollution Control Act, P.L. 92-500, 33 U.S.C. 1251, et seq.~~

~~*User* means any person who discharges, contributes or causes the contribution of water, wastewater or other liquid into the stormwater drainage system.~~

~~*Waste* means any solid, liquid, semi-solid or gaseous material or substance which has been discarded for any reason.~~

~~*Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the City's wastewater treatment system and/or the City's stormwater drainage system.~~

(~~Ord. 37, 2012 §3~~)

14.16.030 - Connecting to Stormwater Drainage System~~storm sewer~~ without permit unlawful.

It is unlawful for any person to tap or make any connection with the Stormwater Drainage System~~storm sewers of the City~~ without first having obtained a permit ~~therefor~~ as provided in this Chapter.

(~~Ord. 37, 2012 §3; Prior code §17-34~~)

14.16.040 - Application for permit.

A ~~Any~~ person desiring to tap ~~the storm sewers~~ or make any connection with the Stormwater Drainage System must~~therewith shall~~ make written application, using ~~therefor in writing so to do, to~~ the City of Greeley Application ~~&~~and Permit for Construction in Public Right of Way/Easement, to the Director of Public Works~~Engineer~~. The application shall state the nature or character of the tap or

connection to be made, the location of the tap or connection~~thereof~~, the premises sought to be served by the tap or connection~~,thereby~~ and the amount of the tap/connection fee set forth in the City of Greeley Fee Schedule for Construction in the Public Right of Way/Easement.~~charge.~~

(~~Ord. 37, 2012 §3; Prior code §17-35~~)

14.16.050 - Installation costs and fee.

The person making application to connect with the Stormwater Drainage System~~storm sewer~~, at the time of making such application, shall pay to the City the complete cost for such installation, including the cost of pipe and other materials, labor and repairs of paved or unpaved streets or alleys, as set forth in the City of Greeley Fee Schedule for Construction in the Public Right of Way/Easement~~plus a minimum fee of fifty dollars ($50.00).~~

(~~Ord. 37, 2012 §3; Prior code §17-36~~)

14.16.060 - Installations; Director of Public Works~~City Engineer to direct~~.

All installations of ~~storm sewers and~~ taps or connections to the Stormwater Drainage System shall be under the direction of the Director of Public Works~~ or designee~~~~City Engineer~~.

(~~Ord. 37, 2012 §3; Prior code §17-40~~)

14.16.070 - Service connections~~; required before streets paved;~~ specifications; ~~business district~~ requirements.

~~B~~before any ~~Impervious Areas~~impervious areas, as defined in ~~section~~ Section 14.15.020 of this Code, are created~~paving or hard surface is laid~~ in any of the streets~~, avenues~~ or alleys within the City, a ~~business districts, the owners of all~~ property ownertherein, ~~whether the same is vacant or otherwise,~~ shall lay service connections with the Stormwater Drainage System~~City storm sewer system,~~ extending from the sewer line to the property line, which connections~~services~~ shall be of adequate size to provide drainage for present and future buildings upon the property in accordance with the schedule of sizes designated~~named~~ in Section 14.16.080 below. All downspouts, water drains~~,~~ or conductor pipes from the roofs of buildings in commercially~~-~~ zoned areas~~the business districts~~ of the City shall be placed beneath the surface of the ~~alley,~~ street or alley~~avenue~~ adjoining the property and be connected with the Stormwater Drainage System~~storm sewer~~ located within the public right of way~~therein,~~ in conformity with this Code~~the ordinances of the City~~ and with the approval of the Director of Public Works~~ or designee~~.~~City Engineer.~~

(~~Ord. 37, 2012 §3; Prior code §17-38~~)

14.16.080 - Required sizes designated; exceptions.

Unless special permission is granted by a resolution of~~to~~ the City Council to the contrary, the following sizes of service connection will be required:

(1) For buildings having a roof area up to three thousand (3,000) square feet, a four-inch ~~(4")~~ service connection is required.

(2) For buildings having a roof area of from three thousand (3,000) square feet to ten thousand (10,000) square feet, a six-inch ~~(6")~~ service connection is required.

(3) For buildings having a roof area of from ten thousand (10,000) to twenty thousand (20,000) square feet, an eight-inch ~~(8")~~ service connection is required.

(~~Ord. 37, 2012 §3; Prior code §17-39~~)

14.16.090 - ~~Roof w~~Water discharge requirements designated.

~~N~~o ~~roof~~ water shall be discharged directly or indirectly from any downspout, water drain~~,~~ or conductor pipe upon any street, alley~~,~~ or sidewalk in the City, but ~~the same~~ shall be conducted underneath the ~~sidewalk in iron or tile pipes to the adjacent street or avenue gutter. No roof water shall be discharged directly or indirectly from any downspout, water drain or conductor pipe upon any public alley,~~ street, alley~~,~~ or sidewalk in a conduit of suitable dimensions ~~or avenue or into any sanitary sewer, within the business~~ and materials~~industrial districts of the City, but the same shall be conducted underneath the surface of the alleyway in iron or tile pipes~~ and be connected with the part of the Stormwater Drainage System~~storm sewer~~ located in the adjacent ~~alleyway or~~ street or alley~~,~~; and, if no part~~storm sewer~~ is so located ~~therein~~, then the water must be directed to an area where it can infiltrate into the ground prior to reaching ~~the nearest~~a street, alley~~,~~ or sidewalk ~~or avenue gutter~~.

(~~Ord. 37, 2012 §3; Prior code §17-37~~)

14.16.100 - Application to remodeled buildings, living units~~,~~ and redevelopment districts.

(~~a)~~ The Stormwater Drainage Development Impact~~drainage~~ fees provided for in Section 4.64.100 of this Code shall also be imposed with respect to existing development ~~property~~ if existing buildings or other physical improvements on the~~that~~ property are remodeled or added to or if structures~~buildings~~ or other living units, such as mobile homes, are moved onto the property.

~~(b) (1) In the case of remodeling or adding to existing buildings or other physical improvements, the Stormwater Drainage Development Impact fee shall be imposed if the existing roof area is to be increased by fifty percent (50%) or more, or if Impervious Areas, as defined in section 14.15.020, are the water repelling surface is to be increased by fifty percent (50%) or more.~~

~~(2) If the building being added to is located on property with respect to which a drainage fee was theretofore imposed and if the addition is to be carried out on an adjacent parcel of property not theretofore subject to a drainage fee, the drainage fee shall be computed only on the basis of the adjacent parcel of property. In the case of structures or other living units being moved onto a parcel of property, the Storm Drainage Development Impact drainage fee shall be computed with respect to the entire parcel.~~

~~(c) New development within a~~(b) The payment of all drainage fees shall be exempt within the redevelopment district boundary as established by the Planning Commission and adopted by the City Council shall be exempt from the payment of the Stormwater Drainage Development Impact fee.

(~~Ord. 37, 2012 §3; Prior code §17-42~~)

~~14.16.110 - Extra fees; imposition procedure.~~

~~If any property proposed for new development is so situated that the development of the property would contribute an extraordinary load to the existing drainage systems, as an additional drainage fee shall be imposed over and above the drainage fee provided for in Section 4.64.100 of this Code. The fact that an extraordinary load will be contributed and the amount of the additional fee shall be determined by the Director of Public Work City Council on the basis of competent engineering data, a fee in addition to the Stormwater Drainage Development Impact fee shall be calculated.. The determination shall not be made unless the owner of the property will be involved has been given notice and an opportunity to present contradictory engineering data before an additional fee is imposed..~~

(~~Ord. 37, 2012 §3; Ord. 41, 2003 §§2,3; Prior code §17-44~~)

~~14.16.120 - Payment at building permit issuance.~~

~~The Stormwater Drainage Development Impact drainage fee and additional fees provided for in section 14.16.110 or fees shall be paid at the time of issuance of a building permit or permits.~~

(~~Ord. 37, 2012 §3; Ord. 41, 2003 §§2, 3; Ord. 9, 1988 §6; prior code §17-43(a)~~)

14.16.130 - Drainage system construction; payment costs.

A developer ~~The owners or developers~~ of property shall be obligated to construct ~~storm sewer lines and other drainage system~~ components of the Stormwater Drainage System within the boundaries of the property being developed at the sole expense of the developer, to the extent that such construction is required by the Director of Public Works ~~or designee~~ as part of the subdivision process~~. The payment of the drainage fee by the owner or developer shall not be constructed to relieve the owner or developer of the obligation to construct storm sewer lines or other drainage system components, at the sole expense of the owner or developer~~; provided, however, that, if the Director of Public Works ~~or designee~~ ~~City~~ requires the construction of oversized components ~~storm sewer lines or the construction~~ of the Stormwater~~other drainage system~~Drainage System components, ~~as determined by the Director of Public Works, to assist in the drainage of property other than or in addition to the property of the owner or developer,~~ then ~~to that extent,~~ the City shall share~~participate~~ in the design and construction costs associated with the ~~. In that case, the City's share of the costs shall reflect that~~ portion of the oversized construction attributable to draining other lands.

(~~Ord. 37, 2012 §3; Prior code §17-45~~)

14.16.140 ~~-~~ Illicit discharges; allowed discharges; nonconforming taps~~Discharge prohibitions~~.

(a) ~~—~~Illicit discharges are discharges to the ~~City's~~ Stormwater Drainage System that are not composed entirely of stormwater and are not allowed discharges as described in ~~subsection~~Subsection (b) below. Illicit discharges to the ~~City's~~ Stormwater Drainage System are prohibited. ~~(a) No person shall intentionally or otherwise dispose of materials, substances, debris or other pollutants by dumping or pouring or otherwise discharging or causing such materials to be discharged into any storm drain or any connection thereto.~~

~~(b) No person shall discharge, deposit or cause to be discharged onto any public highway, street, sidewalk, alley, land, public place, stream, ditch or other watercourse, or into any cesspool, storm or private sewer, or natural water outlet, any sewage, polluted waters or other deleterious substance or debris, except where suitable treatment has been provided in accordance with the provisions of applicable federal, state and local laws, as required.~~

(~~c) No user shall discharge or cause to be discharged or deposit into the City's stormwater system:~~

~~(1) Any liquids, solids or gases, that by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the stormwater utility, as determined by the City Manager or designee. Prohibited materials include, without limitation, gasoline, fuel oils, mineral oil, lubricating oil, benzene, naphtha, ethers, carbides, perchlorates and xylene;~~

(~~2) Any wastewater having any corrosive property capable of causing damage or hazard to structures, operations or personnel exposed to the stormwater system;~~

~~(3) Solid or viscous substances that may obstruct the flow or interfere with the operation of the stormwater system including, without limitation, cinders, sand, mud, cement, plaster, lime slurry or sludge, stone or marble dust, asphalt residues, tar, wax, paraffin, paint, chemical sludges or residues, metals, glass, plastics, wood, shavings, paper, manure, hair, blood, intestinal contents, animal hooves or toenails, bones, hog bristles, hides or other animal or fish parts, including feet and feathers, food processing bulk solids or garbage.~~

(~~4) Any heated waters above forty degrees Celsius (40°C) (one hundred four degrees Fahrenheit [104°F]).~~

(~~5) Any substances containing free floating or insoluble oil, or oil or grease.~~

(6) Any substances including color, without limitation, such as dyes, wastes, paint pigments and vegetable tanning solutions.

(7) Any substances that either singly or synergistically are sufficient to create a nuisance or hazard to health or to prevent the stormwater system from being operated or maintained.

(8) Any bulk wastes, pollutants or debris in quantity shall be disposed of properly at a landfill, at points designated by the City Manager or through appropriate waste disposal systems.

(9) Any wastes or pollutants determined to occur or discharge within the City from a platted lot, including but not limited to sediment, concrete wastes, stucco and other construction material, onto streets and/or sidewalks.

(d) No person shall make any false statement, representation or certification, knowing or having reason to know it to be false, in any application, record, plan, data or document filed or required to be maintained pursuant to this Chapter.

(e) No person shall falsify, tamper with or knowingly render inaccurate any stormwater sewer device.

(b)(f) The following are allowed discharges intohave been identified as not being significant contributors of pollutants to the City'sCity's stormwater Stormwater drainage Drainage system System and are hereby exempted from classification as an ""illicit discharge"" as that term is used in the City'sCity's stormwater permit: uncontaminated runoff from rain or snow melt; landscape irrigation;, lawn watering, diverted stream flows; irrigation return flow;, rising groundwater;, uncontaminated groundwater infiltration (as defined at 40 C.F.R. § 35.3005(20);), uncontaminated pumped groundwater;, springs;, flows from riparian habitat and wetlands; discharges in accordance with the Colorado Department of Public Health &and Environment: Water Quality Control Division Low Risk Policy Discharge Guidance documents;, waterline flushing, discharges from potable water sources, foundation drains;, air conditioning condensation;, water from crawlspace pumps;, footing drains;, individual residential car washing;, charity car washes;, dechlorinated swimming pool water, water incidental to City street sweeping activities that is not associated with construction;, flows from emergency firefighting activities;, water dyed for testing processes in accordance with manufacturer recommendations; and other discharges as specifically authorized by the City's Colorado Discharge Permit System permitPermit or National Pollution Discharge Elimination SystemCity's CDPS permit.

(g) Individual lot controls. Oversight of individual construction lots sold to builders and/or homeowners who allow pollutants, especially sediment and concrete wastes and other materials, to leave their sites will be addressed and enforcement action taken pursuant to Chapter 14.16 of this Code prohibiting illegal discharges into the City's stormwater drainage system.

(h) The prohibitions in this Section shall not apply to any nonstormwater discharge permitted under the NPDES, CDPS permit or CDPHE issued policy or guidance, provided that the discharge is in full compliance with all requirements of the permit, order and other applicable laws and regulations.

(c) Any tap into a stormwater line made prior to 1999 that is not discharging only allowable discharges describeddescribed in subsectionSubsection (b) above hazardous materials, (like raw sewage and motor oils and fluids) will be considered a legal/allowable non-conformingnonconforming tap until one (1) of the following occurs;, at which time the time the tap must be removed and connected to the sanitary sewer system (not the Stormwater Drainage System): 1) improvement to the property, 2) change in ownership, or 3) change in use.

(Ord. 37, 2012 §3; Ord. 18, 2008 §4; Ord. 32, 1999 §2)

14.16.150 - Accidental discharges.

(a) Every property owner or other user shall ensure that the Stormwater Drainage System is protected from accidental discharge of pollutants or prohibited materials from the owner/user's premises or facilities at the owner/user's sole expense. Upon request by the Director of Public Works, an owner/user shall be required to submit detailed plans, including procedures for handling accidental discharges of pollutants or prohibited materials into the Stormwater Drainage System.

(b) In case of an accidental discharge, an owner/user shall notify the City as soon as practicable by notifying the Greeley Fire Department of the location of the discharge, type of material, concentration, volume and any corrective actions taken.

(c) Within five (5) business days following an accidental discharge, an owner/user shall submit to the Director of Public Works a written report describing the cause of the discharge and measures to be taken to prevent future occurrences. The submission of a written report does not relieve the owner/user of any expense, or liability that may be incurred from damage to the Stormwater Drainage System, or property, including applicable fines and penalties. Failure to submit a required report shall constitute a report is a Code violation.

(Ord. 37, 2012 §3; Ord. 32, 1999 §3)

14.16.160 - Cleanup responsibility; assessment for expenses; lien and enforcement.

In addition to any other requirements of this Chapter, the following shall apply:

(a) A property owner or other user responsible for an unauthorized discharge shall promptly institute and complete all actions necessary to remedy the effects of an unauthorized discharge at no cost to the City. When deemed necessary in the interest of public health, safety and welfare by the Fire Chief or the Director of Public Works, or their respective designees, cleanup may be initiated by the City. Costs associated with such cleanup shall be borne by the owner/user responsible for the unauthorized discharge.

(b) An owner/user violating any provisions of this Chapter shall be liable under any applicable federal, state or local law for any expense, loss or damage caused the City by reason of such violation, including increased costs for management or operation of the Stormwater Drainage System when such increases are the result of the owner/user's discharge. Such liability includes, but is not limited to, reimbursement for costs of emergency response and/or City cleanup resulting from the discharge.

(c) If an owner/user discharges such pollutants, substances or debris that cause the City to be in violation of any applicable law or permit and to be fined by the U.S. Environmental Protection Agency or other federal or state governmental agency for such violation, such owner/user shall be fully liable for reimbursement of the total amount of the fine assessed against the City and City costs, including without limitation, all legal, sampling and analytical testing costs.

(4d) If the City incurs expenses and costs for cleanup by reason of spills providing services or illegal dumping activity, causing services to be provided and providing materials or causing materials to be provided, such total costs and expenses shall be set forth in a written assessment notice to be prepared by the Director of Finance and to be mailed by him or her to the owner/user or person in possession whose duty it is to provide such services and materials. All such assessment notices shall declare that the full amount is immediately due and payable. Failure to pay any such assessment shall cause the amount to immediately become a lien against the property lot, block or parcel of land owned or occupied by the person to whom the assessment notice was mailed, and such lien shall have priority over all other liens except the general taxes and prior special assessments. Such lien shall be enforced in the same manner as the lien for special assessments is enforced under section Section Subsection 13.44.180(c) of this Code.

(5e) The City may bring civil suit against the owner/user or person in possession for the assessment of the unpaid portion thereof, described at Paragraph (4) Subsection (d) above, at any time after a thirty (30) -day period. This remedy shall be in addition to and an alternative to any other remedy available in this Chapter or pursuant to law.

(6r) Any assessment or fee which shall not be paid when due may be recovered in an action at law by the City. In addition to any other remedies or penalties provided by this Chapter or this Code, any ordinance of the City, the Administrative Hearing Officer is hereby empowered and directed to enforce this provision as to any and all delinquent owner/users. Authorized personnel under the supervision The employees of the Director of Public Works or designee City shall, at all reasonable times, have access to any property premises served by the City for inspection, repair, or the enforcement of the provisions of this Chapter.

(7g) All authorized personnel under the supervision of the Director of Public Works or his or her designee shall have the power to conduct inspections, give verbal direction, issue notices of violations and implement other enforcement actions under this Chapter.

(Ord. 37, 2012 §3; Ord. 32, 1999 §5)

14.16.170 - Notice of violation; stop work orders; permit termination.

(a) The Director of Public Works, or his or her designee, may issue a notice of violation to any owner/person or user who discharges material as described in this Code into the Stormwater City's storm drainage system Drainage System. Such notice of violation shall be issued in accordance with Section 2.09.120 of this Code. This notice of violation is one (1) of many enforcement options available to the administrative authority.

(b) Stop work orders. When any construction activities, as defined in section Chapter 9.18 of this Code, are being performed in noncompliance with any provisions of this Chapter or Code or any other applicable law, rule, or regulation, the Director of Public Works, or his or her designee, can order the work stopped by serving written notice upon the person performing the Construction Activities construction activities. activity. The person shall immediately stop work until authorized in writing by the Director of Public Works, or his or her designee, to proceed with the work or until approval to proceed has been obtained by legal process. If the person cannot be located, the notice may be posted in a conspicuous place upon the site where Construction Activities construction activities are taking place. construction site. The notice shall state the specific provision, law, rule or regulation that constitutes the violation. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the City. Inspectors.

(c) Any violation of a condition of a City-issued permit the City's Construction Permit in ROW/Easement or is a violation of this Chapter, Code, or other applicable law, rule, or regulation, including performing noncompliant Construction Activities construction activities, shall be sufficient

cause for revocation of ~~such of~~ the City-issued permit. The City may reinstate the permit upon proof of the correction of the noncompliance.

(~~Ord. 37, 2012 §3)~~

14.16.180 - Code violation~~infraction~~ and administrative hearing procedures.

A notice of violation issued under Section 14.16.170 above is a misdemeanor~~Code~~ infraction, ~~and~~ shall proceed in accordance with Section 2.09.120 of this Code and shall be subject to the provisions of this Chapter and penalties as set forth in Chapter 1.33 of this Code.

(~~Ord. 37, 2012 §3)~~

1~~4.16.190 - Sanctions.~~

~~(a) Whenever any person is in noncompliance with the provisions of this Chapter, the Hearing Officer may impose penalty fines up to the amount of one thousand dollars ($1,000.00) per day per violation and pursue the Code infraction sanctions as defined in Chapter 1.33 of this Code and any other sanctions permitted under law. Each repeat violation must be set forth on a notice of violation form and served as set forth in Subsection 2.09.120(d) of this Code.~~

~~(b) Whenever the administrative authority determines a person is violating or failing to comply with any provision of this Chapter, the administrative authority may immediately issue a cessation order causing the person to immediately cease all operations which violate and fail to comply with this Chapter until such person has complied with the provisions of this Chapter. This order of cessation of activities is additional to any other penalties, sanctions or remedies contained in this Chapter or otherwise allowed by law.~~

(~~c) The City may seek and obtain remedies, including but not limited to civil and administrative sanctions, and temporary or permanent injunctive relief against persons for noncompliance with the provisions, standards and requirements of this Chapter.~~

~~(d) Permit termination. Any violation of a condition of a permit or a violation of this Chapter, or of applicable state or federal law or regulation, shall be sufficient cause for revocation of such City permit. The City may reinstate such permit upon proof of the correction of noncomplying discharge.~~

(~~Ord. 37, 2012 §3)~~

Chapter 9.18 - Grading and Soil Erosion Control

9.18.010 - Legislative findings.

