



MANITOU SPRINGS CITY COUNCIL WORK SESSION AND SPECIAL MEETING AGENDA

City Council meetings are held as hybrid, Zoom (remote) or
in-person at Memorial Hall.

Memorial Hall

606 Manitou Avenue

Manitou Springs, CO 80829

Remote: www.manitouspringsgov.com; click on meeting
link under "Government; City Council" page

Position	Name	Term Expires
Mayor	John G. Graham	January 6, 2026
At-Large	Judith Chandler	January 4, 2028
At-Large	John Shada	January 4, 2028
At-Large	Julie Wolfe	January 4, 2028
Ward 1	Mayor Pro Tem Natalie Johnson	January 6, 2026
Ward 2	Nancy Fortuin	January 6, 2026
Ward 3	Michelle Whetherhult	January 6, 2026

May 13, 2025

6:00 PM

NO DECISIONS WILL BE MADE AT THIS WORK SESSION

A. CALL TO ORDER

B. ROLL CALL

C. DISCUSSION

1. Proposed Updates to Titles 6, 13, 14, and 18 of the Manitou Springs Municipal Code Concerning Stormwater Management
2. Discussion with Mountain Metro Concerning Route 3 and Fall 2025 Schedule

D. RECEIVE COUNCIL CORRESPONDENCE

E. CITY ADMINISTRATOR REPORT

F. EXECUTIVE SESSION

1. An Executive Session for the consideration of documents protected by the mandatory nondisclosure provisions of the Open Records Act, pursuant to Section 5.1(f) of the Manitou Springs Home Rule Charter, specifically C.R.S. §24-72-204(1)(a), et seq., and by reference C.R.S. §29-2-106(4)(c)(II), pertaining to sales tax information of a confidential nature.

ADJOURN

The City of Manitou Springs does not discriminate on the basis of disability in the admission to, access to, or operations of programs, services or activities. Reasonable accommodation will be provided to ensure equal access to all. Individuals who would like to request auxiliary aids or services should contact the ADA Coordinator at (719) 685-5481 or jfryer@manitouspringsco.gov. You may also contact the City Clerk's Office at cityclerk@manitouspringsco.gov or (719) 685-2554. Please provide a minimum of 3-5 days advance notice.



Memorandum

Title: Proposed Updates to Titles 6, 13, 14, and 18 of the Manitou Springs Municipal Code Concerning Stormwater Management

From: Fred Rollenhagen, Planning Director

To: Mayor and City Council

CC: City Administrator Denise Howell

Allocated Time: 1 Hour

May 13, 2025

Purpose:

To remain compliant with the City's Municipal Separate Storm Sewer System (MS4) Permit issued by the Colorado Department of Public Health and Environment (CDPHE), amendments to Titles 6, 13, 14, and 18 of the Municipal Code are being proposed to better address illegal discharges into the City's storm sewer system and waters of the State.

Any amendments to Title 18, the Land Use and Development Code, must be heard by the Planning Commission (CPC) and a recommendation made to City Council. Titles 6, 13 and 14 do not need CPC review or recommendation and will just be heard by the City Council.

Background:

In March 2021, the City's stormwater consultant, Chavez Consulting Inc., LLC, conducted a baseline MS4 permit compliance evaluation for the City. The baseline compliance evaluation was an initial evaluation of existing MS4 regulatory mechanisms and program documentation compared to the compliance schedule found in Table 2 of the MS4 permit.

The evaluation had two goals:

1. Identify any issues that may exist relative to the compliance schedule found in Table 2 of the MS4 permit
2. Develop a report with recommendations on how to bring the City into compliance with its MS4 permit, if necessary.

A thorough review of the City's stormwater regulatory mechanisms and the Program Description Document (PDD) was conducted during the baseline compliance evaluation. Although Title 14 appeared to have been updated in 2019, the initial evaluation found several inconsistencies with MS4 permit requirements for construction



oversight exemptions, inspection frequencies and inspection scopes. The PDD was determined to be significantly inadequate. These proposed code amendments are the City's follow-up on the recommendations included in the baseline compliance evaluation report. Initially, the Municipal Code will be updated to accurately reflect conditions included in the MS4 Permit. A new Program Description Document along with several procedural documents will be developed after the Municipal Code is amended.

