ORDINANCE 2053

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANKENY, IOWA, BY ADDING CHAPTER 108, POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE

SECTION 1. BE IT ENACTED by the City Council of the City of Ankeny, Iowa that the Code of Ordinances is hereby amended by adding the following chapter:

CHAPTER 108 Post-Construction Stormwater Management Ordinance

108.01 **Title.** This chapter shall be known as the "Post-Construction Stormwater Management Ordinance" of the City.

108.02 **Purpose.** The purpose of this Chapter is to protect, maintain, and enhance the public's health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff. Proper management of stormwater runoff will minimize damage to public and private property, reduce the harmful effects of development on land, control stream channel erosion, reduce local flooding, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

108.03 **Jurisdiction.** The provisions of this Chapter shall be applicable to all that property within the planning and zoning jurisdiction of the City of Ankeny.

108.04 **Definitions.** Terms in this Chapter, other than those defined below, shall have the meaning as set out in the Iowa Stormwater Management Manual.

1. "Applicant" means a property owner or agent of a property owner who has filed an application for a development or redevelopment approval.
2. "Best Management Practice (BMP)" means physical practices or structures determined to be practices used to reduce pollutant loads, discharge volumes, peak flow discharge rates, and detrimental changes in stream temperature that affect water quality and habitat. BMPs can be structural or non-structural.
    A. Non-structural BMPs focus on preserving open space, protecting natural systems, and incorporating existing landscape features such as wetlands and stream corridors into a site plan to manage stormwater at its source.
    B. Structural BMPs include constructed ponds, pavement systems, oil/grease separators, planted vegetative areas such as grassed swales, bioretention and other infiltration based practices, outlet structures and other constructed facilities intended to manage stormwater.
3. "Better Site Design" means techniques applied early in the process to preserve natural areas, reduce impervious cover, distribute runoff and use pervious areas to more effectively treat stormwater runoff.
4. "Buffer" for this Chapter is a vegetative area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir area.

5. “Building” means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property. For purposes of this Chapter, structures not intended for shelter such as a pergola, trellis, gazebo and any other constructed obstacle shall also be considered to be buildings and shall be reviewed for impact on stormwater management.
6. “City stormwater requirements” means the standards, sizing criteria, BMPs and other requirements established in this Chapter.
7. “Dedication” means the deliberate appropriation of property by its owner for general public use.
8. “Developer” means a person, persons, or entity who undertakes land disturbance activities.
9. “Development” means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations whether as a single site or part of a larger common plan of development.
10. “Drainage easement” means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.
11. “Landowner” means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
12. “Iowa Stormwater Management Manual (ISWMM)” means the current Iowa Stormwater Management Manual publication, by whatever name, as amended from time to time by Iowa Department of Natural Resources in collaboration with Iowa Stormwater Education Program and other partners.
13. “Maintenance agreement and covenant" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater BMPs.
14. “Native vegetation” refers to vegetation originating naturally in this region of the state. Native vegetation is not to be confused with all existing vegetation. Area preserved in native vegetation shall not contain noxious or invasive weeds as identified by the Iowa Code Chapter 317.1A.
15. “Natural condition” means meadow in good condition, with times of concentrations calculated and Curve Numbers selected based on those natural surface conditions and drainage patterns. Curve Numbers shall be selected based on the Hydrologic Soil Group for site soils, but the weighted Curve Number used to determine allowable release rates for the site to be served by the detention practice shall not exceed a Curve Number of 58 unless demonstrated by a geotechnical report that a higher curve number is warranted, however, in no case shall the curve number exceed 71.
16. “Redevelopment” means any manmade change to a previously developed site, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations whether as a single site or part of a larger common plan of development.
17. “Stormwater management” means the use of BMPs to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates, and improve stream quality.

