

ORDINANCE NO. 26-_____

AN ORDINANCE AMENDING MULTIPLE PARTS OF CHAPTER 7 (UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO STORMWATER PERMANENT CONTROL MEASURES

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

Section 1. Parts of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.4.306: ASSURANCES AND GUARANTEES FOR PUBLIC IMPROVEMENTS:

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(C) * * *

(3) Release of **Stormwater** Assurance for Channel, Permanent Control Measure, and Erosion Control ~~Assurance~~: Except as provided in this Section 7.4.306, **Stormwater** assurances for channel, Permanent Control Measure, **and grading** and erosion control ~~improvements~~**measures** shall be released upon inspection and acceptance by the Stormwater Enterprise in accord with the **Stormwater**~~Engineering~~ Criteria.

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7.4.601: GRADING, EROSION, AND STORMWATER QUALITY:

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(B) * * *

(2) All construction activities shall follow the applicable standards and policies and may be required to provide assurances for erosion control as set forth in the ~~Engineering~~**Stormwater** Criteria.

* * *

(C) * * *

(2) Before engaging in any activity listed in Subsection 1 above, the owner of the property shall obtain a GEC Permit or an Associate GEC Permit according to conditions and process set forth in the ~~Engineering~~**Stormwater** Criteria. The following list of requirements is for reference only:

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(3) ~~A~~**The Permanent Control ManagementMeasure** (PCM) Plan must be approved prior to implementation of the final phase of a GEC Plan, and prior to construction of the Permanent Control Measures. The Stormwater Enterprise Manager may issue a stop work order pursuant to Subsection 7.5.904C (Stop Work Order for Hillside Site and Grading Plan) if work under the final phase of the GEC Plan is started without an approved PCM Plan. Requirements for PCM Plans are detailed in the ~~Engineering~~**Stormwater** Criteria. All PCM Plans shall be signed and bear the seal of a registered professional engineer licensed by the State of Colorado.

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7.4.602: NUISANCE TO THE PUBLIC HEALTH, SAFETY, AND WELFARE DECLARED:

(A) * * *

(3) The conditions of the GEC Permit or Associate GEC Permit and Permanent Control ~~Management~~**Measure** Plan are not implemented or are insufficient to protect public safety, property, or water resources.

~~(B) — A nuisance to the public health, safety, and welfare shall be abated in accord with the requirements of the Stormwater Enterprise Manager, which may include, but are not limited to, submittal and implementation of a new or revised GEC Plan and/or CSWMP.~~

7.4.603: INSPECTIONS:

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(B) In the event the owner of any property within the City refuses to permit entry to the Stormwater Enterprise Manager when entry is sought pursuant to this Section 7.4.603, or should permission to enter the property otherwise not be obtainable from the owner, the Stormwater Enterprise Manager may make application to any Judge of the Municipal Court of the City for the issuance of a warrant to inspect **pursuant to City Code § 11.3.115**.~~the property or carry out other duties, including the abatement of violations. A sworn application for entry and inspection shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition that is in violation of the requirements of this Section 7.4.601 exists on the property, or that a violation in fact exists and must be abated.~~ Any warrant issued shall command the owner to permit entry to Stormwater Enterprise Manager for the purposes stated in the application.

(C) The property owner or the property owner's designated agent shall perform regular inspections of all grading and erosion control operations in accord with the policies and procedures set forth in the ~~Engineering~~**Stormwater** Criteria.

7.4.701: STORMWATER REQUIREMENTS:

(A) Stormwater Criteria: The property owner and developer shall comply with all stormwater requirements, policies, and procedures as set forth in the **Stormwater** Engineering Criteria. The Stormwater Enterprise Manager is authorized to establish administrative rules and regulations, including updates to the Engineering **Stormwater** Criteria.

(B) Drainage Reports and Plans Required:

(1) Drainage Reports: Requirements for drainage reports are set forth in the Engineering **Stormwater** Criteria. The following list of submittals is for reference only.