The City Council hereby finds that excessive quantities of soil are eroding from certain areas that are undergoing development for nonagricultural uses such as housing and commercial developments, industrial areas, recreational facilities, and roads. This erosion makes necessary costly repairs to gullies, washed out fills, roads, and embankments. The resulting sediment clogs streets, storm sewers, and road ditches, and leaves deposits of silt in streams, lakes, and reservoirs and is considered a significant water pollutant.

~~(Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

9.18.020 - Purpose.

(a) The purpose of this Chapter is to prevent soil erosion and sedimentation from leaving areas~~sites~~ that occur from nonagricultural development and construction ~~activities~~ within the City, by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience, and general welfare of the community.

(b) Any person who undertakes, develops, or is responsible for an undertaking ~~which involves earth disturbance i) equal to~~ or ~~greater than one (1) acre, or ii) less than one (1) acre that is part of a larger common plan of~~ development that involves land disturbing activity descibed in section 9.18.060(a) is~~or sale, is ultimately~~ responsible to see that soil erosion and sedimentation, as well as resulting changed water flow characteristics~~ resulting therefrom~~, are controlled to avoid damage to property and~~ to avoid~~ pollution of receiving waters. Nothing in this Chapter shall be taken or construed as lessening or modifying the ultimate responsibility of such persons. The~~ permit~~ requirements of this Chapter do not imply the assumption of responsibility~~any liability therefor~~ on the part of the City. The standards, criteria and requirements of this Chapter are to be seen as minimum standards which are not necessarily adequate to meet the highly variable conditions which must be covered by effective control measures. Compliance with the requirements of this Chapter may not, therefore, of itself discharge a person's~~such person's~~ responsibility to provide effective control measures.

~~(Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

9.18.030 - Definitions.

Common Plan of Development or Sale means contiguous (within one-quarter (1/4) mile of each other) multiple, separate, and distinct Construction Activities that may be taking place at different times on different schedules, but remain related because they share the same builder, contractor, equipment, or storage areas.

~~Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the following meanings:~~

~~*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of *State Waters* . *Best Management Practices (BMPs)* also include treatment requirements, operating procedures and practices to control construction site runoff.~~

~~*City Inspector* means the person authorized by the City Engineer, or the City Engineer's designee, to inspect a site for the purpose of determining compliance with the provisions of this Chapter.~~

Construction activities means clearing, grading, excavation, installing or improving roads, creating staging areas, stockpiling fill materials, borrow areas, and compacting associated with stabilization of structures, but ~~and other ground disturbance activities. *Construction activities*~~ does not include routine maintenance performed by public agencies or their agents to maintain original line grade, hydraulic capacity, or the original purpose of a facility.

CSESCP (Construction Site Erosion and Sediment Control Plan) ~~or *CSESCP*~~ means a plan submitted to the City that addresses erosion, sediment and waste control, and water quality issues pertaining to the site containing~~. This plan shall contain~~ such information as site description, location, and description of appropriate best management practices as that term is defined in Chapter 14.15~~temporary and/or permanent BMPs~~, maintenance procedures, and all other matters necessary or appropriate to comply with the provisions of this Chapter and the City of Greeley Storm Drainage Design~~Volume II~~ Criteria and Construction Specifications Manual.

Final Stabilization means the condition reached when all land disturbing activities at a development site have been completed, and a uniform vegetative cover has been established with an individual plant density of at least seventy percent (70%) of pre-disturbance levels or equivalent permanent physical erosion reduction methods have been employed.

Land Disturbing Activity~~*Developer* means a person who undertakes land development activities.~~

~~*Development*~~ means an~~any~~ activity that results in a ~~, excavation or fill, alteration, subdivision,~~ change in the existing land surface, ~~use or practice, undertaken by private or public entities, that may affect the discharge of stormwater runoff. *Development* does not include the maintenance of stormwater runoff facilities.~~

~~*Disturbed area* means that area of the land's surface disturbed by any work activity upon the property by means~~ including but not limited to Construction Activities, but does not include tilling~~grading; excavating; stockpiling soil, fill or other materials; clearing; vegetation removal; removal or deposit of any rock, soil or other materials; or other activities which expose soil. *Disturbed area* does not include the tillage of land that is zoned~~ agricultural land.

Stormwater~~*Owner*~~ means ~~any individual, partnership, limited liability company, corporation or other legal entity that has any legal title or equitable ownership interest in the real property.~~

~~*Permanent BMPs* means those permanent stormwater quality BMPs that are properly installed and regularly maintained in order to treat~~ stormwater runoff, snow melt runoff, and surface runoff and drainage.~~ensure long-term water quality enhancements.~~

SWMP (Stormwater Management ~~*Person* means anyone that has legal or contractual rights and obligations with the construction activities, including but not limited to the developer, land owner, contractor or homeowners.~~

Plan) means a plan for receiving, handling, ~~means a document, approved at the site design phase, that outlines the measures~~ and transporting~~practices used to control~~ stormwater within~~runoff at a site.~~

~~*State Waters* means "State Waters" as defined by the Colorado Water Quality Control Act (CWQCA), and includes "any and all surface and subsurface waters which are contained in or flow in or through this State, but [do] not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems and all water withdrawn for use until use and treatment have been completed."~~

~~*Stop work order* means an order issued by~~ the City ~~which requires that all construction activity on a development, or part thereof, be stopped.~~

~~*Stormwater discharge permit* means a permit issued to a developer or other person that will be disturbing one (1) acre or more of soil or less than one (1) acre when part of a larger common plan of development, by the Colorado Department of Public Health and Environment, Water Quality Control Division, to discharge stormwater runoff from construction site activities.~~

Stormwater drainage system. ~~means any man-made improvement or conveyance intended for stormwater runoff from real property, including but not limited to open channels, streets, gutters, catch basins, underground pipes, ditches, swales, detention ponds, retention ponds and lakes.~~

~~(Ord. 37, 2012 §1)~~

9.18.040 - Compliance with Chapter required for site plan or plat approval.

No applicable site plan, plot plan, plat, or replat will~~shall~~ be approved unless it includes~~said site plan, plot plan or plat shall include~~ soil erosion and sediment control measures consistent with the requirements of this Chapter and related land development regulations.

(a) Control measures must be implemented for the development area and associated Construction Activities for the time starting with initial Land Disturbing Activity until Final Stabilization. Adequate control measures must be selected, designed, installed, implemented, and maintained to provide control of all potential discharges into the City's stormwater drainage system from Construction Activities.

(b)~~(Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

~~9.18.050 - Adoption by reference of erosion, sediment and waste control criteria.~~

~~There is hereby adopted by reference, as a part of this Chapter as if fully set forth herein, that certain code consisting of the published criteria of the City known as "Erosion and Sediment Control for Construction Activities," as the same may be amended from time to time.~~ The site plan must locate and identify all structural and non-structural control measures for the applicable Construction Activities, including installation and implementation specifications for all structural controls~~City Engineer,~~ or a reference to the document that does contain those specifications. The site plan must also include a narrative description of non-structural control measures.

9.18.050 - Adoption of manuals by reference.

As criteria for stormwater drainage design and Construction Activities the most recent edition and revisions of the City's Storm Drainage Design Criteria and Construction Specifications Manual and the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual are both hereby adopted by reference as if fully set forth herein. The Director of Public Works orthe City Engineer's designee, shall apply the criteria contained in these manualsthat code, with this Code taking first priority, in the administration of this Chapter, with the Storm Drainage Design Criteria and Construction Specifications Manual taking first priority.

(Ord. 37, 2012 §1; Ord. 15, 1996 §1)

9.18.060 - City Permits and fees.

(a) Grading permit. A City grading permit is required for any development involving Land Disturbing Activity that is:

(1 i) equal to or greater than one (1) acre;

(2 or ii) less than one (1) acre if the construction activities are part of a larger common plan of development or sale within the City; or which falls under the jurisdiction of the State Department of Public Health and Environment, Water Quality Control Commission, including regulations for the State Discharge Permit System.

(3) an area of any size that, due to the nature of its topography or location, provides a potential for negative impact on the City's stormwater facilities, streets, or receiving waters, and will have a detrimental effect upon the public welfare or upon the watershed.

The Director of Public Works or designee shall identify such development sites and provide written notice to the property owner and/or developer with instructions to obtain a grading permit and prepare a CSESCP and SWMP prior to beginning or continuing grading activities.

(b) Permit requirement. UnlessExcept as exempted by this Chapter, no person shall conduct Construction Activitiesdo any grading, stripping, excavating or filling or undertake any Land Disturbing Activityearth disturbance within the City, withoutCity's jurisdiction, unless a Cityvalid grading permit. Issuance of a grading permit is issued by the City. Permit issuance by the City does not exempt parties from obtaining other applicable permits required by the City, state (in particular, a "Stormwater Discharges Associated with Construction Activities Permit from Colorado Department of Public Health and Environment: Water Quality Division") or State or the federal government.

(c) Permit application. A separate application is required for each grading permit. Prior to grading permit issuance, a CSESCP and SWMP must be submitted to, and reviewed and approved by the Director of Public Works or designee.Permit application contents. A separate application isshall be required for each grading permit, including a copy of the State general or individual permit for stormwater discharges, in accordance with the CSESCP and SWMP approved by the Director of Public Works or designee.Stormwater Management Plan, including erosion and sediment control plan, pursuant to requirements of this Chapter.

(d) —Every application for a permit must be accompanied by the appropriate fee as set in accordance with Section 1.05.010 of this Code.~~Fees for City permits are set out in the Storm Drainage Design Criteria and Construction Specifications Manual.~~

~~(d) Stormwater Management Plan. The plans and specifications required for the permit shall include a Stormwater Management Plan (SWMP) prepared in accordance with the construction guidelines available from the State Department of Public Health and Environment. The SWMP shall include a CSESCP pursuant to the requirements and criteria enacted by this Chapter.~~

~~(e) Fees. At the time of filing an application for a grading permit, a nonrefundable filing fee shall be paid to the Director of Finance. An additional nonrefundable fee will be charged for plan review and site inspections. The fees authorized by this Section shall be determined by the City Manager in accordance with Section 1.05.010 of this Code.~~

~~(Ord. 37, 2012 §1; Ord. 26, 2011 §1; Ord. 15, 1996 §1)~~

9.18.070 - Time.

A permit-holder~~The permittee~~ shall comply with all of the provisions of this Chapter and all of the terms and conditions of the grading permit, and shall complete all of the work contemplated under the grading permit within the time limit specified in the grading permit, or within one (1) year~~hundred eighty (180) days~~ after the date of issuance of the grading permit, whichever is earlier. If the permit-holder~~permittee~~ is unable to complete the work within the specified time, at least ten (10) days prior to the expiration of the permit, a written request to the Director of Public Works or designee~~City Engineer~~ for an extension of time must~~shall~~ be submitted setting forth the reasons for the requested extension. In the event such an extension is warranted, the Director of Public Works or designee~~City Engineer~~ may grant additional time for the completion of the work up to one hundred eighty (180) days, but no such extension shall constitute a release ~~the owner~~ from any requirements of this Chapter.

~~(Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

9.18.080 - Failure to complete the work.

In the event the permit-holder~~permittee~~ fails to complete the work or fails to comply with all the requirements, conditions, and terms of a~~the~~ permit, the Director of Public Works or designee~~City Engineer~~ may order completion of such work as is necessary to eliminate any danger to persons or property,~~;~~ to leave the site in a safe condition,~~;~~ and ~~for~~ completion of all necessary ~~temporary or permanent~~ soil erosion control measures.

~~(Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

9.18.090 - Denial of permit.

Grading permits will~~shall~~ not be issued where:

(a~~1~~) The proposed work would cause foreseeable hazards to the public safety and welfare;

(b~~2~~) The work would~~, as proposed by the applicant, will~~ cause damage to any public or private property,~~;~~ interfere with any existing drainage course and cause ~~to the extent~~ damage ~~may occur~~ to an~~any~~ adjacent property,~~;~~ result in the deposit of debris or

sediment on any public way or into any waterway,; or create an unreasonable hazard to persons or property;

(3c) The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work will eliminate or sufficiently reduce earth settlement, slope instability, or any other such hazard to persons or property; or

(4d) The land area foron which the grading is proposed lieslays within the designated floodplain of any stream or watercourse unless a hydrologic report, prepared by a professional engineer, is submitted to certify that the proposed grading will have, in his or her professional opinion, no detrimental influence on the public welfare or upon the total development of the watershed and is consistent with the floodplain ordinances and Federal Emergency Management Agency regulations.

(Ord. 37, 2012 §1; Ord. 15, 1996 §1)

9.18.100 - Modifications of approved plans.

Major proposed modifications of an approved CSESCP must be submitted with all supporting materials to the Director of Public Works or designee.City Engineer. No work in connection with major proposed modifications shall be permitted without prior approval of the Director of Public Works or designee. All changes in hydrology constituteCity Engineer. *Major proposed modifications*. In addition, are defined as all changes in hydrology. Field conditions may require ongoing modifications to site soil and erosion control plans. Minor modifications to these plans are considered to be BMP substitutions that are equivalent in performance or more suitable to the specific site conditions. Approval of modifications may be issued when the applicant demonstrates that the modifications will provide soil erosion controls equivalent to or better than the originally approved CSESCP.

(Ord. 37, 2012 §1; Ord. 15, 1996 §1)

9.18.110 - Responsibility of permit-holder.permittee.

During Construction Activities and until Final Stabilization, the permit-holdergrading operations, the permittee shall be responsible for:

(1a) The prevention of damage to any public utilities or services within the limits or grading area in which Land Disturbing Activity is taking place and along any routes of travel of the equipment.

(2b) The prevention of damage to adjacent property.

(3c) Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of any permitsthe permit and this Chapter.

(4d) The prompt removal of all soil, debris, and materials deposited on public streets, highways, sidewalks, or other public thoroughfares or any other nonauthorized off-site location, including transit routes to and from the construction site, or elsewhereotherwise, where such deposits may constitute a public nuisance, trespass, or hazard.

(~~5~~e) Implementing and maintaining control measures for~~to control~~ sediment and erosion within~~for~~ the permitted area and associated Land Disturbing Activity.

~~(Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

9.18.120 - General requirements.

The following requirements must be met for Land Disturbing Activity~~earth disturbance~~ authorized pursuant to a grading permit:

(~~1~~a) All temporary erosion control facilities and all permanent facilities intended to control erosion ~~of any earth disturbance operation~~ shall be installed before any Land Disturbing Activity takes~~earth disturbance operations take~~ place, if practicable.

(~~2~~b) Any Land Disturbing Activity~~earth disturbances~~ shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation, and should not exceed the erosion expected to occur for the area if~~site in its totally~~ undeveloped~~ state~~.

(~~3~~c) All persons engaged in Land Disturbing Activity~~earth disturbances~~ shall design, implement and maintain~~ acceptable~~ soil erosion and sedimentation control measures, in conformance with the erosion control technical standards adopted by the City contained in the Storm Drainage Design Criteria and Construction Specifications Manual and Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual.~~.~~

(~~4~~d) All Land Disturbing Activity~~earth disturbances~~ shall be designed~~, constructed~~ and completed in such a manner so that the change in existing~~exposed area of any disturbed~~ land surface is~~shall be~~ limited to the~~a~~ minimum period of time.

(~~5~~e) Sediment caused by accelerated soil erosion shall be removed, to the maximum extent practicable, from runoff water before it leaves the area~~site~~ of the Land Disturbing Activity~~earth disturbance~~.

(~~6~~f) Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the area of Land Disturbing Activity~~earth disturbance area~~ shall be designed to limit the water flow to a nonerosive velocity.

(~~7~~g) Temporary soil erosion control measures~~facilities~~ shall be removed and disturbed~~earth disturbance~~ areas graded and stabilized with permanent soil erosion control measures pursuant to standards and specifications prescribed in accordance with the provisions of the SWMP~~ plan~~, applicable regulations, and the grading permit.

(~~8~~h) Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed ~~land~~ area shall be completed within fourteen (14) calendar days, depending on climate conditions, after final Stabilization~~grading or the final earth disturbance~~ has been completed. When it is not possible to permanently stabilize an ~~a disturbed~~ area after Land Disturbing Activity~~an earth disturbance~~ has ceased~~been completed or where significant earth disturbance activity ceases~~, adequate temporary soil erosion control measures in compliance with the Storm Drainage Design Criteria and Construction Specifications Manual and Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual shall be implemented within fourteen (14) calendar days

depending on climate conditions. All temporary soil erosion control measures shall be maintained until permanent soil erosion measures are implemented.

~~(Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

9.18.130 - Maintenance requirements.

Persons carrying out soil erosion and sediment control measures required by this Chapter, and all subsequent owners of property upon which such measures have been taken, shall maintain all permanent erosion control measures such as retaining walls, structures, plantings, and other protective devices. Should the ~~applicant or subsequent property owners fail to adequately maintain the~~ permanent erosion control facilities fail to be maintained, the City reserves the right and authority to enter the affected property, provide needed maintenance, and be reimbursed~~charge the owner~~ for the cost of work performed.

~~(Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

9.18.140 - Grading permit/soil and erosion control plan requirements.

All CSESCPs and specifications, including modifications of previously approved plans, shall include design standards for erosion, sediment and waste control in accordance with the Storm Drainage Design Criteria and Construction Specifications Manual ~~StormwaterCity's Design Criteria Manual~~and Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual.~~, Volume 2, as amended from time to time.~~ Soil and erosion control plans are required for ~~on the following sites:~~

~~(1) Development having construction activity including clearing, grading and excavation activities that result in the disturbance of land equal to or greater than one (1) acre which are not part of a larger common plan of~~ development described in section 9.18.060(a).~~or sale.~~

~~(2) Development having construction activity including clearing, grading and excavation activities that result in the disturbance of land less than one (1) acre if part of a larger common plan of development or sale.~~

~~(3) Other sites not included in Paragraph (1) or (2) above but which, due to the nature of their topography or location, provide a potential for significant negative impact on the City's stormwater facilities, streets or receiving waters.~~ The Director of Public Works or designee~~City Engineer~~ shall identify such sites and provide written notice to the property owner and/or developer with instructions to obtain a grading permit and prepare a CSESCP prior to beginning or continuing grading activities.

~~(Ord. 37, 2012 §1; Ord. 43, 2003 §1; Ord. 15, 1996 §1)~~

9.18.150 - Exemptions~~Variances and exceptions~~.

~~(a)~~ No grading permits will~~shall~~ be required for the following:

(~~1~~a) Agricultural use of land zoned ~~holding~~ agricultural.

(~~2~~b) Grading or excavations below finished grade for basements, footings, retaining walls, or other structures ~~on plots zoned RL – RH~~, that result in land Disturbing

Activityof~~disturbance of~~ less than one (1) acre in size and are not part of a Common~~larger~~ plan of development or sale, unless required by section~~pursuant to Paragraph~~ 9.18.140.~~(2).~~

(~~3~~c) A sidewalk or driveway, authorized by a valid permit, that is less than one (1) acre in size and not part of a Common Plan of Development or Sale.~~.~~

(~~4~~d) Gravel, sand, dirt, or topsoil removal as approved~~authorized~~ by the state Mined Land Reclamation Board, provided that ~~said~~ approval includes an erosion plan that meets the ~~minimum~~ requirements specified by this Chapter.

(~~5~~e) Upon sites where the Director of Public Works or designee~~City Engineer~~ certifies in writing that the planned work, ~~and the~~ final structures, or topographical changes do~~will not result in or contribute to soil erosion or sedimentation; will~~ not meet the conditions described~~interfere with any existing drainage course~~ in sections 9.18.060(a)(3)~~such a manner as to cause damage to any adjacent property; will not result in the deposit of debris~~ or 9.18.080(2).~~sediment on any public way; will not present any hazard to any persons or property; and will have no detrimental effect upon the public welfare or upon the total development of the watershed.~~

(~~6~~f) Even though ~~no~~ permits are not required under sections~~Paragraphs~~ (a)(1) through (5) above, those operations and construction activities which are exempted from obtaining permits must comply with the rules and regulations concerning grading and erosion specified in this Chapter, and shall provide appropriate controls to retain any eroded soil ~~erosion~~ on the construction site.

~~(b) Where it is alleged that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the City Engineer, the Director of Public Works may hear appeals regarding the decisions of the City Engineer to determine if the decisions of the City Engineer were based on a misinterpretation of the requirements of this Chapter and referenced criteria. The decision of the Public Works Director shall be final.~~

~~(Ord. 37, 2012 §1; Ord. 43, 2003 §2; Ord. 15, 1996 §1)~~

9.18.160 - Inspection, control and stop work orders.

(a) The requirements of this Chapter shall be enforced by the Director of Public Works or ~~his or her~~ designee. The Director of Public Works or ~~his or her~~ designee shall have the authority to inspect the work~~;~~ and require the property owner and/or developer to obtain services for adequate on-site inspection, including compaction testing by an acceptable soil engineer, if determined necessary~~unless he or she determines that such inspection requirements may be waived due to the nonhazardous nature of the grading~~.