18. "Stormwater management plan" means the plan produced by a Professional Engineer (P.E.) licensed in the State of Iowa demonstrating how stormwater management will be accomplished by a development.
19. "Stormwater Pollution Prevention Plan" (SWPPP) means a plan that is designed to minimize the accelerated erosion, sediment, and other pollutant runoff at a site before, during and after construction activities. Specific details and requirements are listed in Chapter 169 of the City Code of Ordinances.

108.05 **Compatibility With Other City Code Provisions and Other Regulations.** The requirements of this Chapter shall be considered minimum requirements, and where any provision of this Chapter imposes restrictions different from those imposed by any other Chapter of the City Code of Ordinances, rule or regulation, or other provision of law, whichever provisions are more restrictive shall take precedence.

108.06 **Reserved.**

108.07 **Incorporation by Reference.** For the purpose of this Chapter, the City hereby adopts the Iowa Stormwater Management Manual (ISWMM), in its most current form, for management of stormwater. The ISWMM is written as a guideline recommending certain techniques and advising against others in order to accomplish goals related to managing water volume and quality.

1. **Terms.** The terms of the ISWMM shall be used in the following ways in the City:
    A. Where the ISWMM states a design element or technique is "Essential", it shall be required by the City.
    B. Where ISWMM states a design element or technique is "Target", such design element or technique is desired by the City and a property owner or development applicant shall take every effort to accomplish.
    C. Where ISWMM states a given design element or technique is "Advisory", this design element or technique shall not be used within the City.
    D. In cases where ISWMM does not speak to a stormwater issue, such as sizing or installation of pipes, the City shall follow the Statewide Urban Design and Specifications (SUDAS) and the City of Ankeny Supplemental Specifications to SUDAS, on file in the Public Works Department; or streambank stabilization in the Iowa River Restoration Toolbox, on file with the Iowa DNR, as applicable.

108.08 **Stormwater Management Standards.** When applicable in this Section, all development and redevelopment sites shall meet the requirements of the Unified Sizing Criteria, as described within the Iowa Stormwater Management Manual (ISWMM) and as noted in this Section, unless management has been designated for an alternative off-site location or some other exemption or allowance has been prior approved by the City.

1. **Water Quality Volume Standard.** To reduce potential increases in downstream water pollution, practices or techniques shall be employed that capture and treat runoff from a 1.25" rainfall event, as further defined within the ISWMM. This standard will address approximately 90% of the rainfall events that occur in Central Iowa.
2. **Channel Protection Standard.** As urban developments occur, some of the largest increases in runoff rate and volume (by percentage increase) occur during the smaller, more frequently occurring storm events. For this reason, practices or techniques shall be employed that provide extended detention of the 1-year, 24-hour storm event – with

release rates established as per methods defined within the ISWMM manual to provide a minimum drawdown period of 24 hours. This standard would address approximately 98% of the rainfall events that occur in Central Iowa.

3. **Overbank Flood Protection Standard**. To minimize surcharge of downstream storm sewer systems and reduce the frequency of flash flooding along urban streams and tributaries, practices and techniques shall be employed that limit allowable peak release rates that are anticipated to occur post-development during the 2-, 5- and 10-year, 24-hour storm events to levels no greater than those expected to occur from natural conditions on a given site from a similar storm event (e.g. the post-development release rate from a 5-year storm event will be no greater than the natural release rate from a 5-year storm event).
    A. Natural conditions shall be defined as stated in Section 108.04(15) in this Chapter, with times of concentration and Curve Numbers calculated or selected on that basis.
    B. Soil Group information for calculating natural conditions shall be determined from current County Soil maps as available through the NRCS. If a Soil Group type has not been identified for a given location, the natural condition shall be assumed to be Hydrologic Soil Group B and the post-developed condition shall be assumed to be Hydrologic Soil Group C, unless geotechnical studies are provided for City review that provide evidence for use of another Soil Group for analysis.
4. **Extreme Flood Protection Standard.** To reduce the frequency and impacts caused by larger flood events, practices and techniques shall be employed that limit allowable peak release rates that are anticipated to occur post-development during the 25-, 50- and 100-year, 24-hour storm events to levels no greater than those expected to occur from natural conditions on a given site from a similar storm event (e.g. the post-development release rate from a 100-year storm event will be no greater than the natural release rate from a 100-year storm event).
    A. Natural conditions shall be defined as stated in Section 108.04(15) in this Chapter, with times of concentration and Curve Numbers calculated or selected on that basis.
    B. Detention of events larger than the 100-year storm event is not required; however, the design of auxiliary spillways shall safely convey flows from the 500-year, 24-hour storm event or per DNR Dam Codes and requirements.
    C. Surface water flowage easements shall be provided as needed to reserve a safe and clear path for the width of expected concentrated flows for this type of event. Detention events larger than the 100-year can occur and surface water conveyance for those events shall be considered.