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(2) Drainage Plans: Requirements for drainage plans are set forth in the Engineering **Stormwater** Criteria **and must be followed**. The following list of submittals is for reference only:

* * *

(c) Permanent Control Measure (**PCM**) Plan: Approval of a permanent control measure plan is generally required prior to approval of the last phase of grading.

(3) Assurance Required: Prior to approval of construction drawings, assurances that comply with the requirements of the Engineering **Stormwater** Criteria shall be posted.

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7.4.703: STORMWATER QUALITY AND DETENTION:

(A) Stormwater Quality and Detention Requirements:

(1) The owner shall comply with all stormwater requirements, policies, and procedures as outlined in the Engineering **Stormwater** Criteria.

(2) The City of Colorado Springs requires **stormwater detention and the** use of the Four (4) Step Process for receiving water protection that focuses on reducing runoff volumes, treating the water quality capture volume, stabilizing drainageways, and implementing long-term source controls. The Four (4) Step Process **and detention** shall be **implemented** ~~used~~ as follows:

(a) For all new and redevelopment projects with construction activities that disturb one (1) acre or greater; ~~in addition,~~ **and implement** detention ~~must be implemented~~ according to the policies in the Engineering **Stormwater** Criteria; and

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(3) * * *

(b) Additional requirements are located in the ~~Engineering~~**Stormwater** Criteria.

(B) ~~Required Documentation~~**PCM Requirements:**

(1) Requirements for documentation of ~~Permanent Control Measures~~**PCMs** are set forth in the ~~Engineering~~**Stormwater** Criteria.~~The following list of requirements is for reference only.~~

(a) Inspection and Maintenance (I&M) Plan: ~~Acceptance of an I&M Plan is required prior to Permanent Control Measure plan approval.~~**It is the property owner's obligation to adhere to the Standard I&M Plan referenced within their Maintenance Agreement, required for all PCMs constructed after June 1, 2008.**

(b) Maintenance Agreement: **All property owners of private PCMs constructed after June 1, 2008, must enter into a Maintenance Agreement with the City.** ~~The~~ Maintenance Agreement shall be recorded **at the property owner's expense** with deed records to ensure that the Maintenance Agreement is bound to the property in perpetuity ~~prior to release of Permanent Control Measure assurance for private Permanent Control Measures.~~

~~(c) As Built Plan: An as built plan shall be accepted prior to release of Permanent Control Measure assurance.~~

~~(d) PE Certification: A certification of compliance with the approved Permanent Control Measure plan by a professional engineer licensed in the State of Colorado is required prior to release of Permanent Control Measure assurance.~~

(2) PCM assurances shall be retained until the maintenance agreement is executed and recorded, and the PCM is accepted by the City.

~~(32)~~ The Stormwater Enterprise Manager may issue a revocable permit to owners of ~~Permanent Control Measures~~**PCMs** installed prior to June 1, 2008, according to policies set forth in the ~~Engineering~~**Stormwater** Criteria.

~~(43)~~ The Stormwater Enterprise Manager may approve the implementation of a temporary Permanent Control Measure. Temporary Permanent Control Measures must follow the requirements and policies set forth in the ~~Engineering~~**Stormwater** Criteria, ~~including requirements for recorded Maintenance Agreements and Notices.~~

(C) Inspection Policies:

(1) ~~Permanent Control Measures~~**PCMs** shall be inspected and maintained by the owner or owner's representative, in accordance with the ~~provisions of this Section, Chapter 3, Article 8 of the City Code,~~**Maintenance Agreement, I&M Plan,**

and the ~~Stormwater Engineering~~ Criteria. Annual inspection reports shall be submitted to the Stormwater Enterprise Manager **no later than 31 May of each calendar year.**

(2) Owner inspection requirements do not apply to ~~Permanent Control Measures~~ **PCMs** constructed prior to June 4, 2008, **unless the property owner has been issued a revocable permit.**

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7.5.1102: ENFORCEMENT:

~~(A) — Maintenance and Repair by City: If maintenance activities are not completed in a timely manner or as specified in the approved plan or if there exists an immediate danger to public health or safety as a result of the permanent control measure, the Stormwater Enterprise Manager, other Stormwater Enterprise staff under the direction of the Stormwater Enterprise Manager, or a contractor engaged by the Stormwater Enterprise Manager may enter upon the subject private or public property and complete the necessary maintenance and/or repair at the owner's expense.~~