Pros and Cons:

Pros:

Proposed revisions are necessary in order for the City to remain compliant with the City's Municipal Separate Storm Sewer System (MS4) Permit issued by the Colorado Department of Public Health and Environment (CDPHE).

Cons:

If revisions are not made, the City will be out of compliance with the MS4 Permit.

Fiscal Impact:

The City received a \$20,000 matching grant from the Colorado Department of Local Affairs for this project. The \$20,000 match from the City has been allocated to the Planning Department's budget and is being drawn down during the 2024 and 2025 fiscal years as work is being accomplished.

Workload Impact:

This is a major project that was identified as a Planning Department Goal for 2025 to complete. Staff secured the DOLA grant, advertised and hired the consultant, and has been working with the consultant in scheduling and holding staff meetings with other City Staff, reviewing drafts, making and collecting comments on the draft, and recommending revisions.

Staff scheduled and presented these draft revisions to the City Planning Commission for consideration and recommendation on April 9, 2025.

Recommended Action:

No recommendation for this item as it is a discussion item. Staff looks forward to comments and discussion with Council.

Add new Chapter 6.17 Discharges to the Municipal Separate Storm Sewer System

- 6.17.010 Purpose
- 6.17.020 Applicability
- 6.17.030 Definitions
- 6.17.040 Discharges to Stormwater Management System
- 6.17.050 Notice of Violation
- 6.17.060 Enforcement
- 6.17.070 Civil Enforcement
- 6.17.080 Safety
- 6.17.090 Severability Clause
- 6.17.0100 Effective Date

6.17.010 Purpose.

The purpose of this Ordinance is to protect the public health, safety, and welfare of the citizens and residents of Manitou Springs, Colorado, by detecting and eliminating, to the extent possible, illicit discharges into the City's storm sewer system, which, if not eliminated, can result in water pollution detrimental to the health of the City's citizens and natural resources and in substantial sanctions imposed by the Colorado Department of Public Health and Environment.

6.17.020 Applicability.

This Ordinance shall apply throughout the jurisdictional limits of Manitou Springs, Colorado.

6.17.030 Definitions.

- A. Council: the City Council of Manitou Springs, Colorado.
- B. City: the City of Manitou Springs, Colorado.
- C. City Administrator: the Manitou Springs City Administrator, or his or her authorized designee(s).
- D. City Public Works Manager: the Manitou Springs Public Works Manager, or his or her authorized designee(s).
- E. City storm sewer system: the system of structures owned or operated by the City designed and used for collecting or conveying stormwater. The system includes but is not limited to roads with drainage systems, inlets, catch basins, curbs, gutters, pipes, man-made and natural channels, ditches, detention and water quality basins, and storm drains. The system is not a combined sewer system, or any part of a Publicly Owned Treatment Works (POTW) as defined in 5 CCR 1002-61.2(62).
- F. Division: the Water Quality Control Division of the Colorado Department of Public Health and Environment.
- G. Illicit Discharge: Illicit discharge means any discharge to the city storm sewer system that is not composed entirely of stormwater, including without limitation any discharge of pollutants, except as exempted under Section 4(d), "Discharges to the City Storm Sewer System,"
- H. Irrigation Return Flow: tailwater, tile drainage, or surfaced groundwater flow from irrigated land.
- I. Owner: the owner of record of a parcel of land, whether person, partnership, firm, corporation, governmental agency, or other association of persons, or any authorized agent or representative of the owner of record.

- J. Person: any individual, association of individuals, partnership, firm, corporation, agency, or agent or representative thereof.
- K. Public or private property: any land or real property, including but not limited to the right-of-way of any road or highway and any body of water or watercourse.