(bc) ~~(b) Upon satisfactory execution of all approved grading plans and other requirements, the Director of Public Works or his or her designee may issue a certification of completion.~~ If the Director of Public Works or ~~his or her designee finds any existing conditions not in conformance with any application, grading permit or approved plan, he or she may refuse to approve further work until a revised SWMP plan which conforms to the existing condition has been prepared and approved.~~

~~(c) If the Director of Public Works or his or her~~ designee finds that eroded soils are leaving the area where Construction Activities are occurring~~construction site~~, the Director of Public Works or ~~his or her~~ designee may orderthe property~~direct by written order the~~ owner and/or developer~~, his or her agent or contractor~~ to install any and all erosion controls that are deemed necessary to prevent said soil erosion from migrating off site. ~~It shall be the duty of the permittee to immediately take all necessary steps to comply with such order and otherwise to take all necessary steps to prevent such soils migrating off premises or entering receiving waters. Delivery of such a written order by the Director of Public Works or his or her designee to the owner's agent or contractor shall be deemed to be notice thereof to and binding upon the owner.~~

(c~~d~~) Stop work orders. When any construction activities are being performed in noncompliance with any provisions of this Chapter or any other applicable law, rule or regulation, the Director of Public Works or ~~his or her~~ designee may~~can~~ order the work stopped by serving written notice upon the person performing the Construction Activities describing the violation~~activity~~. The person should immediately stop work and not proceed with any work until written approval to proceed has been obtained from the Director of Public Works or designee.~~City.~~ If the person cannot be located, the notice may be posted in a conspicuous place upon the site or~~construction site. The notice shall state~~ the Construction Activities~~specific provision, law, rule or regulation that constitutes the violation~~. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the Director of Public Works or designee.~~City Inspectors.~~

(d) Developed property.~~e) Individual lot controls.~~ Oversight of developed property from which ~~individual construction lots sold to builders and/or homeowners who allow~~ pollutants, ~~especially~~ sediment, ~~and~~ concrete wastes, and other materials are allowed~~,~~ to spread are~~leave their sites will be~~ addressed and enforced pursuant~~enforcement action taken pursuant~~ to Chapter 14.16 of this Code~~, prohibiting illegal discharges into the City's stormwater drainage system~~.

~~(Ord. 37, 2012 §1; Ord. 15, 1996 §1)~~

9.18.170 - Notice of violation.

The Director of Public Works or designee ~~his or her designee~~ may issue a notice of violation to any property owner and/or developer~~, owner or person~~ who has not obtained a grading permit pursuant to this Chapter, or has failed~~fails~~ to implement a~~their~~ CSESCP and maintain the site ~~BMPs~~ as proscribed in the CSESCP~~erosion and sediment control plan. Such notice of violation shall be issued in accordance with Section 2.09.120 of this Code.~~

~~(Ord. 37, 2012 §1)~~

9.18.180 - Code violation~~ and administrative hearing procedures~~.

(a) A ~~notice of~~ violation noticed~~issued~~ under this Chapter shall be deemed a misdemeanor~~Section 9.18.170 above is a code~~ infraction and shall proceed in accordance with Section 2.09.120 of this Code and shall be subject to penalties ~~as~~ set forth in Chapter 1.33 of this Code.

(b) In addition, if a permit-holder violates a condition of a City-issued grading permit, this Chapter, or applicable state or federal laws or regulations regarding Construction Activities, the City shall revoke the grading permit. The City may reinstate the permit upon a showing of proof that the noncompliance has been corrected.

~~(Ord. 37, 2012 §1)~~

~~9.18.190 - Penalties and enforcement.~~

~~(a) Whenever any person is in noncompliance with the provisions of this Chapter, the hearing officer may impose penalty fines up to the amount of one thousand dollars ($1,000.00) per day per violation and pursue the code infraction sanctions as defined in Chapter 1.33 of this Code and any other sanctions permitted under law. Each repeat violation must be set forth on a notice of violation form and served as set forth in Subsection 2.09.120(d) of this Code.~~

~~(b) Whenever the administrative authority determines a person is violating or failing to comply with any provision of this Chapter, the administrative authority may immediately issue a cessation order causing the person to immediately cease all operations which violate and fail to comply with this Chapter until such person has complied with the provisions of this Chapter. This order of cessation of activities is additional to any other penalties, sanctions or remedies contained in this Chapter or otherwise allowed by law.~~

~~(c) The City may seek and obtain remedies, including but not limited to civil and administrative sanctions and temporary or permanent injunctive relief against persons for noncompliance with the provisions, standards and requirements of this Chapter.~~

~~(d) Any fee which shall not be paid when due may be recovered in an action at law by the City. In addition to any other remedies or penalties provided by this Chapter or any ordinance of the City, the administrative hearing officer is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the City shall, at all reasonable times, have access to any premises served by the City for inspection, repair or the enforcement of the provisions of this Chapter.~~

~~(Ord. 37, 2012 §1; Ord. 46, 2006 §1; Ord. 15, 1996 §1)~~

Chapter 14.15 - Stormwater Management Program

14.15.010 - Declaration of purpose.

(a) The City Council hereby finds, determines and declares that providing stormwater facilities for the drainage and control of flood and surface waters within the City, including areas to be subdivided and developed, is necessary in order that storm and surface waters may be properly drained, treated and controlled and is necessary to protect the health, property, safety and welfare of the City and its inhabitants.

(b) The City Council further finds, determines and declares that the owners of all real property within the City are the ultimate beneficiaries and users of the City's stormwater Drainage system and should pay a portion of the costs of providing, maintaining and administering the facilities~~, maintenance and administration~~ necessary for the reasonable control of stormwater.

(c) The City Council further finds, determines and declares that dedicated funding for stormwater management is needed.

(d) The City Council further finds that the appropriate way to establish and administer this program is by establishing a Stormwater Management Program as an enterprise fund operation of the City.

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

14.15.020 - Definitions.

Control Measures~~*Best Management Practices (BMPs)* shall mean methods that have been determined to be the most effective, practical~~ means BMPs (best ~~of preventing or reducing pollution from stormwater runoff. These include schedules of activities, prohibitions of practices, maintenance procedures and other~~ management practices) or other ~~. *BMPs* also include treatment requirements,~~ operating procedures of methods used to prevent or reduce the discharge of pollutants~~and practices~~ to the City's Stormwater Drainage System from ~~control plant or~~ construction site runoff, spillage, and ~~or~~ leaks, and can include the installation, operation,~~sludge or waste disposal or drainage from raw material storage.~~

~~*City* shall mean the City of Greeley including staff~~ and maintenance of structural controls~~elected~~ and treatment devices, ~~appointed officials.~~

~~*Detention* shall mean the collection and temporary storage of stormwater in~~ such ~~a manner~~ as landscape buffers and swales, modular block porous pavement, and detention basins and proprietary.~~to provide treatment through physical, chemical or biological processes, with subsequent gradual release of the stormwater.~~

Impervious Area means areas covered in ~~*Developed land* shall mean land on which any part of its surface has been modified by the works of humans in such~~ a way that prevents the land's~~land's~~ natural ability to absorb and infiltrate typical~~hold~~ precipitation and irrigation events, like roofs, walkways, patios, driveways, parking lots, storage areas, concrete and asphalt, and any other continuous watertight pavement or covering.~~has been reduced.~~

MS4 Permit means the COLORADO DISCHARGING PERMITTING SYSTEM GENERAL PERMIT STORMWATER DISCHARGES ASSOCIATED WITH MUNICIPAL SEPARATE STORM SEWER SYSTEM issued by the Colorado Department of Public Health and Environment under which the Stormwater Drainage System operates.

Formatted: Table Normal1

Formatted: Font: (Default) Calibri, 10 pt

Stormwater Drainage System ~~*Drainage basin* shall mean the watershed area contributing stormwater to the stormwater system.~~

~~*Impervious surface* shall mean a surface that has been compacted or covered so that it is highly resistant to infiltration by water.~~

~~*Owner*~~ means any man-made improvement or conveyance intended for stormwater runoff from ~~individual, partnership, limited liability company, corporation or other legal entity that has any legal title or equitable ownership interest in the~~ real property~~.~~

~~*Permanent BMPs means those permanent stormwater quality BMPs~~, including but not limited to open channels, streets, gutters, catch basins, ~~grass buffers and swales, modular block porous pavement, porous pavement and landscape detention, extended detention basins and proprietary (~~underground pipes, ditches, swales, detention or retention ponds, ~~) BMPs to be properly installed and regularly maintained in order to treat stormwater runoff and ensure long-term water quality enhancements.~~

~~*Retention* shall mean the prevention of, or to prevent the discharge of, a given volume of stormwater runoff into surface waters by permanent storage.~~

~~*Stormwater* shall mean the flow of surface water that results from~~ and ~~occurs following a precipitation event or irrigation return flow.~~

~~*Stormwater Board* shall mean the five (5) persons appointed by City Council and shall hereinafter be referred to as the *Board* .~~

~~*Stormwater management* shall mean all activities related to the administration, planning, master planning, financing, construction, operation and maintenance of the stormwater system.~~

~~*Stormwater management plan* shall mean a plan for receiving, handling and transporting stormwater within the City stormwater system.~~

~~*Stormwater Management Program* shall be operated as an enterprise following the accepted principles and procedures established by the Governmental Accounting Standards Board as a publicly held "Enterprise Fund."~~

~~*Stormwater system* shall mean all natural and manmade elements, facilities, structures, equipment and land that are used for or incidental to the conveyance, control, treatment or disposition of stormwater.~~

~~*Surface waters* shall mean all water naturally open to the atmosphere (rivers,~~ lakes~~.,~~ ~~reservoirs, ponds, streams, impoundments, seas, etc.) and all springs, wells or other collectors directly influenced by surface water.~~

~~*Undeveloped land* shall mean land that has not been altered or on which no development has been constructed.~~

~~(Ord. 31, 2013 §1; Ord. 37, 2012 §2; Ord. 18, 2008 §1; Ord. 70, 2002 §1; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

14.15.030 - Creation of Stormwater Management Program.

There is hereby created a Stormwater Management Program of the City empowered to implement the provisions of this Chapter.

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

14.15.040 - Administration by City Manager.

The administration of the provisions of this Chapter ~~is hereby vested in and~~ shall be exercised by the City Manager, who may prescribe forms, rules, and regulations in conformity with this Chapter or for the ascertainment, computation, and collection of fees imposed hereunder and for the proper administration and enforcement hereof. The City Manager may delegate the administration of this Chapter or any part thereof, subject to the limitations of the Charter and Code of the City, to duly qualified employees~~deputies~~ and agents of the City.

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

14.15.050 - Creation of Stormwater Board.

There is hereby created a board to be known as the "~~"~~Stormwater Board~~," hereinafter referred to in this Chapter as the "Board,"~~ to assist in administration of this Chapter. The Board shall consist of five (5) members appointed by the City Council. ~~The Department of Public Works shall be responsible for developing plans, establishing proposed design and construction standards and evaluating proposals from subdividers and developers.~~

~~(Ord. 31, 2013 §1; Ord. 37, 2012 §2; Ord. 70, 2002 §1; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

14.15.060 - Comprehensive stormwater management plan.

The purpose of The Stormwater Management Program shall be to develop a comprehensive stormwater management plan for the City based on sound engineering studies that indicate the location of all facilities in the City, including those facilities that currently exist and those determined to be needed and ~~that are~~ intended to be constructed in the future. The ~~City Council may adopt the comprehensive~~ stormwater management plan is described in the City's Storm Drainage Design Criteria and Construction Specifications Manual and serves to~~by resolution upon recommendation of the Board. All substantial modifications or amendments shall also be made by resolution of the City Council upon recommendation of Council or of the Board. Such plan shall~~ guide the Stormwater Management Program in the construction, operation, and maintenance of the stormwater Drainage system. The City shall, in all ways and within the limits of its powers, solicit adjacent municipalities, and Weld~~the~~ County to cooperate in providing stormwater facilities in drainage basins~~, or parts thereof,~~ extending outside the City limits and in general, to carry out the stormwater management plan~~ developed therein. Maps showing all drainage basins and proposed facilities shall be furnished to the County Commissioners for their use in this matter, as they are requested and become available and updated~~.

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1 (part))~~

14.15.070 - Duties of Stormwater Board.

(a) The Stormwater Board shall make recommendations to the City Council on all matters concerning stormwater management, priorities, policies, fees, and procedures.

(b) The Board shall also review and make recommendations to the City Council on the ~~comprehensive~~ stormwater management plan.~~ and any proposed amendments thereto.~~

(c) The Board shall recommend the facilities needed to provide an adequate stormwater Drainage system. Such recommendations shall include the following:

(1) The facilities to be constructed.

(2) The prioritization and schedule for construction of facilities.

(3) The method of assessing fees against property.

(4) Apportionment of the cost of new facilities to be assessed against the property and the portion, if any, of such cost which should be paid by the City.

(5) Long-range plans not only in the ensuing five year proposed capital improvement budget, but also longer periods of time.

Before making recommendation for any project, the Board shall analyze the project and compare the benefits to be achieved with the anticipated cost of the project.

(d) The Board shall annually recommend stormwater rates, including the Stormwater Drainage Development Impactdrainage development fees imposed pursuant to Chapter 4.64 of this Code, which need not be uniform for all classes of users. Rates shall include all costs for the construction, reconstruction, replacement, rehabilitation, and improvement of the stormwater Drainage system.

(e) The Board shall make recommendations to the City Manager for expenditures for the stormwater Drainage system annual budget.

(f) The Board shall also hear the appeal of any owner of property in the City who disputes the amount of the Stormwater Management Program fee made against such owner's property or who disputes any determination made by or on behalf of the City pursuant to and by authority of this Chapter. After hearing, the Board may make such revision or modification of such fee or determination as it shall deem appropriate. in accordance with Section 14.15.180.

(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))

14.15.080 - Stormwater Management Program fee.

(a) There is hereby imposed on each and every property within the City and upon the owners thereof a Stormwater Management Program fee. This fee is deemed reasonable and is necessary to pay for the construction, reconstruction, maintenance, replacement, and improvement of the City stormwater drainage facilities and of such future stormwater drainage facilities as may be required, and to pay for the design, right-of-way acquisition, and construction or reconstruction of stormwater drainage facilities to the extent that such costs have been determined not to be the responsibility of developed properties. All of the proceeds of the Stormwater Management Programthis fee are deemed to be in payment for use of the City's stormwater Drainage system by the real property on which the fee is imposed and by the owners thereof. This fee is in addition to and not in replacement of the Stormwater Drainage Development Impact feesdrainage fee for new development imposed pursuant to Chapter 4.64 of this Code.

(b) The Stormwater Board shall provide recommendations as to the amount of the Stormwater Management Program fee to the City Manager. The recommendations will be based on a

property's potential to produce stormwater runoff. The City Manager shall be responsible for establishing the amount of the Stormwater Management Program fee in accordance with Section 1.05.010 of this Code.

(c) Property owners who have provided stormwater management facilities operating and are consistent with the stormwater management plan, may request a reduction in the Stormwater Management Program fee from fee. The schedule of the Stormwater fee assessed against individual properties shall be recommended by the Board and shall be based upon the property's potential to produce stormwater runoff. The Board shall set forth its determination as to the appropriate amount of the fee by resolution.

(Ord. 37, 2012 §2; Ord. 26, 2011 §1; Ord. 41, 2003 §2; Ord. 91, 2001 §1)

14.15.090 - Stormwater Management Program Fund.

(a) All Stormwater Management Program fees collected by the City and such other funds moneys as might be available to the City for the purposes of this Chapter shall be deposited into a special fund which is hereby created, known as the "Stormwater Management Program Fund. The Stormwater Management Program." Such fund shall be used for the purpose of paying the costs of stormwater drainage facilities to be constructed and the operation, operations, administration, repairs, and maintenance of the existing stormwater drainage facilities of the City.

(b) All amounts available in the Stormwater Management Program Fund shall such fund, from time to time, shall be invested by the Director of Finance in investments proper for City funds. All funds collected pursuant to the provisions of this Chapter for operation, administration, maintenance and construction of stormwater facilities shall be separately designated as such and shall be used solely for those purposes.

(Ord. 37, 2012 §2; Ord. 91, 2001 §1)

14.15.100 - Development Infrastructure Fund.

The Stormwater Drainage Development Impact The drainage development fees currently collected pursuant to Chapter 4.64 and deposited in the separate account of the Development Infrastructure Fund pursuant to that Chapter shall be placed and administered by the Stormwater Management Program and expended in accordance with the provisions of Chapter 4.64 and Section 5-6 of the Greeley Charter.

(Ord. 37, 2012 §2; Ord. 41, 2003 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))

14.15.110 - Billing for fee.

The Stormwater Management Program fee may be billed and collected with the City water and sewer bill, or other method as determined by the Board, for property those lots or parcels of land utilizing City water and sewer services or and billed and collected separately as the Stormwater Management Program fee fees for property those lots or parcels of land and owners thereof not utilizing other City water and sewer services utilities. All such bills for Stormwater Management Program fees shall be paid to the Department of Finance and shall become due and payable in accordance with the rules and regulations of the Department of Finance pertaining to the collection of such charges. The Director of Finance shall place all such charges so collected

funds into the Stormwater Management Program Fund. ~~to be deposited and separately kept as a fund to be used only for the purposes stated herein.~~

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1)~~

14.15.120 - Certain properties exempt from fees.

The following ~~land uses~~ are exempt from Stormwater Management Program fees:

(~~1~~a) ~~All~~ public park and recreational properties;~~land;~~

(~~2~~b) ~~All~~ public or private ponds, lakes, reservoirs, rivers, creeks, natural water courses, wetlands, or irrigation ditch/canal rights-of-way;

(~~3~~c) ~~All~~ public streets, highways, rights-of-way, and alleys;

(~~4~~d) ~~All railroad rights-of-way except~~ railroad property ~~not~~ utilized for railroad purposes;

(~~5~~e) ~~All~~ cemeteries; and

(~~6~~f) Properties ~~All lands~~ actively used for agriculture and classified agricultural by the Weld County Assessor.

~~(Ord. 37, 2012 §2; Ord. 18, 2008 §2; Ord. 91, 2001 §1)~~

~~14.15.130 Stormwater fee reduction or waiver.~~

~~In the event that a private or public entity, authority, special district or any other person or company has obtained, in its own name, a Colorado Discharge Permit System (CDPS) permit from the State and said permit is in good standing, then said entity, person or company may request that the City enter into an agreement to reduce and/or waive the Stormwater Program Management fees for the period of its CDPS permit. The terms of any agreement shall state, among other things, the reduced fee or waiver of fees; the requirement to maintain the party's CDPS permit in good standing at its sole cost; and an agreement to pay stormwater fees in the event of default or termination.~~

~~(Ord. 37, 2012 §2; Ord. 11, 2006 §1)~~

~~14.15.140 Enforcement.~~

~~Any fee which has~~shall not be paid when due may be recovered in an action at law by the ~~City. In addition to any other remedies or penalties provided by this Chapter or this Code.~~ Authorized~~any ordinance of the City, the City Manager is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the City shall, at all reasonable times, have access to any premises served by the City for inspection, repair, or the enforcement of the provisions of this Chapter.~~

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1)~~

14.15.150 - Unpaid fees to be a lien.

(a) An unpaid Stormwater Management Program fee shall become a lien upon the property to which such charge is associated from the date the fee becomes due until the fee is paid.

(b) ~~(a) All Stormwater Management Program fees made pursuant to this Chapter shall become a permanent lien upon the property to which such charge is associated from the date said fee becomes due until such fee is paid. The owner of every building, premises, lot or house shall be obligated to pay the charge for all service provided for their premises, which obligation may be enforced by the City by action at law or suit to enforce the lien. In the case that a tenant in possession of any premises or buildings shall not pay said fee, it shall not relieve the landowner from such obligation and lien; and the City shall not be required to look to any person whatsoever other than the owner for the payment of such fees. No changes of ownership or occupation or use shall affect the application of this Section, and the failure of any owner to learn that they purchased property against which a lien for Stormwater Management Program fees exists shall in no way affect their responsibility for such payment. Notwithstanding any provision to the contrary, any delinquent amount may be enforced by assessment and lien upon the property and premises so served and certification thereof to the County Treasurer for collection. All actions are cumulative.~~

~~(b)~~ If the City incurs ~~expenses and~~ costs by reason of providing services or ~~causing services to be provided and providing~~ materials in connection with the operation of the Stormwater Management Program, including administrative costs, those ~~or causing materials to be provided, such total~~ costs ~~and expense~~ shall be set forth in a written special assessment notice to be prepared by the Director of Finance and ~~to be~~ mailed ~~by him or her~~ to the owner or other person ~~in possession~~ whose duty it is to provide such services and materials. ~~All such assessment notices shall declare that the full amount is immediately due and payable.~~ Failure to pay the special~~any such~~ assessment shall cause the amount to ~~immediately~~ become a lien against the property and that~~lot, block or parcel of land owned or occupied by the person to whom the assessment notice was mailed, and such~~ lien shall have priority over all other liens, except ~~the~~ general taxes and prior special assessments. ~~Such lien shall be enforced in the same manner as the lien for special assessments is enforced under Subsection 13.44.080(c) of this Code.~~

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1)~~

14.15.160 - Requirement for permanent stormwater water quality Control Measures~~BMPs~~.