108.09 **Applicability.** The stormwater standards in Section 108.08 of this Chapter apply in the following situations.

1. **New Development.** Any new development of land adding more than 10,000 square feet of new impervious surface shall provide stormwater management as outlined in Section 108.08 of this Chapter. This threshold is a cumulative amount of new square footage and may be reached over time in increments. At such time that a development site exceeds 10,000 cumulative square feet of new impervious surface, the site will be required to come into compliance with this Chapter.
2. **Redevelopment, Low Disturbance.** Any redevelopment adding more than 10,000 square feet of new impervious surface but disturbing less than 50% of the site shall provide

stormwater management at the Water Quality Volume standard in Section 108.08(1) of this Chapter and shall also meet the Channel Protection standard or demonstrate why doing so is infeasible. This threshold is a cumulative amount of new square footage and may be reached over time in increments.

3. **Redevelopment, High Disturbance.** Any redevelopment disturbing 50% or more of a site shall be required to meet the same stormwater management standards as a new development. This threshold is a cumulative amount of new square footage and may be reached over time in increments.
4. **City Projects.** Stormwater management standards shall apply to all City projects including new City parks and buildings.

108.10 **Exemptions.** The following activities shall be exempted from meeting the stormwater management standards of this Chapter:

1. New development adding less than 10,000 square feet of new impervious surface.
2. Redevelopment adding less than 10,000 square feet of new impervious surface and less than 50% site disturbance and if in compliance with a previously approved stormwater management plan.
3. Removal and replacement of impervious surface exactly matching the original location and square footage.
4. Logging or agricultural activity that is consistent with an approved soil conservation plan or timber management plan prepared or approved by the appropriate agency, as applicable.
5. Other things that do not require a site plan. For example, additions or modifications to residential structures.
6. Repairs to any stormwater management Best Management Practice (BMP) deemed necessary by the City.
7. Linear projects such as, but not limited to, street construction and public utility (water, sanitary sewer, and storm sewer) construction.

108.11 **Post-Construction Stormwater Management Plan Requirements.** The purpose of a Stormwater Management Plan is to identify in detail how stormwater runoff will be managed from a site including specifications on what stormwater management techniques and facilities will be used and where they will be located. It is the policy of the City that stormwater management is planned and designed early in the development process so that developments are built in harmony with nature versus forcing stormwater management to fit a development site design. Therefore, certain items will be discussed at time of a pre-application meeting so that they can be considered before detailed engineering site design has occurred.

1. **Application Process.** The process for complying with the stormwater management standards in this Chapter shall follow the review and approval steps in this Section.
    A. Concurrent Application. The steps in this Section may be incorporated as part of other concurrent application procedures in the City Code of Ordinances.
2. **Pre-application Meeting.** All development or redevelopment projects shall begin with a pre-application meeting with the City staff and the Applicant. At said pre-application meeting, City staff shall discuss the proposed project with the Applicant, Developer or Developer representatives and shall review preliminary information regarding stormwater management as indicated on the City's Stormwater Management Plan Review Checklist in Section 108.11(3), (4), (5), (6).