6.17.040 Discharges to the City Storm Sewer System

- A. Illicit Discharges Prohibited: No person shall discharge any illicit discharge into or upon the City storm sewer system, any public highway, street, sidewalk, alley, land, public place, waters of the state, ditch or other watercourse or into any cesspool, storm or private sewer or natural water outlet, except as specifically provided in this chapter and in accordance with the Manitou Springs MS4 permit.
- B. Cleaning of Hard Surfaces: The owner of any paved parking lot, street or drive shall clean the pavement as necessary to prevent the buildup of pollutants and to prevent an illicit discharge. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this chapter, or other applicable federal, state and local laws.
- C. Material Storage: No person shall store materials including, without limitation, stockpiles used in construction and landscaping activities, in a manner which may cause an illicit discharge or threatened illicit discharge into the stormwater management system or receiving water.
- D. Exemptions: The following discharges are exempt from the requirements established by this chapter:
 - 1. Landscape irrigation and lawn watering associated with single-family detached or duplex development,
 - 2. Uncontaminated groundwater or surface water pumped from a foundation drainage or crawl space system in accordance with the regulations of the Colorado Department of Public Health and Environment,
 - 3. Individual residential car washing,
 - 4. Discharges that comply with the Division's Low Risk Policy Discharge Guidance or other applicable Division policies or guidance documents including:
 - a. Hot springs
 - b. Trail Building
 - c. Fire suppression dischargers
 - d. Potable water monitoring devices
 - e. Potable water
 - f. Rural Roadway Culvert Flushing by Public Entities
 - g. Snow melting
 - h. Surface cosmetic power washing operations to land
 - i. Swimming pools
 - j. Uncontaminated groundwater to land
 - k. Discharges where the Colorado Water Quality Control Division has stated that it will not pursue permit coverage or enforcement,
 - 5. Emergency firefighting activities,
 - 6. Street cleaning operations conducted under the supervision of or authorized by the city,
 - 7. Diverted stream flows,

8. Irrigation return flow,
9. Springs,
10. Flows from riparian habitats and wetlands,
11. Air conditioning condensation,
12. Dye testing in accordance with manufacturers recommendations,
13. Stormwater runoff with incidental pollutants,
14. Discharges authorized by a Colorado Discharge Permit System permit or National Pollutant Discharge Elimination System permit,
15. Agricultural runoff; or
16. Any discharge that is authorized by the City Public Works Manager consistent with the MS4 permit.

6.17.050 Notice of Violation.

- A. To the extent possible, considering the nature and extent of the illicit discharge, the City Public Works Manager or designated City of Manitou Springs staff shall provide verbal or written notice to persons or owners violating this Chapter and shall work with such persons and owners to correct violations prior to the commencement of enforcement proceedings.
- B. When a person or owner violating this Chapter does not correct a violation of this Chapter in a reasonable timeframe (not to exceed three (3) calendar days), the City Administrator shall determine the illicit discharge to be an imminent danger to health, safety, property or receiving waters and the City may proceed with abatement of the illicit discharge consistent with section 6.08.060 of this Chapter.
- C. Nothing in this Section shall be construed to bar the commencement of criminal or civil enforcement proceedings for violations of this Ordinance without prior notice.

6.17.060 Enforcement.

- A. Whenever the city administrator finds that any person or owner has violated or is violating any provision of this Chapter, or any approval granted under this chapter or the City of Manitou Springs Stormwater Quality Management and Discharge Control Code , the city administrator may serve upon such person a written notice stating the nature of the violation and providing a reasonable time necessary to cure the violation for the satisfactory correction thereof.
- B. If the person so notified fails to correct the violation as required by the notice in this section, or if the city administrator determines that an imminent danger to health, safety, property or receiving waters exists, the city administrator may correct the violation or cause the violation to be corrected and charge the costs thereof to the person or owner violating the provisions of this chapter.
- C. If any person fails or refuses to pay when due any charge imposed under this section, the city administrator may, in addition to taking other collection remedies, certify due and unpaid charges to the El Paso County Treasurer for collection as provided by Section 6.08.050

6.17.070 Civil Enforcement.

The City Administrator may refer violations of this Chapter to the City Attorney's Office for the institution of an injunction, mandamus, abatement, or other appropriate action to prevent, enjoin, abate, or remove a violation.

6.17.080 Safety Clause.

The Council hereby finds, determines, and declares that this Ordinance is necessary for the health, safety, and welfare of the citizens of Manitou Springs, Colorado.