(a) The owner or developer of ~~—~~Any new or existing development that involves Land Disturbing Activity as defined in section 9.18.030 that is:

(1) ~~developments that disturb: i)~~ equal to or greater than one (1) acre; or

(2 ~~ii~~) less than one (1) acre if the construction activities are~~that is~~ part of a ~~larger~~ common plan of development or sale as defined in section 9.18.030,

~~,~~ must design, construct, install, perform inspections on, and maintain in perpetuity Control Measures~~indefinitely permanent BMP units or systems~~ that prevent or minimize water quality impacts and address stormwater runoff quality.

(b) The Control Measures must be designed, installed, and maintained, in accordance with the following:

(1) The City's Storm Drainage Design Criteria and Construction Specifications Manual and Urban Drainage; and

(2) The Flood Control District's Urban Storm Drainage Criteria Manual; and

(3) The design standards required by the City's MS4 permit.

~~. All permanent BMP units or systems shall, at a minimum, comply with~~meet the City's ~~Storm Drainage Design Criteria and Construction Specifications Manual.~~ Such Control Measures, including their attainment of design standards in conformance with the City's MS4 permit requirements, must be reviewed and approved by the Director of Public Works or designee.~~, as amended, and adopted as design criteria specification.~~

~~(b) Permanent BMPs. Developed land, for both private and public projects, that meets the requirements of this Chapter and disturbs: i) greater than or equal to one (1) acre; or ii) less than one (1) acre that is a part of a larger plan of development, must address stormwater runoff quality through the use of permanent BMPs which shall be maintained in perpetuity.~~

~~(1) Treatment BMPs, including but not limited to inlet inserts, bioretention, grass swales and buffers, extended detention basins, sand filters, permeable pavement, constructed wetland ponds and channels, and underground BMPs located on private property shall be owned and operated by the owners of the property on which the BMP is located, unless the City in writing agrees that a person other than the owner shall own or operate such BMP.~~

~~(2) Nontreatment BMPs, including but not limited to site operations, employee training and site planning incorporating low impact development techniques to address stormwater quality, shall be implemented in perpetuity.~~

~~(3) As a condition of approval of the BMP, the owner of a private developed land project shall also agree to maintain the BMP to its design capacity unless or until the City relieves the property owner of that responsibility in writing.~~ The obligation to maintain the Control Measures in perpetuity~~BMP~~ shall be memorialized on a~~the~~ subdivision plat, annexation plat, development agreement, or other instrument ~~or in a form acceptable to the City and shall be~~ recorded in the office of the Weld County Clerk and Recorder.

(c~~b~~) Should the owner or developer fail to adequately maintain the Control Measures, the City shall have the right to enter the property for the purposes of performing operation and maintenance. All associated costs, including administrative costs, shall be assessed pursuant to section 14.15.150(b).

(d~~c~~) In addition to the above section, failing to adequately maintain Control Measures shall be a violation of this Chapter.

14.15.165 - Excluded projects

The following new or existing development is not required to comply with section 14.15.160:

(a) Paving that does not result in a substantial increase of Impervious Area and infrastructure, like routine maintenance, rehabilitation, replacement, and reconstruction.

(b) Redevelopment of existing roads when:

(1) less than one (1) acre of paved area per mile of road is added; or

(2) less than 8.25 feet of paved width at any location is added.

Formatted: Table Normal1, Justified, Space After: 6 pt

(c) Installation or maintenance of underground utilities or infrastructure that does not permanently alter existing terrain, ground cover, or drainage patterns.

(d) Single family residential or agricultural zoned property equal to or greater than 2.5 acres per dwelling, having a total Impervious Area of less than ten percent (10%).

(e) Any development that submits to the Director of Public Works a site specific study detailing rainfall and soil conditions demonstrating that post-development surface infiltration will not result in the discharge of concentrated stormwater flow during an 80th percentile runoff event. The site specific study must be approved by the Director of Public Works or designee.

(f) Undeveloped property on which Land Disturbing Activity occurs but results in no added structures or Impervious Area.

(g) Stream stabilization sites.

(h) Bike and pedestrian trails that are not attached to roads.

(i) Oil and gas exploration.

~~(Ord. 37, 2012 §2)~~

14.15.170 - Stormwater facilities and Control Measures~~Best Management Practices (BMPs)~~ required for subdivisions.

Prior to acceptance~~the final approval~~ of the plat of a~~any~~ subdivision or the plan for a Planned Unit Development (PUD) the owner or developer of the proposed subdivision or PUD must submit to the Director of Public Works for review and approval ~~P.U.D.) plan, the owners of the property being subdivided shall, at such owners' cost, prepare detailed~~ plans and specifications for the construction and installation of all required stormwater facilities and Control Measures~~BMPs required for such subdivision~~, including the facilities required to convey stormwater to existing drains, detention ponds, or other existing discharge points that conform with the City's Storm Drainage Design Criteria and Construction Specifications Manual ~~or other existing discharge points, all in conformity with the stormwater management plan adopted by the City Council. The Director of Public Works shall review such plans and specifications and, after the Director's acceptance of the same, the plat of the subdivision or P.U.D. plan may be approved, subject to the City's being furnished with acceptable assurance that such facilities will be constructed and installed as indicated and approved~~.

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

~~14.15.180 - Administrative review; appeals.~~

~~(a) Any owner who disputes the amount of the Stormwater Management Program fee made against such owner's property or who disputes any determination made by or on behalf of the City pursuant to and by the authority of this Chapter may petition for a hearing on a revision or modification of such fee or determination. The Director of Public Works may hold such hearings or may designate a person as a Hearing Officer with authority to hold such hearings. Such petition may be filed only once in connection with any such fee or determination, except upon a showing of changed circumstances sufficient to justify the filing of such additional petition.~~

(b) Such petitions shall be in writing, filed with the City Clerk, and the facts and figures submitted shall be submitted under oath either in writing or orally at a duly scheduled hearing. The hearing, if any, shall take place in the City Hall of Greeley, or other places as designated by the Hearing Officer, and notice thereof and the proceedings shall otherwise be in accordance with the rules and regulations issued by the City. The petitioner shall have the burden of proof.

(c) Within thirty (30) days of filing, the Hearing Officer shall make findings of fact based upon all relevant information, shall make a determination based upon such findings and, if appropriate, modify such fee or determination accordingly. Such determination shall be considered a final order of the Hearing Officer, which order may, within thirty (30) days of its issuance, be appealed to the Board for a hearing on such a revision or modification of such fee. Any such appeal to the Board shall be in writing, filed with the City Clerk, setting forth the specific errors and omissions of the Hearing Officer in the Officer's determination and such hearings shall take place in the City, and notice thereof and the proceedings shall otherwise be in accordance with the bylaws, rules and regulations of the Board. The appellant shall have the burden of proof.

(d) Persons desiring to appeal a decision of the Hearing Officer to the Board shall, at that time of making such appeal, pay to the Director of Finance a docket fee in an amount as established in accordance with Section 1.05.010 of this Code. The Director of Finance shall have the ability to waive such docket fee under hardship conditions. Written notice of hearing shall be given to all parties concerned at least seven (7) days prior to the hearing or by mailing the same to such party's last known address by regular mail. The Board shall, from time to time, adopt such additional rules and regulations as it deems necessary and advisable for the conduct of its hearings and for carrying out the provisions hereof. Within thirty (30) days of filing, the Board shall make its final determination and, if appropriate, modify such charge or determination of the Hearing Officer in accordance with the facts submitted, to the extent that the Board finds such facts to be true.

(e) Any person in interest shall have the power to appeal the decision of the Board to the City Council, provided that such person in interest files with the City Clerk a notice of appeal within ten (10) days after final action by the Board. In the event of any such appeal, the City Council shall schedule a date for hearing the appeal, giving at least seven (7) days' advance notice of the time and place of the hearing or by mailing the same to such party's last known address by regular mail. The Council shall consider the same factors on appeal as considered by the Board as set forth in this Section. The decision of a majority of the City Council present at a duly constituted meeting of the City Council shall be determinative of this appeal.

(f) Every decision or determination of the Hearing Officer or the Board shall be in writing, and notice thereof shall be from the date of such action. Service by certified mail, return receipt requested, shall be conclusive evidence of service for the purpose of this Chapter.

(Ord. 37, 2012 §2; Ord. 26, 2011 §1; Ord. 91, 2001 §1)

14.15.190 Title granted to City.

~~Title granted to the City for stormwater structures and facilities, including but not limited to detention ponds, inlet and outlet structures and ditches shall be by warranty deed for unencumbered fee simple title.~~

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

14.15.200 - Responsibilities for stormwater facilities, inspections, right of entry.

(a) ~~—~~All private stormwater facilities ~~constructed by private individuals or entities and designated for operation and maintenance by said individual, entity or property owner~~, including but not limited to those constructed by a homeowners~~a property owners'~~ association~~, ("POA"),~~ shall not be the property of the City and~~.~~ The City shall not be responsible for their~~the~~ operation and maintenance ~~of said privately constructed facilities~~ unless the Director of Public Works ~~City~~ has accepted responsibility for~~inspected~~ the facilities ~~same and agreed~~ in writing. ~~All stormwater facilities constructed, installed or provided hereunder shall,~~ upon acceptance of the stormwater facilities,~~same by~~ the ~~City, become the property of the City, and the public thereafter shall be responsible for the operation and maintenance of the same. The City may refuse to accept~~ facilities become public stormwater facilities described~~inadequately constructed or constructed~~ in section 14.15.210.~~variance with City requirements.~~

(b) Authorized City ~~—All authorized~~ personnel ~~under the supervision of the City Manager or designee,~~ shall have the power to conduct inspections of private stormwater facilities, enter the premises at reasonable times, give verbal direction, issue notices of violation, and enforce the conditions set forth in development agreements~~. for the long term maintenance of permanent stormwater facilities.~~

~~(Ord. 37, 2012 §2; Ord. 18, 2008 §3; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

14.15.210 - City to maintain public stormwater facilities.

The City shall maintain all public stormwater facilities accepted by the City, located on City-owned property, and additional stormwater facilities dedicated to the City.~~within the City-owned land, City rights-of-way and public easements and may maintain additional dedicated public stormwater facilities located within or adjacent to the City. Such public facilities include, but are not limited to, open drainageways and piped stormwaters constructed expressly for use by the general public and, as a part of the City stormwater facilities, bridges, roadside stormwater ditches and gutters, flood control facilities, including detention and retention basins, dikes, overflow channels, pump stations and other improvements that have been designed and constructed expressly for use by the general public. Such public stormwater facilities do not include facilities not accepted by the City for maintenance.~~

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 5, 1995 §1(part))~~

14.15.220 - Disclaimer.

Floods or drainage problems associated with stormwater ~~runoff~~ may occasionally occur which exceed the capacity of the stormwater drainage system~~storm sewer facilities~~ constructed and maintained by funds made available under this Chapter. This Chapter does not imply~~, and the City expressly disclaims,~~ that property liable for the charges established herein will always

be free from stormwater flooding or flood damage. This Section does not purport to reduce the ~~need or the~~ necessity for ~~the owner obtaining~~ flood insurance. The establishment of the~~a~~ Stormwater Management Program~~, its functions, maintenance of stormwater drainage structures~~ and its ~~facilities, and the~~ activities ~~of the Stormwater Management Program and/or its agents~~ does not create liability ~~of any nature or kind on the part~~ of the City for damages caused by stormwater except as provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S.

14.15.230 - Enforcement.

(a) Any fee which has not be paid when due may be recovered in an action at law by the City in addition to any other remedies or penalties provided by this Chapter or this Code.

(b) Authorized employees of the City shall, at all reasonable times, have access to any premises served by the City for inspection, repair, or the enforcement of the provisions of this Chapter.

(c) The Director of Public Works or designee may issue a notice of violation to any property owner and/or developer who has not installed and maintained permanent stormwater control measures in accordance with this Chapter.

(d) A violation noticed under this Chapter shall be deemed a misdemeanor infraction, shall proceed in accordance with Section 2.09.120 of this Code, and shall be subject to penalties set forth in Chapter 1.33 of this Code.

~~(Ord. 37, 2012 §2; Ord. 91, 2001 §1; Ord. 60, 1997 §2; Ord. 5, 1995 §1(part))~~

Formatted: Font: (Default) Calibri, 10 pt

Formatted: Table Normal1

Chapter 14.16 - Stormwater Drainage System~~Storm Sewers~~

14.16.010 - Declaration of purpose and legislative intent.

(a) This Chapter sets forth ~~uniform~~ requirements for direct and indirect discharges ~~or the depositing of inappropriate material or substances~~ into the City's Stormwater Drainage System as defined in section 14.15.020.~~City stormwater system.~~ This Chapter is necessary to provide for and promote the public health, safety, and welfare of the citizens residing within the City and property owners or other ~~water~~ users that depend on the same water sources by preventing illicit discharges ~~the deposit of inappropriate material or substances~~.

~~.~~

(b) The purposes of this Chapter are to:

(1) Prevent the introduction of pollutants, substances or debris ~~that will pass~~ into the Stormwater Drainage System~~system receiving such stormwaters,~~ or otherwise be incompatible with the system or interfere with the beneficial uses of the~~said~~ system.

(2) Protect the public and City personnel who may work with or be exposed to the Stormwater Drainage system because of their presence within the ~~City stormwater drainage~~ system in the course of their employment.

(3) Promote pollution prevention and prevent the introduction of materials or other debris that may adversely affect the environment or hamper the Stormwater Drainage~~storm sewer~~ system.

(4) Provide for equitable distribution of the cost of repairing or servicing the Stormwater drainage system among property owners or other users by having those who cause obstructions or problems to the ~~stormwater~~ system pay their ~~full~~ share of the costs of such incidents.

(c) The City Council reserves the right to establish discharge limitations, and restrict ~~other debris or~~ substances that may be introduced to the Stormwater Drainage System~~from their stormwater system,~~ more stringent than federal and state requirements or current municipal limitations~~,~~ if deemed necessary to comply with the objectives of this Chapter.

~~(Ord. 37, 2012 §3; Ord. 32, 1999 §1)~~

~~14.16.020 - Definitions.~~

~~In addition to the definitions contained in Section 14.15.020 and 9.18.020 of this Code, which are expressly incorporated herein, and unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:~~

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

~~*CDPS* means the Colorado Discharge Permit System.~~

~~*Debris* means all rubbish, waste material, refuse, garbage, trash, foreign substances, solid or liquid, of every form, size kind and description.~~

~~*Deleterious substance* means any substance capable of causing physical, chemical or biological contamination or degradation to the environment; a deleterious (acute or chronic) effect on fish, birds, wildlife and plant life; or that would otherwise interfere with the beneficial use of receiving waters.~~

Discharge means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment or to the stormwater system.

EPA means the Environmental Protection Agency.

Facility means any building, structure, installation, equipment, pipe or pipeline (including without limitation any pipe or line into any storm sewer or any portion of the stormwater drainage system), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, the processing of food byproducts, the processing of agricultural products and the handling, storage and sale of produce.

Hazardous pollutants means any constituent or combination of constituents that is classified as hazardous under state or federal law or regulation, or that is included on the federal list of toxic pollutants as currently specified in 40 C.F.R. 403.

Hazardous waste means a waste that is classified as hazardous under federal regulations or is included in the federal list of hazardous waste as currently specified in 40 C.F.R. 261, subparts C and D.

NPDES means the National Pollution Discharge Elimination System.

Owner means any individual, partnership, limited liability company, corporation or other legal entity that has any legal title or equitable ownership interest in the real property.

Pollutant means dredged soil, dirt, slurry, solid waste, incinerator residue, sewage, biosolids, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand or any industrial, municipal or agricultural waste.

Pollution means the man made man induced or natural alteration of the physical, chemical, biological and radiological integrity of water.

Pollution prevention means the application of source reduction and recycling during day to day operations which reduces the need for treatment and disposal of wastes without transferring contamination to air, water, solid waste or hazardous waste.

Premises means a parcel of real estate, including any improvements thereon, which is determined by the City to be a single user for purposes of contributing to the stormwater drainage system.

Receiving waters means lakes, rivers, streams or other watercourses that receive treated or untreated wastewater.

Stormwater drainage system means any man made improvement or conveyance intended for stormwater runoff from real property, including but not limited to open channels, streets, gutters, catch basins, underground pipes, ditches, swales, detention ponds, retention ponds and lakes.

Toxic pollutants means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under

~~the provisions of Section 307(a) of the Federal Water Pollution Control Act, P.L. 92-500, 33 U.S.C. 1251, et seq.~~

~~*User* means any person who discharges, contributes or causes the contribution of water, wastewater or other liquid into the stormwater drainage system.~~

~~*Waste* means any solid, liquid, semi solid or gaseous material or substance which has been discarded for any reason.~~

~~*Wastewater* means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the City's wastewater treatment system and/or the City's stormwater drainage system.~~

~~(Ord. 37, 2012 §3)~~

14.16.030 - Connecting to Stormwater Drainage System~~storm sewer~~ without permit unlawful.

It is unlawful for any person to tap or make any connection with the Stormwater Drainage System~~storm sewers of the City~~ without first having obtained a permit ~~therefor~~ as provided in this Chapter.

~~(Ord. 37, 2012 §3; Prior code §17-34)~~

14.16.040 - Application for permit.

A~~Any~~ person desiring to tap ~~the storm sewers~~ or make any connection with the Stormwater Drainage System must~~therewith shall~~ make written application, using ~~therefor in writing so to do, to~~ the City of Greeley Application & Permit for Construction in Public Right of Way/Easement, to the Director of Public Works~~Engineer~~. The application shall state the nature or character of the tap or connection to be made, the location of the tap or connection~~thereof~~, the premises sought to be served by the tap or connection,~~thereby~~ and the amount of the tap/connection fee set forth in the City of Greeley Fee Schedule for Construction in the Public Right of Way/Easement.~~charge.~~

~~(Ord. 37, 2012 §3; Prior code §17-35)~~

14.16.050 - Installation costs and fee.

The person making application to connect with the Stormwater Drainage System~~storm sewer~~, at the time of making such application, shall pay to the City the complete cost for such installation, including the cost of pipe and other materials, labor and repairs of paved or unpaved streets or alleys, as set forth in the City of Greeley Fee Schedule for Construction in the Public Right of Way/Easement~~plus a minimum fee of fifty dollars ($50.00).~~

~~(Ord. 37, 2012 §3; Prior code §17-36)~~

14.16.060 - Installations; Director of Public Works~~City Engineer to direct~~.

All installations of ~~storm sewers and~~ taps or connections to the Stormwater Drainage System shall be under the direction of the Director of Public Works or designee~~City Engineer~~.

~~(Ord. 37, 2012 §3; Prior code §17-40)~~

14.16.070 - Service connections~~; required before streets paved;~~ specifications; ~~business district~~ requirements.

Before any Impervious Areas, as defined in section 14.15.020, are created~~paving or hard surface is laid~~ in any of the streets~~, avenues~~ or alleys within the City, a~~business districts, the owners of all~~ property owner~~therein, whether the same is vacant or otherwise,~~ shall lay service connections with the Stormwater Drainage System~~City storm sewer system,~~ extending from the sewer line to the property line, which connections~~services~~ shall be of adequate size to provide drainage for present and future buildings upon the property in accordance with the schedule of sizes designated~~named~~ in Section 14.16.080. All downspouts, water drains, or conductor pipes from the roofs of buildings in commercially-zoned areas~~the business districts~~ of the City shall be placed beneath the surface of the ~~alley,~~ street or alley~~avenue~~ adjoining the property and be connected with the Stormwater Drainage System~~storm sewer~~ located within the public right of way~~therein,~~ in conformity with this Code~~the ordinances of the City~~ and with the approval of the Director of Public Works or designee.~~City Engineer.~~

~~(Ord. 37, 2012 §3; Prior code §17-38)~~

14.16.080 - Required sizes designated; exceptions.

Unless special permission is granted by a resolution of~~to~~ the City Council to the contrary, the following sizes of service connection will be required:

(1) For buildings having a roof area up to three thousand (3,000) square feet, a four-inch (4") service connection is required.

(2) For buildings having a roof area of from three thousand (3,000) square feet to ten thousand (10,000) square feet, a six-inch (6") service connection is required.

(3) For buildings having a roof area of from ten thousand (10,000) to twenty thousand (20,000) square feet, an eight-inch (8") service connection is required.

~~(Ord. 37, 2012 §3; Prior code §17-39)~~

14.16.090 - ~~Roof w~~Water discharge requirements designated.