~~(AB) Notice and Order to Abate of Deficiency: If deficiencies with maintenance of permanent stormwater measures a PCM are noted during City inspections, the City shall notify the property owner by personal service, posting on property or certified U.S. mail, first class, postage prepaid with a certificate of mailing, at the property owner's legal address listed in the records of the County Assessor's Office. The responsible party property owner shall have twenty (230) business days or other time frame mutually agreed to between the Stormwater Enterprise Manager and the responsible party property owner to correct the deficiencies. The Stormwater Enterprise Manager shall then conduct a follow up inspection to verify the repairs. If repairs are not **completed or not completed properly in the sole discretion of the Stormwater Enterprise Manager** undertaken or are not found to be done properly, the Stormwater Enterprise Manager may complete the necessary maintenance at the responsible party's **property owner's** expense.~~

(B) Maintenance and Repair by City: If the property owner does not comply with the Notice and Order to Abate or maintenance activities are not completed in a timely manner or as specified in the approved plan or if there exists an immediate danger to public health or safety as a result of the permanent control measure, the Stormwater Enterprise Manager, other Stormwater Enterprise staff under the direction of the Stormwater Enterprise Manager, or a contractor engaged by the Stormwater Enterprise Manager may enter upon the subject private or public property and complete the necessary maintenance and/or repair at the property owner's expense.

~~(C) Notice of Violation (NOV): If the annual inspection report mandated as part of the Inspection and Maintenance (IM) Plan required by Subsection 7.4.703BC is not received by the Stormwater Enterprise by 31 July, the Stormwater Enterprise Manager shall issue a NOV notifying the owner of the missed inspection report. Such NOV shall be sent by U.S. mail, first class, postage prepaid with a certificate of mailing, at to the property's owner's legal address listed in the records of the County Assessor's Office. The NOV will include a date that will be identified as the "date of notice of violation" for purposes of appeal rights.~~

~~The responsible party will have twenty (20) business days to complete the inspection and deliver it to the Stormwater Enterprise Manager. A notice of violation may be issued by the Stormwater Enterprise Manager if an inspection is not submitted after the twentieth (20th) business day. The notice will include a date that will be identified as the "date of notice of violation" for purposes of appeal rights~~

(D) Inspection by the City: If the annual report is not received by the City within thirty (30) business days after issuance of the NOV, the City shall inspect the PCM at the property owner's expense. A copy of inspection and invoice shall be sent via certified mail to the property owner.

~~(E)~~ Appeals: Any ~~person~~**property owner** receiving a ~~notice of violation~~**NOV** under this Section may appeal the determination of the Stormwater Enterprise Manager to the Public Works Director, as follows:

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7.5.1103: CHARGING COST OF ABATEMENT **AND INSPECTION:**

(A) Within thirty (30) days after **inspection**, maintenance or repair of the ~~permanent control measure~~**PCM** by Stormwater Engineering, the Stormwater Enterprise Manager shall notify in writing the property owner of the cost of **inspection or** repair, including administrative costs. The Stormwater Enterprise Manager notice shall include an ~~official notice date~~ **of notice of violation.**"

(B) The property owner may file a written protest objecting to the amount of the assessment with the City Clerk **and Stormwater Enterprise Manager** within fifteen (15) days of the ~~"official notice date"~~ **of notice of violation.** The Stormwater Enterprise Manager shall set the matter for public hearing by the City Council and shall notify the appellant of the date of the hearing. The decision of the City Council shall be set forth by resolution and shall be final.

7.5.1104: LIENS:

(A) In addition to any lien placed upon real property, the cost of **inspection or** abatement, including administrative costs, shall be deemed a joint and severable personal debt of the property owner.

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Section 2. This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this Ordinance be published by title and summary prepared by the City Clerk and that this Ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2026.

Finally passed: _____

Lynette Crow-Iverson, Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Blessing A. Mobolade, Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Lynette Crow-Iverson, Council President

ATTEST:

Sarah B. Johnson, City Clerk