6.17.090 Severability Clause.

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

6.17.0100 Effective Date.

This Ordinance shall take effect on

DRAFT

Chapter 13.36 STORM WATER UTILITY¹

Sections:

13.36.100 Definitions.

As used in this article, unless the context in which they are used clearly requires otherwise:

~~Storm water facilities means any one or more of various devices used in the collection, treatment or disposition of storm, flood or surface drainage waters, including man-made structures and natural watercourses, for the conveyance of runoff, such as detention areas, berms, swales, improved watercourses, channels, facilities, inlets, collection, drainage or disposal lines, intercepting sewers, joint storm and sanitary sewers, sewage disposal plants, outfall sewers, pumping plants and other equipment and appurtenances, and all extensions, improvements, remodeling, additions and alterations thereof; and any and all rights or interests in such sewerage or facilities.~~

Separate Storm Sewer System (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, and permanent stormwater quality or flood control structures); owned or operated by the City of Manitou Springs; designed or used for the collecting or conveying of stormwater; and is not a combined sewer and not part of a Publicly Owned Treatment Works (POTW).

Storm water management system means all of the ~~storm water facilities~~ structures that comprise the separate storm sewer ~~used system~~ used by the city for the control of runoff.

(Ord. No. 2209, § 1, 1-5-2010)

13.36.110 Declaration of purpose.

The purpose of this chapter is to promote the public health, safety and welfare by minimizing flood losses and damage from storm water runoff; to establish a storm water utility to coordinate, design, construct, manage, operate and maintain the storm water management system; to establish a program to finance storm water management capital projects and operation, maintenance and administrative activities; and to encourage and facilitate the control of storm water, to reduce pollution and to enhance the environment.

(Ord. No. 2209, § 1, 1-5-2010)

13.36.120 Assessments—Rate.

Each individual water service shall be assessed at a monthly rate set by resolution of the city council.

¹Editor's note(s)—Ord. No. 2209, § 1, adopted January 5, 2010, amended the Code by repealing former Ch. 13.36, §§ 13.36.100—13.36.140, and adding a new Ch. 13.36. Former Ch. 13.36 pertained to storm drainage and flood management utility, and derived from Ord. 1087 of 1987.

(Ord. No. 0215, § 55, 2-3-2015; Ord. No. 2112, § 1, 12-18-2012)

Editor's note(s)—Ord. No. 2112, § 1, adopted December 18, 2012, amended the Code by repealing former § 13.36.120 and adding a new § 13.36.120. Formerly, § 13.36.120 pertained to storm water utility considered a city-owned enterprise, and derived from Ord. No. 2209, adopted January 5, 2010.

13.36.130 Storm water utility enterprise fund.

There is hereby established a storm water utility enterprise fund. All monies received from storm water utility fees shall be paid into such fund. Such fund shall be used only for capital improvements and operating expenses for storm drainage and flood management purposes, and shall not be used for general governmental purposes.

(Ord. No. 2209, § 1, 1-5-2010)

13.36.140 Storm water utility fee.

There is hereby imposed on each water utility account with the city a storm water utility fee. The amount of such fee shall be as set by the city council by resolution and may be changed from time to time.

(Ord. No. 2209, § 1, 1-5-2010)

13.36.150 Unpaid storm water utility fees—Lien.

All storm water utility fees shall be a lien upon the respective lots or parcels of land upon which they were imposed from the time when due and shall be a perpetual charge against such lots or parcels of land until paid, and in the event that charges are not paid when due, the city clerk shall certify such delinquent charges to the county treasurer and the charges shall be collected in the same manner as though they were part of the taxes.

(Ord. No. 2209, § 1, 1-5-2010)

Title 14

STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL CODE

Chapters:

Chapter 14.01 GENERAL PROVISIONS

Sections:

14.01.010 Title.

This title shall be known as the Stormwater Quality Management and Discharge Control Code and may so be cited.

(Ord. 1507 § 1 (part), 2008)

14.01.020 Purpose.

~~The purpose and intent of this title is to protect the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. § 1251 et seq.) by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting nonstormwater discharges into the City's Municipal Separate Storm Sewer System (MS4).~~

~~A. The objectives of this Code are as follows:~~

- ~~1. To promote, preserve, and enhance the natural resources within the City of Manitou Springs from adverse or undesirable impacts caused by development or other activities;~~
- ~~2. To protect and promote the health, safety, and welfare of the people and property through effective stormwater quality management practices;~~
- ~~3. To regulate land development activity, land disturbing activity, or other activities that may have an adverse impact on stormwater quality, and/or environmentally sensitive lands and to encourage compatibility between such uses;~~
- ~~4. To establish detailed review standards and procedures for land development activities throughout the city of Manitou Springs, thereby achieving a balance between growth and development and the protection of water quality; and~~
- ~~5. To provide for adequate stormwater system analysis and design as necessary to protect public and private property, water quality and existing natural resources.~~