No ~~roof~~ water shall be discharged directly or indirectly from any downspout, water drain, or conductor pipe upon any street, alley, or sidewalk in the City, but ~~the same~~ shall be conducted underneath the ~~sidewalk in iron or tile pipes to the adjacent street or avenue gutter. No roof water shall be discharged directly or indirectly from any downspout, water drain or conductor pipe upon any public alley,~~ street, alley, or sidewalk in conduit of suitable dimensions ~~or avenue or into any sanitary sewer, within the business~~ and materials~~industrial districts of the City, but the same shall be conducted underneath the surface of the alleyway in iron or tile pipes~~ and be connected with the part of the Stormwater Drainage System~~storm sewer~~ located in the adjacent ~~alleyway or~~ street or alley, and if no part~~storm sewer~~ is so located ~~therein~~, then the water must be

directed to an area where it can infiltrate into the ground prior to reaching ~~the nearest~~a street, alley, or sidewalk ~~or avenue gutter~~.

~~(Ord. 37, 2012 §3; Prior code §17-37)~~

14.16.100 - Application to remodeled buildings, living units, and redevelopment districts.

~~(a)~~ The Stormwater Drainage Development Impact~~drainage~~ fees provided for in Section 4.64.100 of this Code shall also be imposed with respect to existing development ~~property~~ if existing buildings or other physical improvements on the~~that~~ property are remodeled or added to or if structures~~buildings~~ or other living units, such as mobile homes, are moved onto the property.

~~(b) (1) In the case of remodeling or adding to existing buildings or other physical improvements, the Stormwater Drainage Development Impact fee shall be imposed if the existing roof area is to be increased by fifty percent (50%) or more, or if Impervious Areas, as defined in section 14.15.020, are the water repelling surface is to be increased by fifty percent (50%) or more.~~

~~(2) If the building being added to is located on property with respect to which a drainage fee was theretofore imposed and if the addition is to be carried out on an adjacent parcel of property not theretofore subject to a drainage fee, the drainage fee shall be computed only on the basis of the adjacent parcel of property. In the case of structures or other living units being moved onto a parcel of property, the Storm Drainage Development Impactdrainage fee shall be computed with respect to the entire parcel.~~

~~(c) New development within a~~(b) ~~The payment of all drainage fees shall be exempt within the redevelopment district boundary as established by the Planning Commission and adopted by the City Council shall be exempt from the payment of the Stormwater Drainage Development Impact fee.~~.

~~(Ord. 37, 2012 §3; Prior code §17-42)~~

~~14.16.110 - Extra fees; imposition procedure.~~

~~If any property proposed for new development is so situated that the development of the property would contribute an extraordinary load to the existing drainage systems, as~~an additional ~~drainage fee shall be imposed over and above the drainage fee provided for in Section 4.64.100 of this Code. The fact that an extraordinary load will be contributed and the amount of the additional fee shall be determined by the Director of Public WorkCity Council on the basis of competent engineering data, a fee in addition to the Stormwater Drainage Development Impact fee shall be calculated.. The determination shall not be made unless the owner of the property will be involved has been given notice and an opportunity to present contradictory engineering data before an additional fee is imposed.~~.

~~(Ord. 37, 2012 §3; Ord. 41, 2003 §§2,3; Prior code §17-44)~~

~~14.16.120 - Payment at building permit issuance.~~

The Stormwater Drainage Development Impactdrainage fee and additional fees provided for in section 14.16.110or fees shall be paid at the time of issuance of a building permit or permits.

(Ord. 37, 2012 §3; Ord. 41, 2003 §§2, 3; Ord. 9, 1988 §6; prior code §17-43(a))

14.16.130 - Drainage system construction; payment costs.

A developer The owners or developers of property shall be obligated to construct storm sewer lines and other drainage system components of the Stormwater Drainage System within the boundaries of the property being developed at the sole expense of the developer, to the extent that such construction is required by the Director of Public Works or designee as part of the subdivision processas part of the subdivision process. The payment of the drainage fee by the owner or developer shall not be constructed to relieve the owner or developer of the obligation to construct storm sewer lines or other drainage system components, at the sole expense of the owner or developer; provided, however, that if the Director of Public Works or designee City requires the construction of oversized components storm sewer lines or the construction of the Stormwaterother drainage system components, as determined by the Director of Public Works, to assist in the drainage of property other than or in addition to the property of the owner or developer, then to that extent, the City shall shareparticipate in the design and construction costs associated with the . In that case, the City's share of the costs shall reflect that portion of the oversized construction attributable to draining other lands.

(Ord. 37, 2012 §3; Prior code §17-45)

14.16.140 –– Illicit discharges; allowed discharges; nonconforming tapsDischarge prohibitions.

(a) Illicit discharges are discharges to the City's Stormwater Drainage System that are not composed entirely of stormwater and are not allowed discharges as described in subsection (b). Illicit discharges to the City's Stormwater Drainage System are prohibited. (a) No person shall intentionally or otherwise dispose of materials, substances, debris or other pollutants by dumping or pouring or otherwise discharging or causing such materials to be discharged into any storm drain or any connection thereto.

(b) No person shall discharge, deposit or cause to be discharged onto any public highway, street, sidewalk, alley, land, public place, stream, ditch or other watercourse, or into any cesspool, storm or private sewer, or natural water outlet, any sewage, polluted waters or other deleterious substance or debris, except where suitable treatment has been provided in accordance with the provisions of applicable federal, state and local laws, as required.

(c) No user shall discharge or cause to be discharged or deposit into the City's stormwater system:

(1) Any liquids, solids or gases, that by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the stormwater utility, as determined by the City Manager or designee. Prohibited materials include, without limitation, gasoline, fuel oils, mineral oil, lubricating oil, benzene, naphtha, ethers, carbides, perchlorates and xylene;

Comment [BH1]: I think all the exceptions were defined, but the stuff that's not allowed down the storm drain never made it in. I think I'm making sense here, but let me know if it could be worded better.

(2) Any wastewater having any corrosive property capable of causing damage or hazard to structures, operations or personnel exposed to the stormwater system;

(3) Solid or viscous substances that may obstruct the flow or interfere with the operation of the stormwater system including, without limitation, cinders, sand, mud, cement, plaster, lime slurry or sludge, stone or marble dust, asphalt residues, tar, wax, paraffin, paint, chemical sludges or residues, metals, glass, plastics, wood, shavings, paper, manure, hair, blood, intestinal contents, animal hooves or toenails, bones, hog bristles, hides or other animal or fish parts, including feet and feathers, food processing bulk solids or garbage.

(4) Any heated waters above forty degrees Celsius (40ºC) (one hundred four degrees Fahrenheit [104ºF]).

(5) Any substances containing free floating or insoluble oil, or oil or grease.

(6) Any substances including color, without limitation, such as dyes, wastes, paint pigments and vegetable tanning solutions.

(7) Any substances that either singly or synergistically are sufficient to create a nuisance or hazard to health or to prevent the stormwater system from being operated or maintained.

(8) Any bulk wastes, pollutants or debris in quantity shall be disposed of properly at a landfill, at points designated by the City Manager or through appropriate waste disposal systems.

(9) Any wastes or pollutants determined to occur or discharge within the City from a platted lot, including but not limited to sediment, concrete wastes, stucco and other construction material, onto streets and/or sidewalks.

(d) No person shall make any false statement, representation or certification, knowing or having reason to know it to be false, in any application, record, plan, data or document filed or required to be maintained pursuant to this Chapter.

(e) No person shall falsify, tamper with or knowingly render inaccurate any stormwater sewer device.

(b)(f) The following are allowed discharges intohave been identified as not being significant contributors of pollutants to the City'sCity's stormwater Stormwater drainage Drainage system System and are hereby exempted from classification as an ""illicit discharge"" as that term is used in the City'sCity's stormwater permit: uncontaminated runoff from rain or snow melt; landscape irrigation;, lawn watering, diverted stream flows; irrigation return flow;, rising groundwater;, uncontaminated groundwater infiltration (as defined at 40 C.F.R. § 35.3005(20);), uncontaminated pumped groundwater;, springs;, flows from riparian habitat and wetlands; discharges in accordance with the Colorado Department of Public Health & Environment: Water Quality Control Division Low Risk Policy Discharge Guidance documents;, waterline flushing, discharges from potable water sources, foundation drains;, air conditioning condensation;, water from crawlspace pumps;, footing drains;, individual residential car washing;, charity car washes;, dechlorinated swimming pool water, water incidental to City street sweeping activities that is not associated with construction;, flows from emergency firefighting activities;, water dyed for testing processes in accordance with

manufacturer recommendations; and other discharges ~~as~~ specifically authorized by the City's Colorado Discharge Permit System permit or National Pollution Discharge Elimination System~~City's CDPS permit.~~

~~(g) Individual lot controls. Oversight of individual construction lots sold to builders and/or homeowners who allow pollutants, especially sediment and concrete wastes and other materials, to leave their sites will be addressed and enforcement action taken pursuant to Chapter 14.16 of this Code prohibiting illegal discharges into the City's stormwater drainage system.~~

~~(h) The prohibitions in this Section shall not apply to any nonstormwater discharge permitted under the NPDES, CDPS~~ permit ~~or CDPHE issued policy or guidance, provided that the discharge is in full compliance with all requirements of the permit, order and other applicable laws and regulations~~.

(c) Any tap into a stormwater line made prior to 1999 that is ~~not~~ discharging only allowable discharges described in subsection (b) ~~hazardous materials, (like raw sewage and motor oils and fluids)~~ will be considered a legal ~~/allowable~~ non-conforming tap until one of the following occurs; at which time the time the tap must be removed and connected to the sanitary sewer system (not the Stormwater Drainage System): 1) improvement to the property, 2) change in ownership, or 3) change in use.~~(Ord. 37, 2012 §3; Ord. 18, 2008 §4; Ord. 32, 1999 §2)~~

14.16.150 - Accidental discharges.

(a) Every property owner or other user~~person~~ shall ensure that the stormwater Drainage system is protected from accidental discharge of pollutants or prohibited materials ~~or other substances regulated by this Chapter which are discharged~~ from the owner/user's~~person's~~ premises or facilities at ~~, or are within~~ the owner/user's sole~~control of said person. Such protection shall be provided and maintained by the person at that person's~~ expense. Upon request by the Director of Public Works or designee, an owner/user shall~~City, a person may~~ be required to submit detailed plans, including procedures for handling accidental discharges of pollutants or prohibited~~,~~ materials ~~or substances regulated by this Chapter~~ into the stormwater Drainage system.

(b) In case of an accidental discharge, an owner/user~~said person~~ shall notify the City as soon as practicable~~immediately~~ by ~~telephoning the Police Department and~~ notifying the Greeley Fire~~that~~ department of the location of the discharge, type of ~~waste or foreign~~ material, concentration, volume, and any corrective actions taken ~~or attempted~~.

(c) Within five (5) business days following an accidental discharge, an owner/user~~said person~~ shall submit to the Director of Public Works~~City Manager~~ or designee a written report describing the cause of the discharge and measures to be taken ~~by the person~~ to prevent ~~similar~~ future occurrences. The submission of a written report ~~Such notification~~ does not relieve the owner/user~~person~~ of any expense~~, loss, damage~~ or liability that may be incurred from damage to the stormwater Drainage System, ~~system or quality of~~ receiving waters, ~~or any other damage to~~ persons, or property, including applicable ~~. Such notification shall not relieve the person from any~~ fines and~~, civil~~ penalties~~. or other liability that may be imposed~~

~~by this Chapter or other applicable law.~~ Failure to submit~~file such a required report shall constitute~~ a report is a Code violation.~~separate offense under this Chapter.~~

~~(Ord. 37, 2012 §3; Ord. 32, 1999 §3)~~

14.16.160 - Cleanup responsibility; assessment for expenses; lien and enforcement.

~~In addition to any other requirements of this Chapter, the following shall apply:~~

(1) A property owner~~ The person, entity~~ or other user~~corporation~~ responsible for an unauthorized discharge shall promptly institute and complete all actions necessary to remedy the effects of an~~such~~ unauthorized discharge~~, whether sudden or gradual,~~ at no cost to the City. When deemed necessary in the interest of public health, safety, and welfare by the Fire Chief or the Director of Public Works, or their respective designees, cleanup may be initiated by the City.~~ or by a City authorized individual or firm.~~ Costs associated with such cleanup shall be borne by the owner/user~~, operator or other person~~ responsible for the unauthorized discharge.~~ Such responsibility is in addition to any other applicable penalty or remedy as provided by law.~~

(2) An owner/~~ Any person or~~ user violating any provisions of this Chapter shall be liable under any applicable federal, state or local law for any expense, loss or damage caused the City by reason of such violation, including increased costs for management or operation of the stormwater Drainage system when such increases are the result of the owner/user's~~user's~~ discharge. Such liability includes, but is not limited to reimbursement for costs of emergency response and/or City cleanup resulting from the ~~person's intentional or unintentional~~ discharge.

(3) If an owner/~~a person or~~ user discharges such pollutants, substances or debris that cause the City to be in violation of any applicable law or permit and to be fined by the U.S. Environmental Protection Agency,~~EPA, the State~~ or other federal or state governmental agency for such violation, such owner/user shall be~~is~~ fully liable for reimbursement of the total amount of the fine assessed against the City and City costs, including without limitation, all legal, sampling and analytical testing costs.

(4) If the City incurs expenses and costs for cleanup~~by reason~~ of spills~~providing services~~ or illegal dumping activity~~causing services to be provided and providing materials or causing materials to be provided~~, such total costs and expenses shall be set forth in a written assessment notice to be prepared by the Director of Finance and to be mailed ~~by him or her~~ to the owner/user~~ or person in possession~~ whose duty it is to provide such services and materials. All such assessment notices shall declare that the full amount is immediately due and payable. Failure to pay any such assessment shall cause the amount to immediately become a lien against the property~~lot, block or parcel of land owned or occupied by the person to whom the assessment notice was mailed~~, and such lien shall have priority over all other liens except ~~the~~ general taxes and prior special assessments. Such lien shall be enforced in the same manner as the lien for special assessments is enforced under section~~Subsection~~ 13.44.180~~(c)~~ of this Code.

(5) The City may bring civil suit against the owner/user~~ or person in possession~~ for the assessment of the unpaid portion thereof, described at Paragraph (4) above, at any time

after a thirty (30) -day period. This remedy shall be in addition to and an alternative to any other remedy available in this Chapter or pursuant to law.

(6) Any assessment or fee which shall not be paid when due may be recovered in an action at law by the City. In addition to any other remedies or penalties provided by this Chapter or this Codeany ordinance of the City, the Administrative Hearing Officer is hereby empowered and directed to enforce this provision as to any and all delinquent owner/users. Authorized personnel under the supervisionThe employees of the Director of Public Works or designeeCity shall, at all reasonable times, have access to any propertypremises served by the City for inspection, repair, or the enforcement of the provisions of this Chapter.

(7) All authorized personnel under the supervision of the Director of Public Works or his or her designee shall have the power to conduct inspections, give verbal direction, issue notices of violations and implement other enforcement actions under this Chapter.

(Ord. 37, 2012 §3; Ord. 32, 1999 §5)

14.16.170 - Notice of violation; stop work orders; permit termination.

(a) The Director of Public Works, or his or her designee, may issue a notice of violation to any owner/person or user who discharges material as described in this Code into the StormwaterCity's storm drainage system. Such notice of violation shall be issued in accordance with Section 2.09.120 of this Code. This notice of violation is one (1) of many enforcement options available to the administrative authority.

(b) Stop work orders. When any construction activities, as defined in section 9.18 are being performed in noncompliance with any provisions of this Chapter or Code orany other applicable law, rule, or regulation, the Director of Public Works, or his or her designee, can order the work stopped by serving written notice upon the person performing the Construction Activities.activity. The person shall immediately stop work until authorized in writing by the Director of Public Works, or his or her designee, to proceed with the work or until approval to proceed has been obtained by legal process. If the person cannot be located, the notice may be posted in a conspicuous place upon the site where Construction Activities are taking place.construction site. The notice shall state the specific provision, law, rule or regulation that constitutes the violation. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the City. Inspectors.

(c) Any violation of a condition of a City-issued permitthe City's Construction Permit in ROW/Easement or is a violation of this Chapter, Code, or other applicable law, rule, or regulation, including performing noncompliant Construction Activities, shall be sufficient cause for revocation of such of the City-issued permit. The City may reinstate the permit upon proof of the correction of the noncompliance.

(Ord. 37, 2012 §3)

14.16.180 - Code violationinfraction and administrative hearing procedures.

A notice of violation issued under Section 14.16.170 above is a misdemeanor~~Code~~ infraction and shall proceed in accordance with Section 2.09.120 of this Code and shall be subject to the provisions of this Chapter and penalties as set forth in Chapter 1.33 of this Code.

~~(Ord. 37, 2012 §3)~~

~~14.16.190 Sanctions.~~

~~(a) Whenever any person is in noncompliance with the provisions of this Chapter, the Hearing Officer may impose penalty fines up to the amount of one thousand dollars ($1,000.00) per day per violation and pursue the Code infraction sanctions as defined in Chapter 1.33 of this Code and any other sanctions permitted under law. Each repeat violation must be set forth on a notice of violation form and served as set forth in Subsection 2.09.120(d) of this Code.~~

~~(b) Whenever the administrative authority determines a person is violating or failing to comply with any provision of this Chapter, the administrative authority may immediately issue a cessation order causing the person to immediately cease all operations which violate and fail to comply with this Chapter until such person has complied with the provisions of this Chapter. This order of cessation of activities is additional to any other penalties, sanctions or remedies contained in this Chapter or otherwise allowed by law.~~

~~(c) The City may seek and obtain remedies, including but not limited to civil and administrative sanctions, and temporary or permanent injunctive relief against persons for noncompliance with the provisions, standards and requirements of this Chapter.~~

~~(d) Permit termination. Any violation of a condition of a permit or a violation of this Chapter, or of applicable state or federal law or regulation, shall be sufficient cause for revocation of such City permit. The City may reinstate such permit upon proof of the correction of noncomplying discharge.~~

~~(Ord. 37, 2012 §3)~~

Chapter 9.18 - Grading and Soil Erosion Control

9.18.010 - Legislative findings.

The City Council hereby finds that excessive quantities of soil are eroding from certain areas that are undergoing development for nonagricultural uses such as housing and commercial developments, industrial areas, recreational facilities, and roads. This erosion makes necessary costly repairs to gullies, washed out fills, roads, and embankments. The resulting sediment clogs streets, storm sewers, and road ditches, and leaves deposits of silt in streams, lakes, and reservoirs and is considered a significant water pollutant.

9.18.020 - Purpose.

(a) The purpose of this Chapter is to prevent soil erosion and sedimentation from leaving areas that occur from nonagricultural development and construction within the City, by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience, and general welfare of the community.

(b) Any person who undertakes, develops, or is responsible for an undertaking or development that involves land disturbing activity described in section 9.18.060(a) is responsible to see that soil erosion and sedimentation, as well as resulting changed water flow characteristics, are controlled to avoid damage to property and pollution of receiving waters. Nothing in this Chapter shall be taken or construed as lessening or modifying the ultimate responsibility of such persons. The requirements of this Chapter do not imply the assumption of responsibility on the part of the City. The standards, criteria and requirements of this Chapter are to be seen as minimum standards which are not necessarily adequate to meet the highly variable conditions which must be covered by effective control measures. Compliance with the requirements of this Chapter may not, therefore, of itself discharge a person’s responsibility to provide effective control measures.

9.18.030 - Definitions.

Common Plan of Development or Sale means contiguous (within one-quarter (1/4) mile of each other) multiple, separate, and distinct Construction Activities that may be taking place at different times on different schedules, but remain related because they share the same builder, contractor, equipment, or storage areas.

Construction Activities means clearing, grading, excavation, installing or improving roads, creating staging areas, stockpiling fill materials, borrow areas, and compacting associated with stabilization of structures, but does not include routine maintenance performed by public agencies or their agents to maintain original line grade, hydraulic capacity, or the original purpose of a facility.

CSESCP (Construction Site Erosion and Sediment Control Plan) means a plan submitted to the City that addresses erosion, sediment and waste control, and water quality issues pertaining to the site containing such information as site description, location, and description of appropriate best management practices as that term is defined in Chapter 14.15, maintenance procedures, and all other matters necessary or appropriate to comply with the provisions of this Chapter and the City of Greeley Storm Drainage Design Criteria and Construction Specifications Manual.

Final Stabilization means the condition reached when all land disturbing activities at a development site have been completed, and a uniform vegetative cover has been established with an individual plant density of at least seventy percent (70%) of pre-disturbance levels or equivalent permanent physical erosion reduction methods have been employed.

Land Disturbing Activity means an activity that results in a change in the existing land surface, including but not limited to Construction Activities, but does not include tilling agricultural land.

Stormwater means stormwater runoff, snow melt runoff, and surface runoff and drainage.

SWMP (Stormwater Management Plan) means a plan for receiving, handling, and transporting stormwater within the City stormwater drainage system.

9.18.040 - Compliance with Chapter required for site plan or plat approval.

No applicable site plan, plot plan, plat, or replat will be approved unless it includes soil erosion and sediment control measures consistent with the requirements of this Chapter and related land development regulations.

(a) Control measures must be implemented for the development area and associated Construction Activities for the time starting with initial Land Disturbing Activity until Final Stabilization. Adequate control measures must be selected, designed, installed, implemented, and maintained to provide control of all potential discharges into the City's stormwater drainage system from Construction Activities.

