

ORDINANCE NO. 06-2014

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GARNAVILLO, IOWA, BY AMENDING PROVISIONS PERTAINING TO THE STORM WATER DRAINAGE SYSTEM DISTRICT UTILITY

BE IT ENACTED by the City Council of the City of Garnavillo, Iowa:

SECTION 1. Chapter 100 of the Code of Ordinances of the City of Garnavillo, Iowa, shall be amended to include the following sections:

100.7 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. "Waterway". The path taken by storm water runoff as a result of flows which exceed the capacity of any underground drainage system or for which there is no underground drainage system in place. This path may include streets, channels, or drainage ways, and be located on public or private property.
2. "Structure". Any object that may impede the natural flow water, including but not limited to residences, garages, sheds, equipment, dams, berms, trees, shrubs, and bushes.
3. "Adjacent". For the purposes of this code chapter, means within the same city block and on the same side of the street or alley as the proposed structure or culvert/tube.
3. "Properly Sized Drainage Structure or Culvert/Tube". The proper size of any drainage structure or culvert/tube shall be determined by a licensed engineer, unless adjacent drainage structures or culverts/tubes are in place upstream from the proposed structure or culvert/tube, in which event the property owner may install the same size or a larger structure or culvert/tube as the adjacent upstream culvert/tubes and structures. Example: A property owner may install a 12" or larger driveway culvert in the event an adjacent upstream property owner has a 12" driveway tube/culvert. If there are no adjacent culverts/tubes or structures upstream to the proposed culvert/tube or structure, a licensed engineer must approve the size of the culverts/tubes or structures that will be installed.

100.8 PERMIT REQUIRED. No person shall maintain or construct any type of structure over, across, under or through the City of Garnavillo Storm Water Drainage System or any other waterway without having first obtained a Storm Water Drainage System Structure Permit in accordance with the provisions of this section.

1. Any person desiring a permit shall make a written application to the Clerk on forms furnished by the City. The application shall set forth the name and address of the applicant, the name of the person who shall perform the work and such other information as the Clerk may require. At the time of making such application, the applicant shall agree in writing to indemnify and protect the City, its employees, agents, assigns and citizens at all times in connection with the maintenance and/or construction of the structure. The application shall include detailed plans.

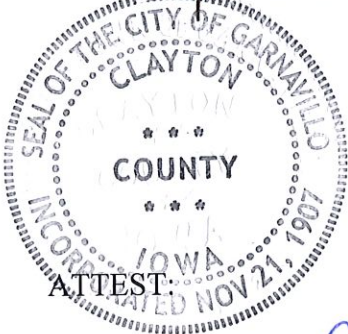
2. The Clerk shall approve or deny the application within thirty (30) days of the date it is submitted. Failure of the Clerk to approve the application within thirty (30) days shall be deemed denial. Any person aggrieved by the granting or denial of the application may appeal to the Council.
3. No permit shall be granted except in the following cases:
 - A. For walkways or driveways providing ingress and egress from and to parcels adjacent, except for the Storm Water Drainage System Structure, and under the common ownership of the applicant. Properly sized drainage tubes shall be installed to allow storm water to flow under the driveway or walkway.
 - B. For walkways or driveways providing ingress and egress from and to property owned by the applicant and a City right-of-way. Properly sized drainage tubes shall be installed to allow storm water to flow under the driveway or walkway.
 - C. For means of ingress and egress to applicant's property for emergency services or freight delivery. Properly sized drainage tubes shall be installed to allow storm water to flow under the driveway or walkway.
4. Special permits may be issued with council approval on a case-by-case basis for storm drainage projects on city owned right-of-way. Consultation will be held with a storm water engineer for these types of permit requests.
5. Any person aggrieved by the approval or denial of a permit application may appeal to the Council. The appeal must be taken within thirty (30) days of the Clerk's action on the application. The Council shall fix a time for hearing the appeal, give public notice thereof, and decide the appeal within a reasonable time. At the hearing, any person may appear in person or by agent or attorney. A fee of fifty dollars (\$50.00) shall be paid at the time the notice of appeal is filed. An appeal stays all proceedings in furtherance of the action appealed.
6. The permit shall be revocable at the discretion of the City Council and any revocation shall require the immediate cessation of use and removal within thirty (30) days of notification. Upon failure of a property owner to secure a permit in the case of existing structures or upon revocation of a permit, the applicant's structure shall be removed at applicant's cost and if applicant fails to do so within the thirty (30) day period, then the City shall remove the structure and assess all costs to the property owner to be levied as taxes upon certification to the county treasurer in conformity with the Iowa Code.
7. Any person aggrieved by the approval or denial of a permit application may appeal to the Council. The appeal must be taken within thirty (30) days of the Clerk's action on the application. The Council shall fix a time for hearing the appeal, give public notice thereof, and decide the appeal within a reasonable time. At the hearing, any person


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SECTION 2. SEVERABILITY CLAUSE. If any section, provision or party of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as whole or any section, provision or part thereof not adjudged invalid or unconstitutional

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

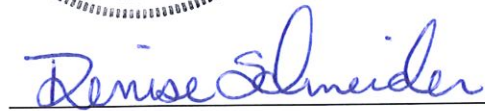
Passed by the Council this 20th day of September, 2014, and approved this 20th day of September, 2014.





Mark Priebe, Mayor

ATTEST:



Denise Schneider, City Admin/Clerk

Denise Schneider, City Admin/Clerk

First Reading: 9/20/14

Second Reading: 9/20/14

Final Reading & Passage: 9/20/14

I certify that the foregoing was posted as Ordinance No. 06-2014 on the 22nd day of September, 2014 until the 2nd day of October, 2014.



Denise Schneider, City Administrator/Clerk

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