A. **Meeting Material.** Items provided in the pre-application phase need not be final reports or engineering studies nor is that the intent. A designer should consider these items at the start of the design process and should discuss with City staff. Examples of the items in this section include:
    (1) Natural Resources Inventory as listed in Section 108.11(3)(H) – written and/or maps.
    (2) Soil Management Plan as listed in Section 108.11(3)(I).
    (3) Map(s) showing existing and proposed conditions.
    (4) Be prepared to discuss Better Site Design Principles being incorporated into the site plan.

3. **Application Report and Narrative Information.** Each item below shall be submitted by the Applicant to constitute a complete site plan, plat, or grading plan application for City staff review.
    A. Cover sheet including project name, location, engineer and developer contact information.
    B. Table of contents indicating sections and page numbers.
    C. Professional certification from Iowa Licensed Engineer.
    D. Summary of any previous studies or master plans.
    E. Natural Conditions and runoff analysis summary.
    F. Description and explanation of storm water analysis (i.e. computer generated hydrographs).
    G. Summary of stormwater management plan detailing compliance with design standards.
    H. Natural Resources Inventory, which includes:
        (1) Soil conditions (karst, hydric, etc.).
        (2) Forest cover.
        (3) Topography.
        (4) Wetlands/Prairie Potholes.
        (5) Streams and floodplains.
        (6) Review of FEMA FIRM maps.
        (7) Other Native Vegetative Areas.
        (8) Environmentally Sensitive Areas.
            i. Archeological and/or cultural resources.
            ii. Wildlife areas.
        (9) Wellhead protection and drinking water supply management areas.
        (10) Areas of existing stormwater storage.
    I. Soil Management Plan. The intent of a Soil Management Plan is to demonstrate what is to be done with soil on site indicating where it will be stockpiled and eventually spread and used on site. Depending on the intended use of soil to meet stormwater requirements, the following items may be applicable.
        (1) Review NRCS or USGS soils maps or geotechnical reports.
        (2) Avoid disturbance of higher quality soils to maximum extent possible.
        (3) Avoid disturbance activities under the drip line of any trees intended to be preserved.

(4) Identify where topsoil is to be stripped, stockpiled and replaced.
(5) Identify locations where Soil Quality Restoration techniques are proposed to be used to manage water quality treatment requirements.

J. Summary of how Better Site Design Principles, if applicable, have been incorporated into site design.
K. Geotechnical report.
L. US Army Corps of Engineers Section 404 Permit, if applicable.
M. Local or DNR Floodplain Development Permit, if applicable.

4. **Application Calculations Information.** For each calculation in the application information, exhibits shall be provided that demonstrate how each is calculated and the assumptions made.
   A. Runoff coefficient and/or curve number calculations (allowable release rates).
   B. Time of concentration calculations.
   C. Water volume infiltrated.
   D. Water Quality Volume calculations required and proposed.
   E. Channel Protection Volume calculations required and proposed.
   F. Large storm (100 year) calculations detention volume required and proposed.
   G. Storm system capacity calculations (outlet control, pipe capacity, swale/ditch capacity, erosion control and emergency dissipation measures, downstream capacity calculations).
   H. Runoff and routing hydrographs.
   I. Floodplain modeling if applicable and base flood elevations.
5. **Application Project Summary Information.** The application shall include:
   A. Identify method(s) and location of proposed post-construction stormwater management BMPs.
      (1) Map indicating drainage area of each post-construction BMP.
   B. Discuss how proposed management methods comply with requirements of Section 108.08.
   C. Post-construction BMP maintenance plan.
      (1) Operation and maintenance of post-construction BMPs.
   D. Identify post development stormwater impacts to adjacent properties and mitigation measures for any potential impacts.
   E. Offsite/downstream conditions and runoff analysis if applicable.
6. **Application Maps.** The application shall include:
   A. Existing drainage contour map illustrating and labeling pre-development drainage patterns, basins, swales/ditches, creeks, river, streams, etc. and any other relevant on-site or off-site information.
   B. Proposed drainage contour map illustrating and labeling post development drainage patterns, areas for which storm water management will be provided, conveyance methods (pipes, swales, etc.) and any other relevant on-site or off-site information.
   C. Location of existing and proposed buildings, roads, parking areas, utilities and stormwater management facilities and erosion/sediment control, easements, and rights-of-way.
   D. Preliminary stormwater storage estimation.