(b) The site plan must locate and identify all structural and non-structural control measures for the applicable Construction Activities, including installation and implementation specifications for all structural controls or a reference to the document that does contain those specifications. The site plan must also include a narrative description of non-structural control measures.

9.18.050 - Adoption of manuals by reference.

As criteria for stormwater drainage design and Construction Activities the most recent edition and revisions of the City's Storm Drainage Design Criteria and Construction Specifications Manual and Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual are both hereby adopted by reference as if fully set forth herein. The Director of Public Works or designee shall apply the criteria contained in these manuals in the administration of this Chapter, with the Storm Drainage Design Criteria and Construction Specifications Manual taking first priority.

9.18.060 - City permits and fees.

(a) Grading permit. A City grading permit is required for any development involving Land Disturbing Activity that is:

(1) equal to or greater than one (1) acre;

(2) less than one (1) acre if the Construction Activities are part of a Common Plan of Development or Sale within the City; or

(3) an area of any size that, due to the nature of its topography or location, provides a potential for negative impact on the City's stormwater facilities, streets, or receiving waters, and will have a detrimental effect upon the public welfare or upon the watershed.

The Director of Public Works or designee shall identify such development sites and provide written notice to the property owner and/or developer with instructions to obtain a grading permit and prepare a CSESCP and SWMP prior to beginning or continuing grading activities.

(b) Permit requirement. Unless exempted by this Chapter, no person shall conduct Construction Activities or undertake any Land Disturbing Activity within the City, without a City grading permit. Issuance of a grading permit by the City does not exempt parties from obtaining other applicable permits required by the City, state (in particular, a "Stormwater Discharges Associated with Construction Activities Permit from Colorado Department of Public Health and Environment: Water Quality Division") or federal government.

(c) Permit application. A separate application is required for each grading permit. Prior to grading permit issuance, a CSESCP and SWMP must be submitted to, and reviewed and approved by the Director of Public Works or designee.

(d) Fees. Every application for a permit must be accompanied by the appropriate fee as set in accordance with Section 1.05.010 of this Code.

9.18.070 - Time.

A permit-holder shall comply with all of the provisions of this Chapter and all of the terms and conditions of the grading permit, and shall complete all of the work contemplated under the grading permit within the time limit specified in the grading permit, or within one (1) year after the date of issuance of the grading permit, whichever is earlier. If the permit-holder is unable to complete the work within the specified time, at least ten (10) days prior to the expiration of the permit, a written request to the Director of Public Works or designee for an extension of time must be submitted setting forth the reasons for the requested extension. In the event such an extension is warranted, the Director of Public Works or designee may grant additional time for the completion of the work up to one hundred eighty (180) days, but no such extension shall constitute a release from any requirements of this Chapter.

9.18.080 - Failure to complete the work.

In the event the permit-holder fails to complete the work or fails to comply with all the requirements, conditions, and terms of a permit, the Director of Public Works or designee may order completion of such work as is necessary to eliminate any danger to persons or property, to leave the site in a safe condition, and completion of all necessary soil erosion control measures.

9.18.090 - Denial of permit.

Grading permits will not be issued where:

(a) The proposed work would cause foreseeable hazards to the public safety and welfare;

(b) The work would cause damage to any public or private property, interfere with any existing drainage course and cause damage to an adjacent property, result in the deposit of debris or sediment on any public way or into any waterway, or create an unreasonable hazard to persons or property;

(c) The area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work will eliminate or sufficiently reduce earth settlement, slope instability, or any other hazard to persons or property; or

(d) The area for which grading is proposed lies within the designated floodplain of any stream or watercourse unless a hydrologic report, prepared by a professional engineer, is submitted to certify that the proposed grading will have no detrimental influence on the public welfare or upon the watershed and is consistent with floodplain ordinances and Federal Emergency Management Agency regulations.

9.18.100 - Modifications of approved plans.

Major proposed modifications of an approved CSESCP must be submitted with all supporting materials to the Director of Public Works or designee. No work in connection with major proposed modifications shall be permitted without prior approval of the Director of Public Works or designee. All changes in hydrology constitute major proposed modifications. In addition, field conditions may require ongoing modifications to site soil and erosion control plans.

9.18.110 - Responsibility of permit-holder.

During Construction Activities and until Final Stabilization, the permit-holder shall be responsible for:

(a) The prevention of damage to any public utilities or services within the area in which Land Disturbing Activity is taking place and along any routes of travel of equipment.

(b) The prevention of damage to adjacent property.

(c) Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of any permits and this Chapter.

(d) The prompt removal of all soil, debris, and materials deposited on public streets, highways, sidewalks, or other public thoroughfares or any other non-authorized off-site location, including transit routes to and from the construction site, or elsewhere where such deposits may constitute a public nuisance, trespass, or hazard.

(e) Implementing and maintaining control measures for sediment and erosion within the permitted area and associated Land Disturbing Activity.

9.18.120 - General requirements.

The following requirements must be met for Land Disturbing Activity authorized pursuant to a grading permit:

(a) All temporary erosion control facilities and all permanent facilities intended to control erosion shall be installed before any Land Disturbing Activity takes place, if practicable.

(b) Any Land Disturbing Activity shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation, and should not exceed the erosion expected to occur for the area if undeveloped.

(c) All persons engaged in Land Disturbing Activity shall design, implement and maintain soil erosion and sedimentation control measures, in conformance with the erosion control technical standards adopted by the City contained in the Storm Drainage Design Criteria and Construction Specifications Manual and Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual .

(d) All Land Disturbing Activity shall be designed and completed in such a manner so that the change in existing land surface is limited to the minimum period of time.

(e) Sediment caused by accelerated soil erosion shall be removed, to the maximum extent practicable, from runoff water before it leaves the area of the Land Disturbing Activity.

(f) Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the area of Land Disturbing Activity shall be designed to limit the water flow to a non-erosive velocity.

(g) Temporary soil erosion control measures shall be removed and disturbed areas graded and stabilized with permanent soil erosion control measures pursuant to standards and specifications prescribed in accordance with the provisions of the SWMP, applicable regulations, and the grading permit.

(h) Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed area shall be completed within fourteen (14) calendar days, depending on climate conditions, after Land Disturbing Activity has been completed. When it is not possible to permanently stabilize an area after Land Disturbing Activity has ceased, adequate temporary soil erosion control measures in compliance with the Storm Drainage Design Criteria and Construction Specifications Manual and Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual shall be implemented within fourteen (14) calendar days depending on climate conditions. All temporary soil erosion control measures shall be maintained until permanent soil erosion measures are implemented.

9.18.130 - Maintenance requirements.

Persons carrying out soil erosion and sediment control measures required by this Chapter, and all subsequent owners of property upon which such measures have been taken, shall maintain all permanent erosion control measures such as retaining walls, structures, plantings, and other protective devices. Should the permanent erosion control facilities fail to be maintained, the City reserves the right and authority to enter the affected property, provide needed maintenance, and be reimbursed for the cost of work performed.

9.18.140 - Grading permit/soil and erosion control plan requirements.

All CSESCPs and specifications, including modifications of previously approved plans, shall include design standards for erosion, sediment and waste control in accordance with the Storm Drainage Design Criteria and Construction Specifications Manual and Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual. Soil and erosion control plans are required for development described in section 9.18.060(a). The Director of Public Works or designee shall identify such sites and provide written notice to the property owner and/or developer with instructions to obtain a grading permit and prepare a CSESCP prior to beginning or continuing grading activities.

9.18.150 - Exemptions.

No grading permits shall be required for the following:

(a) Agricultural use of land zoned agricultural.

(b) Grading or excavations below finished grade for basements, footings, retaining walls, or other structures, that result in Land Disturbing Activity of less than one (1) acre in size and are not part of a Common Plan of Development or Sale, unless required by section 9.18.140.

(c) A sidewalk or driveway, authorized by a valid permit, that is less than one (1) acre in size and not part of a Common Plan of Development or Sale.

(d) Gravel, sand, dirt, or topsoil removal as approved by the state Mined Land Reclamation Board, provided that approval includes an erosion plan that meets the requirements specified by this Chapter.

(e) Upon sites where the Director of Public Works or designee certifies in writing that the planned work, final structures, or topographical changes do not meet the conditions described in sections 9.18.060(a)(3) or 9.18.080(2).

(f) Even though permits are not required under sections (a)(1) through (5) above, those operations and Construction Activities which are exempted from obtaining permits must comply with the rules and regulations concerning grading and erosion specified in this Chapter, and shall provide appropriate controls to retain any eroded soil on the construction site.

9.18.160 - Inspection, control and stop work orders.

(a) The requirements of this Chapter shall be enforced by the Director of Public Works or designee. The Director of Public Works or designee shall have the authority to inspect the work and require the property owner and/or developer to obtain services for adequate on-site inspection, including compaction testing by an acceptable soil engineer, if determined necessary.

(b) If the Director of Public Works or designee finds that eroded soils are leaving the area where Construction Activities are occurring, the Director of Public Works or designee may order the property owner and/or developer to install any and all erosion controls that are deemed necessary to prevent said soil erosion from migrating off site.

(c) Stop work orders. When any Construction Activities are being performed in noncompliance with any provisions of this Chapter or any other applicable law, rule or regulation, the Director of Public Works or designee may order the work stopped by serving written notice upon the person performing the Construction Activities describing the violation. The person should immediately stop work and not proceed with any work until written approval to proceed has been obtained from the Director of Public Works or designee. If the person cannot be located, the notice may be posted in a conspicuous place upon the site or the Construction Activities. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the Director of Public Works or designee.

(d) Developed property. Oversight of developed property from which pollutants, sediment, concrete wastes, and other materials are allowed to spread are addressed and enforced pursuant to Chapter 14.16 of this Code.

9.18.170 - Notice of violation.

The Director of Public Works or designee may issue a notice of violation to any property owner and/or developer who has not obtained a grading permit pursuant to this Chapter, or has failed to implement a CSESCP and maintain the site as proscribed in the CSESCP

9.18.180 - Code violation.

(a) A violation noticed under this Chapter shall be deemed a misdemeanor infraction and shall proceed in accordance with section 2.09.120 of this Code and shall be subject to penalties set forth in Chapter 1.33 of this Code.

(b) In addition, if a permit-holder violates a condition of a City-issued grading permit, this Chapter, or applicable state or federal laws or regulations regarding Construction Activities, the City shall revoke the grading permit. The City may reinstate the permit upon a showing of proof that the noncompliance has been corrected.

Chapter 14.15 - Stormwater Management Program

14.15.010 - Declaration of purpose.

(a) The City Council hereby finds, determines and declares that providing stormwater facilities for the drainage and control of flood and surface waters within the City, including areas to be subdivided and developed, is necessary in order that storm and surface waters may be properly drained, treated and controlled and is necessary to protect the health, property, safety and welfare of the City and its inhabitants.

(b) The City Council further finds, determines and declares that the owners of all real property within the City are the ultimate beneficiaries and users of the City's Stormwater Drainage System and should pay a portion of the costs of providing, maintaining and administering the facilities necessary for the reasonable control of stormwater.

(c) The City Council further finds, determines and declares that dedicated funding for stormwater management is needed.

(d) The City Council further finds that the appropriate way to establish and administer this program is by establishing a Stormwater Management Program as an enterprise fund operation of the City.

14.15.020 - Definitions.

Control Measures means BMPs (best management practices) or other operating procedures of methods used to prevent or reduce the discharge of pollutants to the City's Stormwater Drainage System from site runoff, spillage, and leaks, and can include the installation, operation, and maintenance of structural controls and treatment devices, such as landscape buffers and swales, modular block porous pavement, and detention basins.

Impervious Area means areas covered in a way that prevents the land's natural ability to absorb and infiltrate typical precipitation and irrigation events, like roofs, walkways, patios, driveways, parking lots, storage areas, concrete and asphalt, and any other continuous watertight pavement or covering.

MS4 Permit means the Colorado Discharge Permitting System's General Permit for Stormwater Discharges Associated With Municipal Separate Storm Sewer Systems issued by the Colorado Department of Public Health and Environment under which the Stormwater Drainage System operates.

Stormwater Drainage System means any man-made improvement or conveyance intended for stormwater runoff from real property, including but not limited to open channels, streets, gutters, catch basins, underground pipes, ditches, swales, detention or retention ponds, and lakes.

14.15.030 - Creation of Stormwater Management Program.

There is hereby created a Stormwater Management Program of the City empowered to implement the provisions of this Chapter.

14.15.040 - Administration by City Manager.

The administration of the provisions of this Chapter shall be exercised by the City Manager, who may prescribe forms, rules, and regulations in conformity with this Chapter or for the ascertainment, computation, and collection of fees imposed hereunder and for the proper administration and enforcement hereof. The City Manager may delegate the administration of this Chapter or any part thereof, subject to the limitations of the Charter and Code of the City, to duly qualified employees and agents of the City.

14.15.050 - Creation of Stormwater Board.

There is hereby created a board to be known as the Stormwater Board to assist in administration of this Chapter. The Board shall consist of five (5) members appointed by the City Council.

14.15.060 - Comprehensive stormwater management plan.

The purpose of the Stormwater Management Program shall be to develop a comprehensive stormwater management plan for the City based on sound engineering studies that indicate the location of all facilities in the City, including those facilities that currently exist and those determined to be needed and intended to be constructed in the future. The stormwater management plan is described in the City's Storm Drainage Design Criteria and Construction Specifications Manual and serves to guide the Stormwater Management Program in the construction, operation, and maintenance of the Stormwater Drainage System. The City shall, in all ways and within the limits of its powers, solicit adjacent municipalities, and Weld County to cooperate in providing stormwater facilities in drainage basins extending outside the City limits and in general, to carry out the stormwater management plan.

14.15.070 - Duties of Stormwater Board.

(a) The Stormwater Board shall make recommendations to the City Council on all matters concerning stormwater management, priorities, policies, fees, and procedures.

(b) The Board shall also review and make recommendations to the City Council on the stormwater management plan.

(c) The Board shall recommend the facilities needed to provide an adequate Stormwater Drainage System. Such recommendations shall include the following:

    (1) The facilities to be constructed.

    (2) The prioritization and schedule for construction of facilities.

    (3) The method of assessing fees against property.

    (4) Apportionment of the cost of new facilities to be assessed against property and the portion, if any, of such cost which should be paid by the City.

    (5) Long-range plans.

Before making recommendation for any project, the Board shall analyze the project and compare the benefits to be achieved with the anticipated cost of the project.

(d) The Board shall annually recommend stormwater rates, including the Stormwater Drainage Development Impact fees imposed pursuant to Chapter 4.64 of this Code, which need not be uniform for all classes of users. Rates shall include all costs for the construction, reconstruction, replacement, rehabilitation, and improvement of the Stormwater Drainage System.

(e) The Board shall make recommendations to the City Manager for expenditures for the Stormwater Drainage System annual budget.

(f) The Board shall also hear the appeal of any owner of property in the City who disputes the amount of the Stormwater Management Program fee made against property or who disputes any determination made by or on behalf of the City pursuant to and by authority of this Chapter. After hearing, the Board may make such revision or modification of such fee or determination as it shall deem appropriate.

14.15.080 - Stormwater Management Program fee.

(a) There is hereby imposed on each and every property within the City and upon the owners thereof a Stormwater Management Program fee. This fee is deemed reasonable and is necessary to pay for the construction, reconstruction, maintenance, replacement, and improvement of the City stormwater drainage facilities and of such future stormwater drainage facilities as may be required, and to pay for the design, right-of-way acquisition, and construction or reconstruction of stormwater drainage facilities to the extent that such costs have been determined not to be the responsibility of developed properties. All of the proceeds of the Stormwater Management Program fee are deemed to be in payment for use of the City's Stormwater Drainage System by the property on which the fee is imposed and by the owners thereof. This fee is in addition to and not in replacement of the Stormwater Drainage Development Impact fees imposed pursuant to Chapter 4.64 of this Code.

(b) The Stormwater Board shall provide recommendations as to the amount of the Stormwater Management Program fee to the City Manager. The recommendations will be based on a property’s potential to produce stormwater runoff. The City Manager shall be responsible for establishing the amount of the Stormwater Management Program fee in accordance with Section 1.05.010 of this Code.

(c) Property owners who have provided stormwater management facilities operating consistent with the Stormwater Management Plan, may request a reduction in the Stormwater Management Program fee from the Stormwater Board.

14.15.090 - Stormwater Management Program Fund.

(a) All Stormwater Management Program fees collected by the City and such other funds available to the City for the purposes of this Chapter shall be deposited into a special fund which is hereby created, known as the Stormwater Management Program Fund. The Stormwater Management Program Fund shall be used for the purpose of paying the costs of stormwater drainage facilities to be constructed and the operation, administration, repairs, and maintenance of the existing stormwater drainage facilities of the City.

(b) All amounts available in the Stormwater Management Program Fund shall, from time to time, be invested by the Director of Finance in investments proper for City funds.

14.15.100 - Development Infrastructure Fund.

The Stormwater Drainage Development Impact fees currently collected pursuant to Chapter 4.64 and deposited in the separate account of the Development Infrastructure Fund pursuant to that Chapter shall be administered by the Stormwater Management Program and expended in accordance with the provisions of Chapter 4.64 and Section 5-6 of the Greeley Charter.

14.15.110 - Billing for fee.

The Stormwater Management Program fee may be billed and collected with the City water and sewer bill for property utilizing City water and sewer services or billed and collected separately as the Stormwater Management Program fee for property not utilizing City water and sewer services. All such bills for Stormwater Management Program fees shall be paid to the Department of Finance and shall become due and payable in accordance with the rules and regulations of the Department of Finance pertaining to the collection of such charges. The Director of Finance shall place all collected funds into the Stormwater Management Program Fund.

14.15.120 - Certain properties exempt from fees.

The following are exempt from Stormwater Management Program fees:

(a) Public park and recreational properties;

(b) Public or private ponds, lakes, reservoirs, rivers, creeks, natural water courses, wetlands, or irrigation ditch/canal rights-of-way;

(c) Public streets, highways, rights-of-way, and alleys;

(d) Railroad property utilized for railroad purposes;

(e) Cemeteries; and

(f) Properties actively used for agriculture and classified agricultural by the Weld County Assessor.

14.15.150 - Unpaid fees to be a lien.

(a) An unpaid Stormwater Management Program fee shall become a lien upon the property to which such charge is associated from the date the fee becomes due until the fee is paid.

(b) If the City incurs costs by reason of providing services or materials in connection with the operation of the Stormwater Management Program, including administrative costs, those costs shall be set forth in a written special assessment notice to be prepared by the Director of Finance and mailed to the owner or other person whose duty it is to provide such services and materials. Failure to pay the special assessment shall cause the amount to become a lien against the property and that lien shall have priority over all other liens, except general taxes and prior special assessments.

14.15.160 - Requirement for permanent stormwater water quality Control Measures.

(a) The owner or developer of any new or existing development that involves Land Disturbing Activity as defined in section 9.18.030 that is:

(1) equal to or greater than one (1) acre; or

(2) less than one (1) acre if the construction activities are part of a Common Plan of Development or Sale as defined in section 9.18.030,

must design, construct, install, perform inspections on, and maintain in perpetuity Control Measures that prevent or minimize water quality impacts and address stormwater runoff quality.

(b) The Control Measures must be designed, installed, and maintained in accordance with the following:

(1) The City's Storm Drainage Design Criteria and Construction Specifications Manual;

(2) Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual; and

(3) The design standards required by the City's MS4 permit.

Such Control Measures, including their attainment of design standards in conformance with the City's MS4 permit requirements, must be reviewed and approved by the Director of Public Works or designee. The obligation to maintain the Control Measures in perpetuity shall be memorialized on a subdivision plat, annexation plat, development agreement, or other instrument recorded in the office of the Weld County Clerk and Recorder.

(c) Should the owner or developer fail to adequately maintain the Control Measures, the City shall have the right to enter the property for the purposes of performing operation and maintenance. All associated costs, including administrative costs, shall be assessed pursuant to section 14.15.150(b).

(d) In addition to the above section, failing to adequately maintain Control Measures shall be a violation of this Chapter.

14.15.165 - Excluded projects

The following new or existing development is not required to comply with section 14.15.160:

(a) Paving that does not result in a substantial increase of Impervious Area and infrastructure, like routine maintenance, rehabilitation, replacement, and reconstruction.

(b) Redevelopment of existing roads when:

(1) less than one (1) acre of paved area per mile of road is added; or

(2) less than 8.25 feet of paved width at any location is added.

(c) Installation or maintenance of underground utilities or infrastructure that does not permanently alter existing terrain, ground cover, or drainage patterns.

(d) Single family residential or agricultural zoned property equal to or greater than 2.5 acres per dwelling, having a total Impervious Area of less than ten percent (10%).

(e) Any development that submits to the Director of Public Works a site specific study detailing rainfall and soil conditions demonstrating that post-development surface infiltration will not

result in the discharge of concentrated stormwater flow during an 80th percentile runoff event. The site specific study must be approved by the Director of Public Works or designee.

(f) Undeveloped property on which Land Disturbing Activity occurs but results in no added structures or Impervious Area.

(g) Stream stabilization sites.