~~B. This Code sets forth uniform requirements for Stormwater Management Systems within the City of Manitou Springs. In the event of any conflict between the City of Manitou Springs, El Paso County, State or Federal authorities, the more restrictive standard shall prevail.~~

~~C. This Code applies in the City of Manitou Springs, Colorado and to persons outside the City who are, by contract or agreement with the City, users of the City Stormwater Management System. Except, as~~

~~otherwise provided herein, the Stormwater Manager shall administer, implement, and enforce the provisions of this Code.~~

The Federal Clean Water Act (CWA) establishes the National Pollutant Discharge Elimination System (NPDES), which is a permitting system that regulates point sources of pollution that discharge directly to a state water. Point sources of pollution are pipes and drains that flow directly to a state water and typically come from industries, some agricultural facilities, and municipalities. Storm sewer systems that discharge to a state water are point sources of pollution and require a permit. The Colorado Department of Public Health and Environment issued the first Municipal Separate Storm Sewer System (MS4) permits to small municipalities, including the City of Manitou Springs in 2003.

This chapter establishes the regulatory mechanisms required by the MS4 permit to reduce or prevent the discharge of pollutants to the MS4 from applicable construction activities and applicable development sites that occur within the jurisdictional limits of the city.

(Ord. 1507 § 1 (part), 2008)

14.01.030 -Definitions.

~~For the purpose of this Code, the following terms, phrases, and words, and their derivatives, shall have the meaning as stated in this section. When inconsistent with the context, words used in the present tense include the future tense. Words in plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and the word "may" is always permissive.~~

~~"Best management practices (BMP)" means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by federal, state, or designated area-wide planning agencies.~~

~~BMPs are measures designed to: (1) prevent pollutants from leaving a specific area; (2) reduce/eliminate the introduction of pollutants; (3) protect sensitive areas; or (4) prevent the interaction between precipitation and pollutants.~~

~~"City" means the City of Manitou Springs.~~

~~"Colorado Department of Public Health and Environment (CDPHE)" means the agency responsible for managing Stormwater programs in the state of Colorado.~~

~~"Colorado discharge permit system (CDPS)" means Colorado's version of the NPDES program.~~

~~"Council" means the City Council of the City of Manitou Springs.~~

~~"Development" means any land disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial, mining or institutional construction or alteration. The act of subdivision or platting properties for personal use, adding value or for the purposes of resale. This includes the construction and/or demolition of buildings, structures, roads, parking lots, paved storage areas, and similar facilities.~~

~~"Erosion" means wearing the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.~~

~~"Erosion control" means methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.~~

"Erosion and stormwater quality control plan (ESQC plan)" means a written description (Stormwater Management Plan) and plan (Grading and Erosion Control Plan) indicating the number, locations, sizes, and other pertinent information about best management practice methods designed to reduce erosion of the land surface and the deposition of sediment within a waterway. The ESQC Plan should be used in developing the State mandated Stormwater Management Plan (SWMP). An ESQC Plan may be required as outlined in this Code or determined necessary by the City Planning Office.

"Erosion and stormwater quality control permit (ESQC permit)" means a permit issued by the City prior to initiating land development, land disturbing, or other activities which result in an increase in stormwater quantities, degradation of stormwater quality, or restriction of flow in any storm sewer system, open ditch or natural channel, stormwater easement, water body or wetland outlet within the City's jurisdiction, as defined in the Code.

"Exposed soil areas" means all areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection. Once soil is exposed, it is considered "exposed soil," until it meets the definition of "final stabilization."

"Final stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of at least seventy percent of the pre-disturbed cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization.

Grading and Erosion Control Plan. A Grading and Erosion Control Plan provides topographic information on the final grading layout of a developed site. The Grading Plan will identify permanent stormwater quantity and quality features, including all permanent BMPs, as defined in the Code.

"Impervious area" means a constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel parking lots and roads.

"Land disturbing activity" means any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the City's jurisdiction, including construction, clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this Code, land disturbance activity does not mean:

1. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work, which will not result in sediments entering the stormwater system.
2. Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.
3. Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible.