E. Proposed land use.
F. Existing and proposed drainage patterns.
G. Limits of clearing and grading.
H. Map(s) identifying where stormwater runoff enters and leaves the project limits.
I. Watershed area delineations.
J. Floodplain delineations.
K. Natural Resources Inventory Map.

7. **Required Studies and Plans.** The City shall maintain a checklist of required plans and studies and timing for submittal which may include, but not be limited to:
   A. Post-Construction Stormwater Management Plan consistent with City requirements outlined in the City Post-Construction Stormwater Management Plan Review Checklist in Section 108.11(3), (4), (5), (6).
   B. Natural Resources Inventory (NRI) as detailed under the technical document NRI on file in the Public Works Department.
   C. Soil Management Plan (SMP) as detailed under the technical document SMP on file in the Public Works Department.
8. **Operation and Maintenance.** Prior to approval, the developer shall provide to the City an executed Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement (hereinafter referred to as "Storm Water Easement Agreement").
   A. The Storm Water Easement Agreement will identify the responsible party and the components of a stormwater BMP that will need maintained.
   B. The City will be provided with the Storm Water Easement Agreement, right-of-way, or right of access to all stormwater BMPs.
   C. The City shall have the right, but not the obligation, to perform any necessary maintenance and repairs in the event the responsible party does not and shall charge or assess expense for said maintenance and repairs to the responsible party.
9. **Better Site Design Principles.** The site shall be designed using Better Site Design principles (BSDP) as detailed under the technical document BSDP on file in the Public Works Department.

108.12 **Maintenance and Repair of Stormwater BMPs.** The owners of lands on which stormwater BMPs have been installed to meet the requirements of this Chapter shall ensure the maintenance of these BMPs according to this Section.

1. **Storm Water Easement Agreement.** Prior to the issuance of any permit for development involving any stormwater BMP, the applicant or owner of the site must execute a Storm Water Easement Agreement that shall be binding on all subsequent owners of land served by the stormwater BMP. The Stormwater Easement Agreement shall provide for access to the BMP and the land it serves at reasonable times for periodic inspection by the City or City's designee and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City stormwater requirements. The Stormwater Easement Agreement shall be recorded by the City at the expense of the applicant or property owners.
   A. Maintenance Provisions of the Storm Water Easement Agreement. Maintenance of all stormwater BMPs shall be ensured through the maintenance provisions in the

formal Stormwater Easement Agreement that must be approved by the City and recorded with the Final Plat, site plan approval, or final certificate of occupancy.

B. Requirements for the Stormwater Easement Agreement. All stormwater BMPs shall undergo, at the minimum, an annual inspection by the responsible party to document maintenance and repair needs and ensure compliance with the requirements of this Chapter. The inspection shall be conducted by a licensed professional engineer in the state of Iowa and documented with date stamped photographs of the stormwater BMPs. Any required maintenance identified by inspection shall be corrected by the responsible party under a written maintenance agreement within 30 days. The inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater BMPs. In the event the identified maintenance or repair cannot be completed within 30 days of notice, the responsible party must contact the City with 30 days of notice to explain why repair or maintenance cannot be completed within 30 days and provide a plan for completing repair or maintenance.