(h) Bike and pedestrian trails that are not attached to roads.

(i) Oil and gas exploration.

14.15.170 - Stormwater facilities and Control Measures required for subdivisions.

Prior to acceptance of the plat of a subdivision or the plan for a Planned Unit Development (PUD) the owner or developer of the proposed subdivision or PUD must submit to the Director of Public Works for review and approval plans and specifications for the construction and installation of all required stormwater facilities and Control Measures, including the facilities required to convey stormwater to existing drains, detention ponds, or other existing discharge points that conform with the City's Storm Drainage Design Criteria and Construction Specifications Manual and Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual.

14.15.200 - Responsibilities for stormwater facilities, inspections, right of entry.

(a) All private stormwater facilities, including but not limited to those constructed by a homeowners association, shall not be the property of the City and the City shall not be responsible for their operation and maintenance unless the Director of Public Works has accepted responsibility for the facilities in writing. Upon acceptance of the stormwater facilities, the facilities become public stormwater facilities described in section 14.15.210.

(b) Authorized City personnel shall have the power to conduct inspections of private stormwater facilities, enter the premises at reasonable times, give verbal direction, issue notices of violation, and enforce the conditions set forth in development agreements.

14.15.210 - City to maintain public stormwater facilities.

The City shall maintain all public stormwater facilities accepted by the City, located on property owned by the City or upon which the City holds easements, as well as those stormwater facilities formally dedicated to the City.

14.15.220 - Disclaimer.

Floods or drainage problems associated with stormwater may occasionally occur which exceed the capacity of the stormwater drainage system constructed and maintained by funds made available under this Chapter. This Chapter does not imply that property liable for the charges established herein will always be free from stormwater flooding or flood damage. This section does not purport to reduce the necessity for flood insurance. The establishment of the Stormwater Management Program and its activities does not create liability of the City for damages caused by stormwater except as provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S.

14.15.230 - Enforcement.

(a) Any fee which has not be paid when due may be recovered in an action at law by the City in addition to any other remedies or penalties provided by this Chapter or this Code.

(b) Authorized employees of the City shall, at all reasonable times, have access to any premises served by the City for inspection, repair, or the enforcement of the provisions of this Chapter.

(c) The Director of Public Works or designee may issue a notice of violation to any property owner and/or developer who has not installed and maintained permanent stormwater control measures in accordance with this Chapter.

(d) A violation noticed under this Chapter shall be deemed a misdemeanor infraction, shall proceed in accordance with Section 2.09.120 of this Code, and shall be subject to penalties set forth in Chapter 1.33 of this Code.

Chapter 14.16 - Stormwater Drainage System

14.16.010 - Declaration of purpose and legislative intent.

(a) This Chapter sets forth requirements for direct and indirect discharges into the City's Stormwater Drainage System as defined in section 14.15.020. This Chapter is necessary to provide for and promote the public health, safety, and welfare of the citizens residing within the City and property owners or other users that depend on the same water sources by preventing illicit discharges.

(b) The purposes of this Chapter are to:

(1) Prevent the introduction of pollutants, substances or debris into the Stormwater Drainage System or otherwise be incompatible with the system or interfere with the beneficial uses of the system.
(2) Protect the public and City personnel who may work with or be exposed to the Stormwater Drainage System because of their presence within the system in the course of their employment.
(3) Promote pollution prevention and prevent the introduction of materials or other debris that may adversely affect the environment or hamper the Stormwater Drainage System.
(4) Provide for equitable distribution of the cost of repairing or servicing the Stormwater Drainage System among property owners or other users by having those who cause obstructions or problems to the system pay their share of the costs of such incidents.

(c) The City Council reserves the right to establish discharge limitations, and restrict substances that may be introduced to the Stormwater Drainage System more stringent than federal and state requirements or current municipal limitations if deemed necessary to comply with the objectives of this Chapter.

14.16.030 - Connecting to Stormwater Drainage System without permit unlawful.

It is unlawful for any person to tap or make any connection with the Stormwater Drainage System without first having obtained a permit as provided in this Chapter.

14.16.040 - Application for permit.

A person desiring to tap or make any connection with the Stormwater Drainage System must make written application, using the City of Greeley Application & Permit for Construction in Public Right of Way/Easement, to the Director of Public Works. The application shall state the nature or character of the tap or connection to be made, the location of the tap or connection, the premises sought to be served by the tap or connection, and the amount of the tap/connection fee set forth in the City of Greeley Fee Schedule for Construction in the Public Right of Way/Easement.

14.16.050 - Installation costs and fee.

The person making application to connect with the Stormwater Drainage System, at the time of making such application, shall pay to the City the complete cost for such installation, including the cost of pipe and other materials, labor and repairs of paved or unpaved streets or alleys, as set forth in the City of Greeley Fee Schedule for Construction in the Public Right of Way/Easement.

14.16.060 - Installations; Director of Public Works.

All installations of taps or connections to the Stormwater Drainage System shall be under the direction of the Director of Public Works or designee.

14.16.070 - Service connections specifications; requirements.

Before any Impervious Areas, as defined in section 14.15.020, are created in any of the streets or alleys within the City, a property owner shall lay service connections with the Stormwater Drainage System extending from the sewer line to the property line, which connections shall be of adequate size to provide drainage for present and future buildings upon the property in accordance with the schedule of sizes designated in section 14.16.080. All downspouts, water drains, or conductor pipes from the roofs of buildings in commercially-zoned areas of the City shall be placed beneath the surface of the street or alley adjoining the property and be connected with the Stormwater Drainage System located within the public right of way in conformity with this Code and with the approval of the Director of Public Works or designee.

14.16.080 - Required sizes designated; exceptions.

Unless special permission is granted by a resolution of the City Council to the contrary, the following sizes of service connection will be required:

(1) For buildings having a roof area up to three thousand (3,000) square feet, a four-inch (4") service connection is required.

(2) For buildings having a roof area of from three thousand (3,000) square feet to ten thousand (10,000) square feet, a six-inch (6") service connection is required.

(3) For buildings having a roof area of from ten thousand (10,000) to twenty thousand (20,000) square feet, an eight-inch (8") service connection is required.

14.16.090 - Water discharge requirements designated.

No water shall be discharged directly or indirectly from any downspout, water drain, or conductor pipe upon any street, alley, or sidewalk in the City, but shall be conducted underneath the street, alley, or sidewalk in conduit of suitable dimensions and materials and be connected with the part of the Stormwater Drainage System located in the adjacent street or alley, and if no part is so located, then the water must be directed to an area where it can infiltrate into the ground prior to reaching a street, alley, or sidewalk.

14.16.100 - Application to remodeled buildings, living units, and redevelopment districts.

The Stormwater Drainage Development Impact fees provided for in Section 4.64.100 of this Code shall also be imposed with respect to existing development if existing buildings or other physical improvements on the property are remodeled or added to or if structures or other living units, such as mobile homes, are moved onto the property.

14.16.130 - Drainage system construction; payment costs.

A developer of property shall be obligated to construct components of the Stormwater Drainage System within the boundaries of the property being developed at the sole expense of the developer, to the extent that such construction is required by the Director of Public Works or designee as part of the subdivision process; provided, however, that if the Director of Public Works or designee requires the construction of oversized components of the Stormwater Drainage System components, then the City shall share in the design and construction costs associated with the portion of the oversized construction attributable to draining other lands.

14.16.140 - Illicit discharges; allowed discharges; nonconforming taps.

(a) Illicit discharges are discharges to the City's Stormwater Drainage System that are not composed entirely of stormwater and are not allowed discharges as described in subsection (b). Illicit discharges to the City's Stormwater Drainage System are prohibited.

(b) The following are allowed discharges into the City's Stormwater Drainage System and are exempted from classification as illicit discharge: uncontaminated runoff from rain or snow melt; landscape irrigation; diverted stream flows; irrigation return flow; rising groundwater; uncontaminated groundwater infiltration as defined at 40 C.F.R. § 35.3005(20); uncontaminated pumped groundwater; springs; flows from riparian habitat and wetlands; discharges in accordance with the Colorado Department of Public Health & Environment: Water Quality Control Division Low Risk Policy Discharge Guidance documents; foundation drains; air conditioning condensation; water from crawlspace pumps; footing drains; individual residential car washing; charity car washes; water incidental to City sweeping that is not associated with construction; flows from emergency firefighting activities; water dyed for testing processes in accordance with manufacturer recommendations; and other discharges specifically authorized by the City's Colorado Discharge Permit System permit or National Pollution Discharge Elimination System permit.

(c) Any tap into a stormwater line made prior to 1999 that is discharging only allowable discharges described in subsection (b) will be considered a legal non-conforming tap until one of the following occurs; at which time the time the tap must be removed and connected to the sanitary sewer system (not the Stormwater Drainage System): 1) improvement to the property, 2) change in ownership, or 3) change in use.

14.16.150 - Accidental discharges.

(a) Every property owner or other user shall ensure that the Stormwater Drainage System is protected from accidental discharge of pollutants or prohibited materials from the owner/user's premises or facilities at the owner/user's sole expense. Upon request by the Director of Public Works or designee, an owner/user shall be required to submit detailed plans, including procedures for handling accidental discharges of pollutants or prohibited materials into the Stormwater Drainage System.

(b) In case of an accidental discharge, an owner/user shall notify the City as soon as practicable by notifying the Greeley Fire Department of the location of the discharge, type of material, concentration, volume, and any corrective actions taken.

(c) Within five (5) business days following an accidental discharge, an owner/user shall submit to the Director of Public Works or designee a written report describing the cause of the discharge and measures to be taken to prevent future occurrences. The submission of a written report does not relieve the owner/user of any expense or liability that may be incurred from damage to the Stormwater Drainage System, receiving waters, persons, or property, including applicable fines and penalties. Failure to submit a report is a Code violation.

14.16.160 - Cleanup responsibility; assessment for expenses; lien and enforcement.

(a) A property owner or other user responsible for an unauthorized discharge shall promptly institute and complete all actions necessary to remedy the effects of an unauthorized discharge at no cost to the City. When deemed necessary in the interest of public health, safety, and welfare by the Fire Chief or the Director of Public Works, or their respective designees, cleanup may be initiated by the City. Costs associated with such cleanup shall be borne by the owner/user responsible for the unauthorized discharge.

(b) An owner/user violating any provisions of this Chapter shall be liable under any applicable federal, state or local law for any expense, loss or damage caused the City by reason of such violation, including increased costs for management or operation of the Stormwater Drainage System when such increases are the result of the owner/user's discharge. Such liability includes, but is not limited to reimbursement for costs of emergency response and/or City cleanup resulting from the discharge.

(c) If an owner/user discharges such pollutants, substances or debris that cause the City to be in violation of any applicable law or permit and to be fined by the U.S. Environmental Protection Agency, or other federal or state governmental agency for such violation, such owner/user shall be fully liable for reimbursement of the total amount of the fine assessed against the City and City costs, including without limitation, all legal, sampling and analytical testing costs.

(d) If the City incurs expenses and costs for cleanup of spills or illegal dumping activity, such total costs and expenses shall be set forth in a written assessment notice to be prepared by the Director of Finance and to be mailed to the owner/user whose duty it is

to provide such services and materials. All such assessment notices shall declare that the full amount is immediately due and payable. Failure to pay any such assessment shall cause the amount to immediately become a lien against the property, and such lien shall have priority over all other liens except general taxes and prior special assessments. Such lien shall be enforced in the same manner as the lien for special assessments is enforced under section 13.44.180 of this Code.

(e) The City may bring civil suit against the owner/user for the assessment of the unpaid portion thereof, described at Paragraph (4) above, at any time after a thirty (30) day period. This remedy shall be in addition to and an alternative to any other remedy available.

(f) Any assessment or fee not be paid when due may be recovered in an action at law by the City. In addition to any other remedies or penalties provided by this Chapter or this Code, the Administrative Hearing Officer is hereby empowered and directed to enforce this provision as to any and all delinquent owner/users. Authorized personnel under the supervision of the Director of Public Works or designee shall, at all reasonable times, have access to any property served by the City for inspection, repair, or enforcement of the provisions of this Chapter.

(g) All authorized personnel under the supervision of the Director of Public Works or designee shall have the power to conduct inspections, give verbal direction, issue notices of violations and implement other enforcement actions under this Chapter.

14.16.170 - Notice of violation; stop work orders; permit termination.

(a) The Director of Public Works or designee may issue a notice of violation to any owner/user who discharges material as described in this Code into the Stormwater Drainage System. Such notice of violation shall be issued in accordance with Section 2.09.120 of this Code.
(b) When any Construction Activities, as defined in section 9.18 are being performed in noncompliance with any provisions of this Chapter or Code or other applicable law, rule, or regulation, the Director of Public Works or designee can order the work stopped by serving written notice upon the person performing the Construction Activities. The person shall immediately stop work until authorized in writing by the Director of Public Works or designee to proceed with the work or until approval to proceed has been obtained by legal process. If the person cannot be located, the notice may be posted in a conspicuous place upon the site where Construction Activities are taking place. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the City.

(c) Any violation of a condition of a City-issued permit, a violation of this Chapter, Code, or other applicable law, rule, or regulation, including performing noncompliant Construction Activities, shall be sufficient cause for revocation of the City-issued permit. The City may reinstate the permit upon proof of the correction of the noncompliance.

14.16.180 - Code violation and administrative hearing procedures.

A notice of violation issued under section 14.16.170 above is a misdemeanor infraction and shall proceed in accordance with section 2.09.120 of this Code and shall be subject to the provisions of this Chapter and penalties as set forth in Chapter 1.33 of this Code.

Summary of Changes for 9.18

Chapter wide

- "Earth disturbance" changed to "land disturbance" in order to stay consistent with permit terminology
- Consistent use of Storm Drainage Design Criteria and Construction Specifications Manual throughout

Section specific

- **9.18.010 – Legislative findings.**
  - No proposed changes.
- **9.18.020 - Purpose**
  - (a) Minor regulatory language change, sites to areas – "areas" is more encompassing, in line with common plan of development.
  - (b) Multiple changes
    - The word "develops" added to ensure full scope of owner/operator is captured.
    - Applicability threshold cited for different portion of code to reduce repetition and lessen chance for human error.
    - Minor regulatory language changes/omissions/substitutions. Mostly taking out verbose language.
- **9.18.030 – Definitions**
  - Definitions added/updated/deleted to match states definitions. City Attorney also took out definitions that she felt did not need to be defined.
- **9.18.040 – Compliance with Chapter required for site plan or plat approval.**
  - Minor regulatory language changes and removal of verbose language (e.g. "will" for "shall", removal of full list of plans after it was already mentioned)
  - (a) Added – establishes timeframe for which control measures need to be implements. MS4 permit states that control measures need to be implemented from "initial land disturbing activity to final stabilization". Also, sets the expectation that control measures will be designed to control potential discharges to prevent discharges.
- **9.18.050 - Adoption by reference of erosion, sediment and waste control criteria.**
  - Incorporates by reference City's Stormwater Design Specs (and versions and all revisions). Also incorporates UDFCD. UDFCD is currently industry standard and typically has the most current best available technologies.
  - Changed from City Engineer to Director of Public Works, responsibilities under this section are not limited to design approval but also include ongoing water quality requirements that are not under the supervision of the City Engineer.
- **9.18.060 - Permits and fees.**
  - (a)
    - Added language to include certain sites under an acre be consistent with design specs and State provisions. We've had to require grading permits for sites that pose a significant potential threat to surrounding waterways under an acre previously.

        - Director to identify these sites relocated from redundant portion of the code.
    - (b)
        - Condensed wording to “construction activities”.
        - Specifies grading permit.
        - Moved language from different section that permittee must still obtain a permit for CDPHE, more appropriate location.
    - (c)
        - Condensed from other subparagraphs to require SWMP and ESCP to be submitted. State or individual permit taken out, will include on new grading permit
    - (d) Current version of code states that we will collect fees for plan review and inspections. It also states we will collect a deposit for BMPs. We do not currently collect any of these (although this may happen again eventually). Fees are directed to fee schedule as they change.
- **9.18.070 – Time.**
    - Changed from 180 days to a year. The actual grading permit currently says that it is valid for 1 year. 180 days may be overly cumbersome for re-permitting requirements – may be hard to track and implement.
    - Changed from City Engineer, to Director of Public Works or designee to give some latitude in the future for who may issue the permit.
    - Minor regulatory language changes.
- **9.18.080 – Failure to complete the work.**
    - Failure to complete work can be identified by Stormwater or Engineering, so changing from the City Engineer to Director of Public Works will encompass both departments.
    - Minor regulatory language changes (“permittee” to “permit holder”/add “completion”/take out “temp or permanent”.
- **9.18.090 – Denial of permit.**
    - Minor regulatory language changes.
- **9.18.100 – Modifications of approved plans.**
    - Changed City Engineer to Director of Public Works, others not under the supervision of the City Engineer potentially could review these changes, such as a Stormwater Engineer.
    - Took out minor modifications. It would be too onerous and impractical to review and approve every BMP substitution. Minor modifications will be detailed within the new provisions of the grading permit. Essentially every change will be updated onsite within the SWMP’s site plan.
- **9.18.110 - Responsibility of permittee.**
    - Specified during construction activities until final stabilization to match permit language. “Grading operations” doesn’t encompass responsibilities up to termination of the permit.
    - (e) Added to ensure that there is regulatory backing to be able to enforce insufficient control measures during land disturbing activities.
    - Minor regulatory language changes.
- **9.18.120 – General Requirements**

- (c) and (h) tied requirements to design specs and Urban Drainage to give basis for standards their proposed control measures must abide by.
- Minor regulatory language changes.

- **9.18.130 – Maintenance requirements.**
  - Minor regulatory language changes.
- **9.18.140 - Grading permit/soil and erosion control plan requirements.**
  - Added Urban Drainage.
  - Replaced thresholds with reference to different portion of the code that established thresholds.
  - Replaced City Engineer with Director so SWQ staff can identify sites and tell them to obtain a permit.
  - Minor regulatory language changes.
- **9.18.150 - Variances and exceptions.**
  - (e) Changed to Director of Public Works so it could potentially be Engineering or a Stormwater Engineer
  - Took out section for appeals since subparagraph (e) puts approval of exceptions under Director
  - Minor regulatory language changes
- **9.18.160 – Inspection, control and stop work orders.**
  - Certificate of completion was taken out, this is not currently done. If we decide to do this again in the future it can be put into design specs.
  - (b) Removed verbose language (City Attorney's recommendation).
  - (c)
    - Approval to continue work by Director or designee, not the "City". City gives broad authority.
    - Replaced City Inspector with Director of Public Works or designee. City Inspector could range multiple departments.
  - Minor regulatory language changes.
- **9.18.170 – Notice of violation**
  - Added provisions to enforce upon people who failed to obtain a permit, previously had no authority to do so. This is a requirement of the MS4 permit.
  - Minor regulatory language changes.
- **9.18.180 - Code violation and administrative hearing procedures.**
  - (b) was moved from another section, it is better placed in this section.
  - Minor regulatory language changes.
- **9.18.190 – Penalties and enforcement.**
  - Taken out per City Attorney's recommendation. It is a redundancy.

Summary of Changes for 14.15

- **14.15.010 – Declaration of purpose.**
  - Minor regulatory language changes.
- **14.15.020 – Definitions.**
  - City Attorney took out a significant amount of definitions that did not need defining or were not found anywhere within the code.

- **14.15.030 – Creation of Stormwater Management Program**
  - No changes.
- **14.15.040 - Administration by City Manager.**
  - Minor regulatory language changes.
- **14.15.050 - Creation of Stormwater Board.**
  - Minor regulatory language changes and phasing that unnecessary according to City Attorney.
- **14.15.060 - Comprehensive stormwater management plan.**
  - Minor regulatory language changes.
- **14.15.070 - Duties of Stormwater Board.**
  - Minor regulatory language changes.
- **14.15.080 - Stormwater Management Program fee.**
  - Minor regulatory language changes.
  - (c) City Attorney took out verbose language.
- **14.15.090 - Stormwater Management Program Fund.**
  - Minor regulatory language changes.
  - (b) City Attorney took out verbose language.
- **14.15.100 - Development Infrastructure Fund.**
  - Minor regulatory language changes.
- **14.15.110 - Billing for fee.**
  - Minor regulatory language changes.
- **14.15.120 - Certain properties exempt from fees.**
  - Minor regulatory language changes.
- **14.15.130 - Stormwater fee reduction or waiver.**
  - Proposed removal of this section. The establishment of the stormwater fee is based on quantity, not quality. The factors in this section that lead to the consideration of fee reduction or waiver are quality based. Regardless of water quality, the City has to account for transport and maintenance of the stormwater infrastructure according to the amount of stormwater a property is contributing to the City's stormwater system. Although there have only been a few cases of fee reductions or waivers, the amount that has been reduced/waived is a significant amount and places the onus for stormwater infrastructure maintenance on other businesses and homeowners within the community. The recipients of waivers/reductions have current IGAs with the City, so they will not be impacted by this redaction.
- **14.15.140 - Enforcement.**
  - (c) and (d) added in order to take violators to admin hearing. MS4 permit requirement.
- **14.15.150 - Unpaid fees to be a lien.**
  - (a) City Attorney took out the verbosity of this paragraph and condensed it to a sentence that she felt sufficiently covered the intent and scope of the previous paragraph.
  - (b) Minor regulatory language changes
- **14.15.160 - Requirements for permanent stormwater water quality BMPs.**
  - Took out different types of BMPs, they are now covered in the definitions section.
  - Control measures to be maintained "in perpetuity" added, this is a permit requirement.

