PEOPLE'S ORDINANCE NO. 20

SERIES 1987

AN ORDINANCE ADOPTING THE BRECKENRIDGE WATER QUALITY AND SEDIMENT TRANSPORT CONTROL STANDARDS FOR THE TOWN OF BRECKENRIDGE, COLORADO

WHEREAS, it is desirable to reduce the phosphorus and sediment loadings contributed to the streams of the Upper Blue River Basin and to the Dillon Reservoir from runoff and erosion in order to prevent the degradation of water quality; and

WHEREAS, site disturbance and construction activities related to new development can increase such runoff and erosion potential; and

WHEREAS, the maintenance of water quality in the streams of the Upper Blue River Basin and the Dillon Reservoir is necessary and desirable to promote health, welfare and safety of the citizens of Breckenridge;

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

10-4-1 TITLE:

This chapter is entitled, and may be cited as, the "Breckenridge Water Quality and Sediment Transport Control Ordinance."

10-4-2 REPEAL:

Section 9-6 of the Breckenridge Town Code is hereby repealed.

10-4-3 PURPOSE:

The purpose of this chapter is to protect and where practical enhance the water quality of the region, especially as it relates to the control of phosphorus and sediment transport resulting from construction activities and new developments, except as specifically exempted in Section 10-4-8 shall have their projects designed to minimize turbidity, sediment yield, or the discharge of any other harmful substance which may degrade the quality of water in the region.

10-4-4 GENERAL:

The design criteria as herein presented are intended to aid in preparation of plans and specifications for the Town of Breckenridge, including minimum standards where required.

As with any design criteria, occasions may arise where the minimum standards are either inappropriate or cannot be practically implemented. In these cases a variance to these criteria shall be considered. Written request for each variance should be directed to the Town Engineer.

10-4-5 DEFINITIONS:

Check Dams: Small, temporary dams constructed across a swale or drainage ditch, to slow the velocity of flowing water and minimize erosion.

Direct Discharge: A flow of water into a lake, wetland, or perennial or intermittent stream from a development site, which has not passed through a water quality device designed to either percolate the flow into the subsurface or otherwise filter out sediments and other pollutants.

Diversion: A channel, embankment, culvert, or other manmade structure constructed to divert water from one area to another.

Ephemeral Stream: A natural drainageway which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice, and which has a channel bottom that is always above the local water table.

Filtration: Shall mean, for the purposes of these regulations, the movement of water through a device (such as a straw bale barrier, filter fence, or sand/gravel bed, for example) for the purpose of removing sediment and other particles that would otherwise be transported by the water.

Growing Season: July 1 through September 12.

Impervious Surface: The area of a site which allows only minimal infiltration and percolation, such as a constructed or natural surface which will allow surface runoff equal to or greater than 90% of the applied water.

Infiltration: The movement of water through the soil surface into the soil, as distinguished from "percolation".

Intermittent Stream: A natural drainageway that does not flow continually, but for a seasonal period receives inflow from local groundwater.

Percolation: The movement of water through soil and into the subsoil.

Perennial Stream: A channel of water or stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface runoff. The term does not include intermittent or ephemeral streams.

Qualified Professional Engineer: An individual registered as a professional engineer by the State of Colorado, Department of Regulatory Agencies, when such registration is based on a background of civil engineering duties and training related to drainage and erosion control.

Sediment: Any material transported or deposited by water, including soil and debris or other foreign matter.

Sediment Pond: A primary sediment control structure designed constructed, and maintained in accordance with the requirements of the Breckenridge Water Quality and Sediment Transport Control Regulations; including, but not limited to: a barrier, dam, or excavated depression which slows down water runoff to allow sediment to settle out over a period of 24 hours.

Silt or Filter Fence: A temporary sediment barrier consisting of a filter fabric stretched across and attached to supporting posts and entrenched.

Sitework/Site Disturbance: The mechanical removal of rock, natural soil, fill and/or any combination thereof; or placement or stockpiling of fill; or clearing of trees and vegetation for the purpose of constructing roads, structures, or other site improvements.

Straw Bale Barrier: A temporary sediment barrier consisting of a row of entrenched and anchored straw bales.

Turbidity: A state in which water is opaque or mixed with mud and other suspended particles, particularly when resulting from the agitation of erodible soils by the rapid movement of water.

