

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE COUNCIL AND CITY OF SEDONA, ARIZONA, ADOPTING AN AMENDMENT TO THE CITY CODE TITLE 13 (PUBLIC SERVICES AND UTILITIES) BY AMENDING CHAPTER 13.50 (STORM WATER DISCHARGE); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS the City seeks to provide for the general health, safety, and welfare of the public; and

WHEREAS the City has become aware that some property owners have altered their properties to affect storm water and non-storm water runoff; and

WHEREAS such alternations sometimes negatively affect adjacent properties and the need for safe and efficient runoff drainage; and

WHEREAS the City needs to ensure proper storm water and non-storm water runoff; and

WHEREAS, the City deems it necessary to adopt certain Amendments to the City Code and to protect the health, safety, and welfare of the City residents and the public.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, as follows:

Section 1. Amendment of Sedona City Code Chapter 13.50 (Storm Water Discharge)

Title 13 (Public Utilities and Services) of the City Code of the City of Sedona is hereby amended by amending Section 13.50 (Storm Water Discharge) as follows:

**Chapter 13.50
STORM WATER DISCHARGE**

Sections:

- 13.50.010 Finding of fact.
- 13.50.020 Purpose and intent.
- 13.50.030 Definitions.
- 13.50.040 Applicability.
- 13.50.050 Responsibility for administration.
- 13.50.060 Severability.
- ~~13.50.070~~ Lot Drainage.
- ~~13.50.070—080~~ Discharge prohibitions.

13.50.080 — 090	Permitted non-storm water discharges.
13.50.090 — 100	Plan review, inspections, access, and reports.
13.50.100 — 110	Suspension of MS4 access.
13.50.110 — 120	Industrial or construction activity discharges.
13.50.120 — 130	Suspension due to the detection of illicit discharge.
13.50.130 — 140	Watercourse protection.
13.50.140 — 150	Notification of spills.
13.50.150 — 160	Enforcement.

[...]

13.50.020 Purpose and intent.

A. The purposes of this chapter ~~is are:~~

~~1. To provide for health, safety, and general welfare within the city through the regulation of non-storm water discharges to the MS4 to the maximum extent practicable (“MEP”) as required by federal and state law. To this end this chapter requires that unless expressly authorized or exempted by this chapter, no person shall cause, participate in, or allow the discharge to a public right-of-way or public storm drain system of any substance that is not composed entirely of storm water. To further this end, this chapter establishes authority to conduct and require inspection, monitoring, reporting, and enforcement activities to address the prevention, identification, and remediation of illicit discharges to the MS4.~~

~~2. To provide for the health, safety, and general welfare within the city through regulation of stormwater runoff and lot drainage.~~

B. It is the intent of this chapter to comply with AZPDES regulations for storm water discharges, to be consistent with the storm water quality provisions of the Federal Clean Water Act (33 U.S.C. Section 1342), and to enable the city to comply with all applicable storm water quality provisions of federal, state, and local laws and regulations to ensure the future health, safety, and general welfare within the city, as well as the protection and preservation of the local environment.

C. It is the intent of this chapter that the standards promulgated by this chapter are minimum standards; therefore, it is not intended or implied that compliance with the provisions of this chapter by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

[...]

13.50.070 Lot Drainage.

A. It shall be unlawful for any person or entity to alter any natural drainage course, topography, or existing drainage facility in such a way as to damage or endanger by flooding, erosion, nuisance water or any other means, any public or private property or improvements

without written approval of the City Engineer. For purpose of this subsection, “alter” includes to change any surface sheet flow by obstruction or diversion through the erection of fences, berms, curbs, or any other excavation, fill, or structure, if such modification will change flow in any existing drainage course or facility.

A.B. It shall be unlawful to change the quality, flow rates, or flow patterns of surface runoff where it enters or exits a parcel, unless authorized in writing by the City Engineer.

[...]

13.50.0990100 Plan review, inspections, access, and reports.

A. The city shall require that any person submitting a grading, building, or other improvement plan disclose if illicit discharge, storm water, or permitted non-storm water discharge of any type to the MS4 may occur as a result of, or in conjunction with, the implementation of the plan. To the extent that the discharge would be an illicit discharge, if connected to the MS4, the plan shall include BMP measures to remove or prevent the illicit discharge during and after construction of the improvement or project. The BMPs shall be subject to approval of the city engineer.