- Approval of permanent control measures by Director of Public Works or designee allows for the design standards required by the MS4 permit to be met. However, these must be reflected in design specs prior to July 1st.
- (b) Added for City to recoup costs for maintenance.
- (c) Added to create a threshold for what constitutes a violation. MS4 permit requirement.
- Added language that would allow charging for an for admin fee on top of the work done to dissuade people from using the City as a low cost alternative for maintenance or repairs.

- **14.15.165 Excluded projects.**
  - This is an added section. These excluded projects were deemed acceptable exclusions by the State are required by the MS4 permit to be detailed in code if the City decides to take advantage of these exclusions. These exclusions should not pose a significant threat to stormwater quality within Greeley.
- **14.15.170 – Stormwater facilities and Best Management Practices (BMPs) required for subdivisions.**
  - Replaced references for conformance with current procedures, code currently cites City's stormwater management plan. More appropriate references were substituted, current criteria would be found in Design Specs and Urban Drainage.
  - Per City Attorney's recommendation, the second half of the section was extraneous and therefore recommended removal. Review and approval was moved to the beginning of the section.
  - Minor regulatory language changes.
- **14.15.180 – Administrative review; appeals.**
  - Recommended to be completely removed by City Attorney. Previous conversations between City Attorney and prior Water Quality Administrator indicated this section was set up when fee was first set up, but may no longer be relevant.
- **14.15.190 - Title granted to City.**
  - Recommended to be completely removed by City Attorney.
- **14.15.200 - Responsibilities for stormwater facilities, inspections, right of entry.**
  - (a) Changed acceptance from "City" to Director of Public Works. City is too broadly defined and may open the door to other departments that do not have oversight of maintenance accepting previously private stormwater facilities.
  - Removed verbose language.
  - Minor regulatory language changes.
- **14.15.210 – City to maintain all public stormwater facilities.**
  - City Attorney recommended that the intent of this section could be captured in one sentence.
  - The City Attorney feels that with the addition of the language "…or upon which the City holds easements, as well as those stormwater facilities formally dedicated to the City.", the concerns which were brought up should be fully addressed. She stated the language

should be general and all encompassing, and not name each situation that the City will maintain the facilities.
    - The rest is proposed to be removed because of its extraneous nature.
- **14.15.220 - Disclaimer.**
    - Minor regulatory language changes.

Summary of Changes for 14.16

- **14.16.010 - Declaration of purpose and legislative intent.**
    - Minor regulatory language changes.
- **14.16.020 – Definitions.**
    - City Attorney suggested removal of definition section. Terms were either not used, or did not need to be defined.
- **14.16.030 - Connecting to storm sewer without permit unlawful.**
    - Minor regulatory language changes.
- **14.16.040 - Application for permit.**
    - Updated to make application to Director of Public Works.
    - Establishes that amount for tap/connection fee is in the fee schedule.
- **14.16.050 – Installation costs and fee**.
    - $50 tap fee was removed and replaced with a reference to the fee schedule.
    - Minor regulatory language change.

- **14.16.070 - Service connections; required before streets paved; specifications; business district requirements.**
    - Service connection approval by Director of Public Works or designee.
    - Minor regulatory language changes.
- **14.16.080 - Required sizes designated; exceptions.**
    - Grammar changes.
- **14.16.090 – Water discharge requirements designated.**
    - Edited to account for all types of pipe, it didn't previously have concrete or plastic.
    - The word roof was removed and a sentence was added to account for residential areas. I purposed that to account for the inclusion of the situations that we addressed, there be a provision added that states if water can't be directed to the stormwater infrastructure before making it to a road, alley, or sidewalk it should be directed to an area that allows for infiltration before it reaches those areas.
    - Minor regulatory language changes.
- **14.16.100 - Application to remodeled buildings, living units and redevelopment districts.**
    - Removed (b) and (c).
    - Phrasing changes proposed by City Attorney for the section, but no substantive changes were made.
- **14.16.110 – Extra fees; imposition procedure**.
    - Removed section.
- **14.16.120 – Payment at building permit issuance.**
    - Removed section.
- **14.16.130 – Drainage system construction; payment costs.**

- City Attorney re-worded this section, regulatory content remains the same.
- Changed “City” to Director of Public Works or designee
- Added “design” to part that City would share cost in. This section was compared to related situations that may arise in the W&S department. The only relevant section found in the W&S code states that the private entity can submit a formal request for reimbursement after construction. There was nothing specifically pertaining to oversizing in code, I imagine they probably have it covered in design specs.
-

- **14.16.140 - Discharge prohibitions.**
  - (a) Replaced extensive list of “prohibited discharges” with illicit discharges, which fully encompasses what was previously defined. Also, specifically prohibiting State defined illicit discharges is a MS4 permit requirement.
  - (b) Included the entirety of the State approved discharge exceptions.
- **14.16.150 - Accidental discharges.**
  - (a) Changed from “City” to Director of Public Works.
  - (b) Included Fire Department for notification per their request.
  - (c) Changed accidental discharge report to go to the Director of Public Works instead of City Manager
  - Minor regulatory language changes.
- **14.16.160 - Cleanup responsibility; assessment for expenses; lien and enforcement.**
  - (f) Changed from “City” to Director of Public Works.
  - Minor regulatory language changes.
- **14.16.170 - Notice of violation; stop work orders.**
  - (c) This section was moved from 14.16.190, which was removed due to redundancy. Also, language was added for clarification on which permit it was referring to.
  - Minor regulatory language change.
- **14.16.180 - Code infraction and administrative hearing procedures.**
  - Minor regulatory language change.
- **14.16.190 - Sanctions.**
  - This section was removed as the contents are fully covered by 14.16.180 and 2.09.120/1.33 which it is referenced therein.

Stormwater Code Revisions for Chapter 9.18,14.15, and 14.16

Municipal Separate Storm Sewer System (MS4) Permit Overview

- **Required by the EPA and State for municipalities over 50,000 people**
- **6 control measures the City has to implement**
  1. **Public Involvement**
  2. **Public Education and Outreach**
  3. **Illicit Discharge Detection and Elimination**
  4. **Construction Inspections**
  5. **Post-Construction Inspections (permanent SW infrastructure)**
  6. **Good Housekeeping for Municipal Operations**

In 2018, Stormwater's Water Quality Unit completed…

- 717 construction site inspections
- 46 illicit discharge responses
- 350 hours of public outreach and education
- 430 inspections of permanent stormwater infrastructure throughout the City
- Review and audit of run-off control plans for municipal facilities
- Conducted stormwater plan reviews for every new construction project within the City

What the proposed code revisions look to accomplish

MS4 Permit

- Updates to meet regulatory mechanism requirements

Modernize dated processes

- Modified or removed sections to match departments current workflow and industry standards

MS4 Permit Requirements

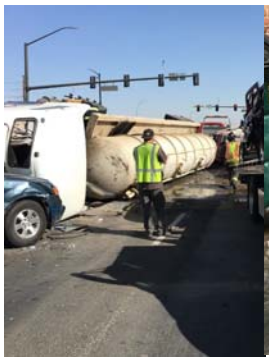
Generally speaking, the EPA and Colorado Department of Public Health and Environment (CDPHE) are requiring these updates in order to:

- Make more robust regulatory mechanisms for Stormwater's Construction, Post-Construction, and Illicit Discharge programs
- Establish water quality standard requirements for new construction and redevelopment
- Establish allowable exemptions for new provisions

Illicit Discharge Detection and Elimination

Permit Requirement	Section of Proposed Code
Prohibit illicit discharges into the MS4.	**14.16.140 (a)**
Have a procedure to request access to property for illicit discharges procedures, to include judicial action.	**14.16.160 (g)/14.16.180**
Provide the ability to cease and remove, and impose penalties for all illicit discharges.	**14.16.160**
Discharges that can be excluded from being considered an Illicit Discharge	**14.16.140 (b)**

Illicit discharge examples in Greeley



Flipped tanker with fracking fluid on 34

Overflowing grease receptacles downtown

Vehicle in residential neighborhood with used oil in it's bed

Sediment from areas that are being developed

Construction Sites

Permit Requirement	Section of Proposed Code
The ability to implement sanctions against entities responsible for applicable construction activities	**9.18.180**
Require control measures to be implemented for all applicable construction activities from initial disturbance until final stabilization.	**9.18.040 (a)/9.18.060(a)**
Waivers or variances are included in the regulatory mechanism.	**9.18.150**

Construction site deficiency examples

Best management practices in need of maintenance

Unprotected stormwater inlets

Improperly managed track out

Construction site deficiency examples

Overflowing or improperly maintained concrete washout

Improper temporary stabilization leading to accelerated erosion

Excessive fugitive dust emissions associated with construction

Post-Construction Stormwater Management in New Development and Redevelopment

Permit Requirement	Section of Proposed Code
Permanent BMPs required for all applicable development sites.	**14.15.160**
Require the long-term operation and maintenance of control measures.	**14.15.160(a)**
Implement sanctions against entities responsible for the long-term operation and maintenance of the control measures.	**14.15.230**
Procedures to ensure that any exclusions, exemptions, waivers, and variances included in the regulatory mechanism.	**14.15.165**

Post construction deficiency examples

Trees, cattails, and shrubs blocking infrastructure and taking up capacity

Erosion of drainage features

Debris and trash build-up can block infrastructure lead to flooding

Sites that have lost ground cover after permanent stabilization was established

Changes to modernize dated processes

Language

- Current industry standards
- Removal of overly verbose language
- Removal of redundant language/procedures (e.g. redundant enforcement sections)
- Removed definitions that did not need defining/were not used in the chapter(s)

References

- Incorporated Urban Drainage in more areas
  - Establishes industry standards for Colorado
  - Give developers more options for construction/post-construction best management practices

Changes to modernize dated processes

Removal of unnecessary sections

- Better covered by internal procedures/SOPs
  - Examples:
    - Payment at building permit issuance
    - Administrative review/appeals
- Sections no longer applicable or didn't match current procedures
  - Examples:
    - Extra fees; imposition procedure (all fees were referred to fee schedule)
    - Appeals process, now referenced to enforcement section
- Removal of section for stormwater fee reduction or waiver based on CDPS permit
  - Initially stated that appeals would be considered if the applicant had an individual Colorado Discharge Permitting System (CDPS) permit, industry or business could take advantage of this and leave the burden on individual tax payers
    - Not equivalent for basis of fee
      - City of Greeley stormwater fee = **quantity** of stormwater
      - CDPS permit = **quality** of stormwater
  - Reductions or waivers now left solely at the discretion the stormwater board

Council Agenda Summary

July 2, 2019

Agenda Item Number 19

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Appointment of applicants to the Citizen Budget Advisory Committee, Construction Trades Advisory & Appeals Board, Downtown Development Authority, Rodarte Community Center Advisory Board, Water & Sewer Board, Youth Commission

Summary:

Council appointment is needed to the above-mentioned boards and commissions due to vacancies and term expirations. Staff continues to actively recruit to fill all vacant positions.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

The City Attorney's Office reviewed the applications and advised of potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Other Issues and Considerations:
Not applicable.

Applicable Council Goal or Objective:

Infrastructure & Growth – Establish the capital & human infrastructure to support & maintain a safe, competitive, appealing, and dynamic community.

Decision Options:

1) Appoint or reappoint the individuals to serve on applicable board or commission; or
2) Direct staff to re-advertise applicable vacancy.

Council's Recommended Action:
No motion is necessary. The City Council's Policies and Protocol authorize appointment of Board and Commission members by written ballot, which can be used in lieu of a motion or voice vote for individual or multiple appointments. This policy was adopted by Council as a time-savings measure. Accordingly, a ballot is attached for Council's use in making appointments. Candidates receiving a majority vote (at least 4 votes) are appointed with no further action needed by Council.

Attachments:
Ballot
June & July 2019 Boards and Commissions Transmittal Summary

City of Greeley
Boards & Commissions
Appointment Ballot
July 2, 2019

Applicants for the boards and/or commission listed below are in alphabetical order and recommendations from the interviewing team of Councilmembers are shown in bold.

********** BALLOT **********

Citizen Budget Advisory Committee
1 Vacancy
____ **LAURA FISCHER**
____ (Recruit For Additional Applicants)

Construction Trades Advisory & Appeals Board
3 Vacancies
____ **WENDELL HEYEN (I)**
____ James Morris (I)
____ **BRIAN PERSONS (I)**
____ Thomas Roche
____ (Recruit For Additional Applicants)

Downtown Development Authority
3 Vacancies
____ **MATTHEW ANDERSON (I)**
____ **T. DREW NOTESTINE (I)**
____ **KEN SCHULTZ (I)**
____ (Recruit For Additional Applicants)

Rodarte Community Center Advisory Board
1 Vacancy
____ **EMMA PENA-MCCLEAVE**
____ (Recruit For Additional Applicants)

Water & Sewer Board
2 Vacancies
____ Fred Otis (I)
____ William "Jack" Schneider
____ Manuel Sisneros (I)
____ (Recruit For Additional Applicants)

Youth Commission
1 Vacancy
____ **JAKOB CROWELL (I)**
____ (Recruit For Additional Applicants)

(I) = Incumbent

Boards & Commissions Transmittal

June 21, 2019
Key Staff Contact: Jerry Harvey, Assistant City Clerk, 350-9746

Interview Date	*Council Interview Team*	*Council Appointment Date*
June 27, 2019	Councilmembers Suniga and Fitzsimmons	July 2, 2019

Boards and Commissions Being Interviewed

- **Citizen Budget Advisory Committee**
- **Construction Trades Board**
- **Downtown Development Authority**
- **Rodarte Board**
- **Water & Sewer Board (Interviews at June 25th Council Worksession)**
- **Youth Commission**

Council's Recruitment and Qualifications Policy
General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol)

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters.

Legal Issues
The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Applicable Council Goal or Objective
Infrastructure & Growth – Establish the capital & human infrastructure to support & maintain a safe, competitive, appealing, and dynamic community.

Decision Options
1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy.

Attachments
1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Sample Ballot
4. Membership Rosters & Input from above mentioned Boards and Commissions
5. Applications of those being considered for interview and/or considered for appointment

Transmittal reviewed by: Becky Safarik, Asst. City Manager Cheryl Aragon, Deputy City Clerk

Council Agenda Summary

July 2, 2019

Agenda Item Number 20

Title
Scheduling of Meetings, Other Events

Summary
During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Worksession Schedule regarding any upcoming meetings or events.

Attachments
Council Meeting/Worksession Schedule
Council Meetings/Other Events Calendar

City Council Meeting Schedule

Date	Description	Staff Contact	
July 9, 2019 Worksession Meeting	Andy Feinstein - University of Northern Colorado Presentation	Roy Otto	0.25
	Workplace Culture Development	Roy Otto	0.50
	Greeley Retail Market Assessment	Ben Snow	0.25
	Comprehensive Annual Financial Report and Audit Report	Renee Wheeler	0.50
July 16, 2019 Council Meeting	Resolution - IGA with CDOT for Congestion Mitigation and Air Quality Grant Funding	Joel Hemesath	Consent
	Resolution - Criminal Justice Records Fees	Mark Jones	Consent
	Ordinance - Intro - Zoning Map Updates to the Development Code	Brad Mueller	Consent
	Ordinance - Final Ashcroft Draw Liftstation - Acquisition of Interests in Real Property	Sean Chambers	Regular
	Ordinance - Final - Amendments to the Greeley Municipal Code regarding Refuse	Brad Mueller	Regular
July 23, 2019 Worksession Meeting	Industrial Hemp Overview	Ben Snow	0.50
	Building Code Amendments	Brad Mueller	0.50
	Quarterly Financial Report	Renee Wheeler	0.50
	Revenue Assumptions	Renee Wheeler	0.50
August 6, 2019 Council Meeting	Ordinance - Intro - Building Code Amendments to the Greeley Municipal Code	Brad Mueller	Consent
	Ordinance - Final - Zoning Map Updates to the Development Code	Brad Mueller	Regular
August 13, 2019 Worksession	CIP, Water & Sewer & Stormwater Budget Presentation	Renee Wheeler	1.00
August 20, 2019 Council Meeting	Ordinance - Final - Building Code Amendments to the Greeley Municipal Code	Brad Mueller	Regular
	Board & Commission Appointments	Betsy Holder	Regular
August 27, 2019 Worksession	2020 Operating Budget Presentation	Renee Wheeler	1.00
September 3, 2019 Council Meeting	Ordinance - Intro - Fourth Additional Appropriation	Renee Wheeler	Consent
September 10, 2019 Worksession	2020 Operating Budget Presentation	Renee Wheeler	1.00
September 17, 2019 Council Meeting	Ordinance - Final - Fourth Additional Appropriation	Renee Wheeler	Regular
	Board & Commission Appointments	Betsy Holder	Regular
September 24, 2019 Worksession	2020 Operating Budget Presentation	Renee Wheeler	1.00
	CDBG Presentation	Ben Snow	0.50
October 1, 2019 Council Meeting	Public Hearing to approve 2020 budget and 2020-2024 Consolidated Plan	Ben Snow	Regular
	Ordinance - Intro &Public Hearing- 2020 Budget Adoption	Renee Wheeler	Regular
October 8, 2019 Worksession	Operating Budget Follow-up (if necessary)	Renee Wheeler	0.50
October 15, 2019 Council Meeting	Ordinance - Final - 2020 Budget Adoption	Renee Wheeler	Regular
	Board & Commission Appointments	Betsy Holder	Regular
October 22, 2019 Worksession			
	Quarterly Financial Report	Renee Wheeler	0.50
November 5, 2019 Council Meeting	Ordinance - Intro - Dissolution of GGID	Renee Wheeler	Consent
November 12, 2019 Worksession			
November 19, 2019 Council Meeting	Ordinance - Final - Dissolution of GGID	Renee Wheeler	Regular
	Board & Commission Appointments	Betsy Holder	Regular
November 26, 2019 Worksession			
December 3, 2019 Council Meeting	Ordinance - Intro - Fifth Additional Appropriation	Renee Wheeler	Consent
December 10, 2019 Worksession			
December 17, 2019 Council Meeting	Ordinance - Final - Fifth Additional Appropriation	Renee Wheeler	Regular
	Board & Commission Appointments	Betsy Holder	Regular

July 1, 2019 - July 7, 2019

July 2019

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2019

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Monday, July 1

Tuesday, July 2

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue)

Wednesday, July 3

Thursday, July 4

7:00am - Poudre River Trail (Hall)

8:30am - 10:00am Greeley Stampede Parade (TBD) - Council Master Calendar

3:30pm - IG Adv. Board (Smail)

6:00pm - MPO (Gates/Casseday)

Friday, July 5

Saturday, July 6

Sunday, July 7

July 8, 2019 - July 14, 2019

July 2019

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2019

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Monday, July 8

Tuesday, July 9

5:00pm - 6:00pm City Council Worksession (1001 11th Avenue)

Wednesday, July 10

Thursday, July 11

Friday, July 12

3:00pm - 5:00pm Doyle Schaeffer Retirement Celebration (Nusbaum Room, Fire Station No. 1, 1155 10th Avenue) - Council Master Calendar

Saturday, July 13

Sunday, July 14

July 15, 2019 - July 21, 2019

July 2019

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2019

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Monday, July 15

Tuesday, July 16

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue)

Wednesday, July 17

7:30am - 8:30am Visit Greeley (Fitzsimmons)

2:00pm - 5:00pm Water & Sewer Board (Gates)

Thursday, July 18

7:30am - 8:30am DDA (Casseday/Smail)

3:30pm - 4:30pm Airport Authority (Casseday/Payton)

Friday, July 19

Saturday, July 20

10:00am - 11:00am City Chat with Councilmember Suniga (TBD)

Sunday, July 21

July 22, 2019 - July 28, 2019

July 2019

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2019

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Monday, July 22

11:30am - 12:30pm Greeley Chamber of Commerce (Gates)

6:00pm - 7:00pm Youth Commission (Smail)

Tuesday, July 23

5:00pm - 6:00pm City Council Worksession (1001 11th Avenue)

Wednesday, July 24

Thursday, July 25

Friday, July 26

Saturday, July 27

Sunday, July 28

July 29, 2019 - August 4, 2019

July 2019

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2019

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Monday, July 29

Tuesday, July 30

Wednesday, July 31

7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar

Thursday, August 1

7:00am - Poudre River Trail (Hall)

3:30pm - IG Adv. Board (Smail)

6:00pm - MPO (Gates/Casseday)

Friday, August 2

Saturday, August 3

Sunday, August 4

Council Agenda Summary

July 2, 2019

Agenda Item Number 21

Title
Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances

Council's Recommended Action
A motion to approve the above authorizations.

Council Agenda Summary

July 2, 2019

Agenda Item Number 22

Title
Adjournment