Municipal Separate Storm Sewer Systems (MS4). An MS4 is defined as a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or

~~drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to state waters;~~

~~2. — Designed or used for collecting or conveying stormwater;~~

~~3. — Which is not a combined sewer; and~~

~~4. — Which is not part of a Publicly Owned Treatment Works (POTW).~~

~~"MS4 Permit" means discharge permit issued by the CDPHE that authorizes the discharge of Stormwater from the MS4 to state waters.~~

~~"National pollution discharge elimination system (NPDES) permit" means any permit or requirement enforced pursuant to the Clean Water Act as amended for the purposes of regulating Stormwater discharge. Section 402 of the federal Clean Water Act.~~

~~"Noncompliance fee" means the administrative penalty fee for re-inspection of a property which may be assessed to a Permittee, Land Owner, Developer or their Contractor(s) for noncompliance with the provisions and/or conditions of an approved stormwater plan and/or permit or the violation of any other provisions contained in this stormwater Code.~~

~~"Owner" means the owner of record, whether person, partnership, firm, corporation, governmental agency, or other association of persons, or any authorized agent or representative of the owner of record.~~

~~"Prohibited discharge" means a nonstormwater discharge into the stormwater system or natural water, including but not limited to:~~

~~1. — Debris or other materials such as grass, clippings, vegetative materials, tree branches, earth fill, rocks, concrete chunks, metal, other demolition or construction materials, or structures.~~

~~2. — The disposal or misuse of chemicals or any other materials that would degrade the quality of waters within the system, including, but not limited to chemicals (fertilizers, herbicides, pesticides, etc.) or petroleum-based products (gasoline, oil, fuels, solvents, paints, etc.)~~

~~3. — Erosion and sediment originating from a property and deposited onto City streets, private properties or into the stormwater conveyance system, including those areas not specifically covered under an approved Stormwater Management Plan or Stormwater Permit.~~

~~4. — Failure to remove sediments transported or tracked onto City streets by vehicles or construction traffic within twenty-four hours of it being deposited on the street.~~

~~5. — For the purposes of this Code, Prohibited Discharges do not include the following, unless information is available to indicate otherwise:~~

~~a. — Water line flushing;~~

~~b. — Landscape and lawn irrigation water;~~

~~c. — Diverted stream flows;~~

~~d. — Rising ground water;~~

~~e. — Uncontaminated ground water infiltration;~~

~~f. — Uncontaminated pumped ground water, including; water from crawl space pumps;~~

~~g. — Discharges from potable water sources;~~

~~h. — Foundation and footing drains;~~

~~i. — Air conditioning condensate;~~

- j. — Springs;
- k. — Individual residential car washing;
- l. — Flows from riparian habitats and wetlands;
- m. — Street wash water;
- n. — Emergency firefighting water; and
- o. — Discharges authorized by a Colorado Discharge Permit system (CDPS) permit.

"Runoff" means the portion of rainfall, snowmelt, dewatering, or irrigation water flowing over the ground surface and into open channels, underground storm sewers, and detention or retention ponds.

"Sediment" means solid material or organic material that, in suspension, is being transported or has been moved by air, water, gravity, or ice, and deposited at another location.

"Sediment control" means the methods employed to prevent sediment from leaving the development site. Examples of sediment control practices include, but are not limited to silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

"State" means the state of Colorado.

Stormwater Manager. The stormwater manager shall be assigned by the City Administrator. Person responsible for enforcing the Stormwater Quality Management and Discharge Control Code.

Stormwater Management. The planned set of public policies and activities undertaken to regulate runoff and reduce erosion, and maintain or improve water quality under various specified conditions within various portions of the drainage system. It may establish criteria for controlling peak flows and/or runoff volumes, for runoff detention and retention, or for pollution control, and may specify criteria for the relative elevations among various elements of the drainage system. Stormwater management is primarily concerned with limiting future flood damages and environmental impacts due to development, whereas flood control aims at reducing the extent of flooding that occurs under current conditions.

"Stormwater management plan (SWMP)" means a document required to be prepared for obtaining an Erosion and Stormwater Quality Control Permit (ESQC Permit) and a CDPHE Stormwater Construction Permit.

"Stormwater management system" means physical facilities that collect, store, convey, and treat stormwater runoff in urban areas. These facilities normally include detention and retention facilities, streets, storm sewers, inlets, open channels, and special structures, such as inlets, manholes, and energy dissipaters.