2. **As-Built Drawings.** At the time of final acceptance of the public improvements by the City Council, the applicant or owner of every site shall be responsible for providing as-built drawings to the City for all stormwater BMPs; and maintaining as-built stormwater BMPs in an effective state as determined in the sole judgment of the City. At such time as a developer transfers control of stormwater BMPs to a Homeowner's Association (HOA), the City, or other responsible party, the developer shall provide notice to the City and the City shall have the right to confirm the stormwater BMPs match the as-built information provided at the time of final acceptance of the public improvements by City Council prior to transfer. An agreement to complete shall be provided to the City for any required work to stormwater BMPs to correct to the as-built standard prior to transfer of ownership or responsibility.
3. **Inspection of Stormwater BMPs.** Inspection programs may be established by the City on any reasonable basis, including but not limited to:
    A. Routine inspections;
    B. Random inspections;
    C. Inspections based upon complaints or other notice of possible violations;
    D. Inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants;
    E. Inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES stormwater permit; and
    F. Joint inspections with other agencies inspecting under environmental or safety laws.
    G. Inspections may include but are not limited to:
        (1) Reviewing maintenance and repair records;
        (2) Sampling discharges, surface water, groundwater, and material or water in stormwater BMPs; and
        (3) Evaluating the condition of stormwater BMPs.

4. **Right of Entry for Inspection.** When any new stormwater BMP is installed on private property, or when any new connection is made between private property and a public stormwater management facility, the property owner shall grant to City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation of this Chapter is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Chapter.
5. **Records of Installation and Maintenance and Repair Activities.** Parties responsible for the operation and maintenance of stormwater BMPs shall submit to the City an annual Inspection Report Form including all records of the installation and of all maintenance and repairs conducted. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request. The City may also request an updated as-built drawing of stormwater BMP to determine compliance with the original design and construction, if deemed necessary by the City.
6. **Failure to Maintain Stormwater BMPs.** If a responsible party fails or refuses to meet the requirements of the Stormwater Easement Agreement or any provision of this Chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the stormwater BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the stormwater BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the stormwater BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

108.13 Enforcement and Penalties.

1. Violation of any provision of this Chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this Chapter.
2. The City may issue a stop work order for violation of any provision of this Chapter. The stop work order shall be applicable to the lot within the development causing the violation and shall remain in effect until the violation is corrected and a subsequent inspection completed.
3. Violation of any provision of this Chapter may also be enforced as a municipal infraction within the meaning of Section 364.22 of the Code of Iowa, pursuant to Chapter 4, Municipal Infractions, of this Code of Ordinances.
4. Enforcement pursuant to this Section shall be undertaken by City upon the advice and consent of the City Attorney or other counsel employed by City.
5. Any violator shall be required to restore land to its approved design condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take

necessary corrective action, the cost of which shall become a lien upon the property until paid.

6. Final Certificate of Occupancy shall not be granted until all stormwater BMPs have been inspected and approved by the City.

SECTION 2. The Code of Ordinances is hereby amended by adding the following new sections:

192.02 SITE PLAN REQUIREMENTS.

4.A (24) Stormwater Management Plan and Stormwater Easement Agreement, if applicable, as described in Chapter 108 of this Code of Ordinances.

200.27 MATERIAL ACCOMPANYING FINAL PLAT.

(10) Stormwater Management Plan and Stormwater Easement Agreement, if applicable, as described in Chapter 108 of this Code of Ordinances.

SECTION 3. The Code of Ordinances is hereby amended by adding the underlined wording in the following section:

197.02 OCCUPANCY AND COMPLIANCE CERTIFICATES.

2. Land and Buildings. No land shall be occupied or used and no building, erected or structurally altered after the effective date of the Zoning Ordinance, shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator stating that the building and use comply with the provisions of this Zoning Ordinance, Chapter 108 Post-Construction Stormwater Management Ordinance, and the building and health ordinances of the City.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in full force and effect after its final passage, approval, and publication as provided by law.

PASSED by the Council the 17th day of May 2021.

_____

Gary Lorenz, Mayor

ATTEST:

_____

Denise L. Hoy, City Clerk

PUBLISHED IN THE
DES MOINES REGISTER
ON THE 21ST DAY OF MAY, 2021

1st Con 04/05/21 (P. Hrg.)
2nd Con 04/19/21
3rd Con 05/17/21