Twenty-Five (25) Year, Twenty-Four (24) Hour Storm: An occurrence of precipitation that can be expected to be equaled or exceeded once every 25 years (on an average). This event has a four percent chance of occurring during any given year. A duration, such as 24-hours, is usually associated with such an event to define the time period over which the precipitation falls. The rainfall volumes and durations for various storm frequencies are provided in "NOAA Atlas 2, Precipitation - Frequency Atlas of the Western United States, " Volume III - Colorado, NOAA 1973.

Water Quality Control Facilities/Devices: Structural and nonstructural measures having the purpose of filtering sediments and pollutants from surface flows, diverting surface flows, inducing percolation, and/or controlling the volume and velocity of flowing water. Such devices include, but are not limited to; sediment ponds, drywells, berms, grassed drainageways, sediment traps, detention ponds, drop structures, filter/silt fences, culverts, embankments, check dams, and straw bale barriers.

Water Quality Control Plan: A detailed plan submitted to the Town which includes a qualified professional engineer's certification that the project as proposed will meet the water quality control standards as set forth in this ordinance.

Wetlands: Areas including lakes, streams, ponds, areas of seasonal standing water, areas with a predominance of wetland vegetation (such as willows, rushes, or sedges), or areas with boggy soils. Wetlands do not include areas that are saturated solely by the application of agricultural irrigation water. Manmade lakes or ponds built for the purpose of detaining runoff are not considered wetlands in the context of these regulations.

10-4-6 Procedures and Requirements:

A. Preliminary Water Quality Control Plan

Prior to the submission deadline for the second preliminary Planning Commission hearing of any development, a detailed preliminary water quality control plan shall be submitted to the Town Engineer for review. The engineer preparing the plan shall certify that the proposed water quality control measures will meet the performance standards and criteria of this ordinance and related regulations including integration with other project features such as drainage, landscaping, grading, roads and parking.

B. Final Water Quality Control Plan

Prior to the submission deadline for the final Planning Commission hearing of any development, a final, detailed water quality control plan shall be submitted to the Town Engineer for review. The engineer preparing the final plan shall certify that the proposed water quality control measures will meet the performance standards and criteria of this ordinance and related regulations including integration with other project features such as drainage, landscaping, grading, roads and parking.

C. Final Construction Engineering Plans

Final construction engineering plans for all proposed water quality control facilities shall be submitted and accepted by the Town Engineer prior to issuance of a building permit or recording of a subdivision agreement. All plans and specifications shall be dated and stamped "Approved for Construction". Content requirements for the plans are outlined in the Administrative Procedures.

D. Maintenance Plan

Prior to issuance of a building permit or signing of subdivision agreement, a maintenance plan addressing continued effective operation and maintenance of all water quality control facilities together with assurances for compliance with the maintenance plan shall be submitted to the Town.

E. Performance Guarantees

A letter of credit, cash deposit or other acceptable security in an amount determined by the Town Engineer shall be deposited with the Town to guarantee construction performance and maintenance for a period of two years following issuance of certificate of substantial completion. The deposit shall be made prior to the recording of a final plat or issuance of a building permit. If requested, the Town Engineer may reduce the amount of such security deposit after one year upon a showing a lesser amount is necessary to guarantee performance the second year.

F. Record Drawings

Record Drawings are to be submitted to and accepted by the Town Engineer prior to final acceptance of the improvements. Requirements for the record drawings are outlined in the Administrative Procedures.

10-4-7 PERFORMANCE STANDARDS:

A. Water Quality Control Facilities

Water quality control facilities shall be installed so as to minimize the direct discharge of increased amounts of sediment and other pollutants from any site as a result of sitework, construction activities, and/or the addition of impervious surfaces. The water quality control facilities shall be designed to function properly for runoff from events up to the 5-year, 24-hour storm. Sediment ponds, when included, shall be designed to achieve at least 90% trap efficiency for all sediments of 0.005 mm or larger. If discharge from the pond is passed through a filtration or infiltration device, the trap efficiency requirements may be reduced. Temporary sediment ponds (ones that will be removed after successful revegetation) shall have an emergency spillway designed to pass the 25-year, 24-hour storm. Ponds to be left as permanent facilities shall have a spillway capacity to safely pass the 100-year flood. The State Engineer has additional requirements for detention facilities greater than a certain size. Applicants proposing ponds with embankment heights in excess of 10 feet, surface area in excess of 20 acres, or a volume in excess of 100 acre feet shall contact the State Engineer and adhere to any applicable, additional requirements.