"Temporary protection" means short term methods employed to prevent erosion. Examples of protection are straw, mulch, erosion control blankets, wood chips, and erosion netting.

"Violation" means the willful or negligent act of noncompliance with the conditions attached to an approved stormwater plan and/or permit, or any other provisions contained in this Code, subject to enforcement and penalty or noncompliance fees.

"Waters of the state" means and includes all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies of accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

"Watercourse" means the natural path for the flow of water where there is sufficient natural and accustomed runoff to form and maintain a distinct and defined channel or an open channel facility that has been constructed for such purpose. This shall include any easements obtained for the purposes of runoff conveyance.

(Ord. 1507 § 1 (part), 2008)

The definitions below are intended strictly for clarification purposes and may not contain the full legal definition as per regulation. For the purposes of this chapter:

1. Applicable Construction Activity: Construction activities with land disturbance (surface disturbing and associated activities) of one or more acres, or disturbing less than one acre if that construction activity is part of a larger common plan of development or sale that would disturb, or has disturbed one or more acres, unless excluded in section 14.02.020 of this code. Applicable construction activities include the land disturbing activity and all activities and materials associated with the construction site and located at, or contiguous to, the land disturbing activities.
2. Applicable Development Sites: Sites that result in land disturbance of greater than or equal to one acre, including sites less than one acre that are part of a larger common plan of development or sale, unless excluded below. Applicable development sites include all new development and redevelopment sites for which permanent water quality control measures were required in accordance with an MS4 permit. "New Development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision for a site that does not meet the definition of redevelopment.
3. Base Design Standard: The minimum design standard for new and redevelopment before applying exclusions or alternative standards.
4. Best Management Practices: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "state surface waters". BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. For the purpose of this permit, the term BMP is used interchangeably with the term control measure, and can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices.
5. Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related. The Division has determined that "contiguous" means construction activities located in close proximity to each other (within ¼ mile).
6. Construction activity: Refers to ground surface disturbing and associated activities (land disturbance), which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of regular maintenance or for replacement are construction activities and are not routine maintenance. Repaving activities where underlying and/or surrounding soil is cleared, graded, or excavated as part of the repaving operation are considered construction activities unless they are an excluded site in section 14.04.010 of this code. Construction activity is from initial groundbreaking to final stabilization regardless of ownership of the construction activities.
7. Construction Dewatering: Discharge of groundwater, surface water, and stormwater that has mixed with the groundwater and/or surface water (i.e. commingled stormwater runoff) that has come into contact with applicable construction activities.
8. Construction Site – The location where construction activity is occurring and associated discharges are covered by this code, including offsite locations for storage, staging, etc. For use in this permit, the terms construction site, site, and facility are used interchangeably
9. Contiguous: Within 0.25 miles.
10. Control Measure: Any best management practice or other method used to prevent or reduce the discharge of pollutants to waters of the state. Control measures include, but are not limited to best management practices. Control measures can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices.