B. Persons shall maintain the BMPs during and after construction. This shall apply to persons initiating a project and to heirs and assigns. Changes to the BMPs approved at the time of a project implementation shall be sent to the city in writing. The revised BMPs shall be at least as effective in preventing pollution as the original BMPs or as then currently required by the city. The city reserves the right to require changes in BMPs as necessary to assure that discharges to the MS4 are of a quantity and quality that the city will not be in violation of the permits under which it is allowed to discharge storm water.

C. The city shall be granted access to all facilities and lands discharging any water or other material to the MS4.

D. Persons further developing parcels and/or lots that are part of a larger development, regardless of the time elapsed, shall utilize current BMP methods that are at least as effective as those identified in the storm water pollution prevention plan for the larger development or necessary to comply with regulations, laws, and codes current at the time of further developing, whichever is more stringent. Appropriate permits required by the state shall be acquired by further developers.

E. Site-specific storm water pollution prevention plans shall be developed for all construction projects one acre or greater in size. The site-specific plan shall identify the minimum BMPs to be utilized upon further development of the project area, when the person submitting the plan will not

develop the entire project though building occupancy or other full development intent. Smaller areas may develop a site-specific plan or provide a notice of intent to abide by the city's general storm water pollution guidelines. The notice of intent shall be of a format approved by the city engineer and shall at minimum contain the following:

1. The name of the development as applicable;
2. The name of the property owner;
3. The name of the person responsible for compliance with the pollution prevention plan;
4. The anticipated time frame for constructing the project;
5. A statement to be signed by the responsible person and the property owner stating:

The responsible person and the person owning the property for which this notice of intent is submitted agrees to require that all construction work and related activity be conducted in accordance with the Sedona City Code requires and the requirements of the city of Sedona General Storm Water Pollution Prevention Guidelines. Persons further understands that failure to meet the mentioned requirements will be sufficient cause for the City to restrict or stop work on the property until the requirements are met. Also Persons shall additionally be subject to other actions under law.

F. The city engineer shall develop, publish, and update from time to time general storm water pollution guidelines. These guidelines shall at minimum address pollution caused by soil erosion, motor oil, trash, and landscape debris.

G. Drainage reports and construction plans for development and/or improvement of properties within the City of Sedona are reviewed and approved by the City for general conformance with the Sedona City Code, Land Development Code, City policies and standards. The City assumes no responsibility or liability for insufficient design and/or improper construction. Review and approval by the City does not absolve the owner, developer, design engineer, or contractor of liability for inadequate design or poor construction. The design engineer has the responsibility to design graded Improvements and drainage facilities that meet the standards of practice for the industry and promote public safety. Compliance with the regulatory elements, policies, and design standards documented herein, does not imply a guarantee that properties will be free from flood, geologic, and geotechnical related damage and failures. The City and its officials, employees, and contract reviewers, assume no liability for information, data, or conclusions prepared by private engineers and makes no warranty expressed or implied in its review/approval of grading and drainage projects.

[...]

Section 2. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

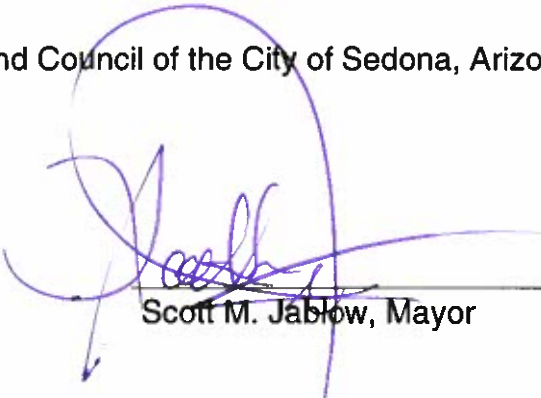
Section 3. Repeal

All other code provisions, ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof. Except as expressly amended herein, the provisions of the Chapter 13.50 shall be, and remain in full force and effect.

Section 4. Effective Date

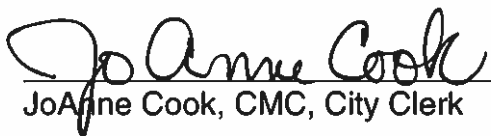
The effective date of this Ordinance shall be 30 days following adoption by the City Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 12th day of September, 2023.



Scott M. Jablow, Mayor

ATTEST:



JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christianson, City Attorney