B. Setbacks

No structures or soil disruption shall be located closer than 25 feet from the top of the banks of all lakes, wetlands, ponds, and perennial and intermittent streams. The setback requirement shall also apply to all channels draining 20 acres or more. Exceptions to the setback requirement may be allowed when acceptable measures to either isolate the stream or otherwise prevent the increase of unfiltered runoff and sediments in excess of historical rates are submitted to and approved by the Town Engineer.

1. Exceptions for Previously Mined Areas. The 25 foot setback along all streams previously disturbed by mining and so indicated by dredge tailings may be waived if the developer implements channel reclamation and stabiliza-

tion to enhance the stream, and revegetates/landscapes the dredge tailings. In addition, when the setback is waived, all practical means to prevent the degradation of water quality shall be implemented, including:

a. The hydrologic isolation of the water body, stream, or channel from construction related impacts through use of a cast concrete, metal, or other acceptable coffer dam. This structure shall be installed prior to site disturbance and maintained in place until revegetation and bank stabilization is completed and approved; OR

b. The complete containment of the stream or channel in a culvert during construction from 25 feet upstream to 25 feet downstream of any site disruption. The culvert shall be sized to carry a flow corresponding to the 25-year return period. The culvert shall be installed prior to any other construction activity within 25 feet of the water body, stream, or channel, and shall be removed only after revegetation and bank stabilization is complete and approved; OR

c. Other acceptable techniques, such as filtration/infiltration, diversion, and/or control of the direction of surface flows through grading, as may be approved by the Town Engineer. Restrictions on the timing of the site disturbance within 25 feet of a stream may be imposed, to limit such activities to periods of low stream flows.

2. Exceptions for Other Areas

Areas other than those previously disturbed by mining activities may also be allowed an exception to the setback requirements, but only when it can be shown that there are no other reasonably feasible methods for development, and the measures outlined above have been followed.

C. Diversion of Snowmelt

The diversion of runoff from snow storage areas into sedimentation ponds or other water quality control facilities shall be included in the plan whenever physically possible. Snow removal activities, including both private and public maintenance of roads and parking areas, shall not be conducted so as to directly deposit snow in or on the banks of the Blue River and its major tributaries.

10-4-8 EXEMPTIONS

A. Residential developments of two units or less are exempted from the requirements of this ordinance, unless they are situated on slopes in excess of 15%, in or adjacent to a wetlands area, or are located within 25 feet of the top of the banks of a lake, pond, perennial or intermittent stream.

B. The Town Engineer may, at his discretion, exempt other small projects or projects of short duration. Small projects shall be those that do not disturb more than 500 square feet of ground surface. Projects of short duration include those which will be completed within ten (10) days. Landscaping and/or recreational trails which do not involve or are not associated with other development activity may be similarly exempted from the requirements of this policy, if the work can be completed and the site stabilized within ten (10) days.

C. Development sites platted prior to January 1, 1986, which are situated so they cannot be developed in full compliance with

the requirements of this ordinance (such as within stream setbacks, in or near wetlands, and/or on slopes greater than 15%), may be exempted by the Town Engineer. Reasonable measures may be required to minimize adverse water quality impacts, but the development of such sites may not be prohibited when full compliance cannot be achieved.

10-4-9 ADMINISTRATIVE PROCEDURES:

In order to implement the provisions of this ordinance, the Town Manager shall adopt "Water Quality and Sediment Transport Control Administrative Procedures" for the content of water quality control plan submittals and guidelines for performing the designs necessary for implementation of the intent of this ordinance. The Town Manager may modify the procedures and guidelines from time to time to incorporate new analysis and design methods or to improve the administrative procedures.

10-4-10 VIOLATIONS AND PENALTIES:

A. It is unlawful to erect, construct, reconstruct, alter, or use any structure or to use any land in violation of this ordinance.

B. Any person, firm, or corporation violating any portion of these regulations is guilty of a misdemeanor, and upon receiving conviction thereof, shall be punished by a fine of not more than three hundred dollars ($300.00) and/or imprisonment for a term not to exceed ninety (90) days for each offense. Each day during which such illegal construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

C. In addition or as an alternative to such fine and/or imprisonment, the Town may seek other remedies provided in law or equity including but not limited to injunction, mandamus, or abatement.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL ONLY this 9th day of June, 1987. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23rd day of June, 1987, at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

Rosemary Ahern, CMC, Town Clerk

TOWN OF BRECKENRIDGE

Stephen C. West, Mayor

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 23rd day of June, 1987.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

Rosemary Ahern, CMC, Town Clerk

TOWN OF BRECKENRIDGE

Stephen C. West, Mayor

APPROVED IN FORM

Town Attorney Date