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11. Control Measure Requiring Routine Maintenance: Any control measure that is still operating in accordance with its design and the requirements of this permit, but requires maintenance to prevent associated potential for failure during a runoff event. See also Inadequate control measure.
 12. Discharge: The discharge of pollutants as defined in section 25-8-103(3) C.R.S. For the purposes of this title, discharges do not include land application or discharges to the ground.
 13. Discharge of a Pollutant: The introduction or addition of a pollutant into state waters. See 25-8-103(3) C.R.S.
 14. Division: The Water Quality Control Division of the Colorado Department of Public Health and Environment.
 15. Effluent Limitation: Any restriction or prohibition established under the Colorado Water Quality Control Act, state regulations, or federal law on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into state waters, including, but not limited to, standards of performance for new sources, toxic effluent standards and schedules of compliance.
 16. Exclusion: A removal of the applicability of the terms or conditions in this title from applying to the given conditions.
 17. Exemption: An exemption, waiver, or variance implemented by the city for city control measures used to meet the effluent limits in the MS4 permit.
 18. Final Stabilization: The condition reached when all ground surface disturbing activities at the site have been completed, and for all areas of ground surface disturbing activities a uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre- disturbance levels, or equivalent permanent, physical erosion reduction methods have been installed.
 19. Good Engineering, Hydrologic and Pollution Control Practices: Methods, procedures, and practices that:
 - a. Are based on basic scientific fact(s).
 - b. Reflect best industry practices and standards.
 - c. Are appropriate for the conditions and pollutant sources.
 - d. Provide appropriate solutions to meet the associated permit requirements, including practice based and numeric effluent limits.
 20. Green infrastructure: Generally, refers to control measures that use vegetation, soils, and natural processes or mimic natural processes to manage stormwater. Green infrastructure can be used in place of or in addition to low impact development principles.
 21. Illicit Discharge: Any discharges to an MS4 that is not composed entirely of stormwater except discharges specifically authorized by a CDPS or NPDES permit and discharges resulting from emergency firefighting activities. Please refer to Title 6 of the municipal code for a complete definition of illicit discharge.
 22. Impervious Area: Developed areas with covering or pavement that prevents the land's natural ability to absorb and infiltrate typical precipitation and irrigation events. Impervious areas include, but are not limited to; roof tops, walkways, patios, driveways, parking lots, impervious storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering.
 23. Inadequate Control Measure: Any control measure that is not designed, implemented, or operating in accordance with the requirements of this title, and implemented and maintained to operate in accordance with the design specifications. See also Control measure Requiring Routine Maintenance.
 24. Land Disturbing Activity: Any activity that results in a change to the existing land surface (both vegetative and non-vegetative). Land disturbing activities include, but are not limited to clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity.
 25. Minimize: For purposes of implementing control measures of this chapter, means reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable considering best industry practices.
 26. MS4: A municipal separate storm sewer system. See municipal separate storm sewer system.
 27. Municipal Separate Storm Sewer System (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

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- a. Owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to state waters;
 - b. Designed or used for collecting or conveying stormwater;
 - c. Which is not a combined sewer; and
 - d. Which is not part of a Publicly Owned Treatment Works (POTW). See 5 CCR 1002-61.2(62).
28. Municipal Separate Storm Sewer System Outfall (Outfall): A point source, as defined herein, at the point where a municipal separate storm sewer discharges to state waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other state waters and are used to convey state waters.
29. New Development: Land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision for a site that does not meet the definition of redevelopment.
30. Non-Structural Control Measures: Includes control measures that are not structural control measures, and include, but are not limited to, control measures that prevent or reduce pollutants being introduced to water or that prevent or reduce the generation of runoff or illicit discharges.
31. Owner: The person or entity who is responsible for the overall operation of the facility or activity from which the associated discharge originates.
32. Pavement Management Sites: Sites, or portions of sites, for the rehabilitation, maintenance, and reconstruction of pavement, which includes roadway resurfacing, mill and overlay, white topping, black topping, curb and gutter replacement, concrete panel replacement, and pothole repair. The purpose of the site is to provide additional years of service life and optimize service and safety. The site also must be limited to the repair and replacement of pavement in a manner that does not result in an increased impervious area and the infrastructure must not substantially change. The types of sites covered under this exclusion include day-to-day maintenance activities, rehabilitation, and reconstruction of pavement.
33. Permanent Control Measure (PCM): Control measures designed to permanently mitigate stormwater quality impacts from applicable development sites.
34. Point Source: Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include irrigation return flow. See 5 CCR 102-61.2(75).
35. Pollutant: Dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste. See 5 CCR 1002-61.2(76).
36. Pollution: Man-made or man-induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water. See 5 CCR 1002-61.2(77)
37. Qualified Stormwater Manager - An individual knowledgeable in the principles and practices of erosion and sediment control and pollution prevention, and with the skills to assess conditions at construction sites that could impact stormwater quality and to assess the effectiveness of stormwater control measures implemented to meet the requirements of this permit.
38. Redevelopment: Includes a site that is already substantially developed and has 35% or more of existing hard surface coverage, the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities.
39. Regulatory Mechanism: The mechanisms that allow the city to implement and enforce the requirements of this title.

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40. Roadway: Roads and bridges that are improved, designed or ordinarily used for vehicular travel and contiguous areas improved, designed or ordinarily used for pedestrian or bicycle traffic, drainage for the roadway, and/or parking along the roadway. Areas primarily used for parking or access to parking are not included.
 41. Site Plan: Also known as construction stormwater site plans, sediment and erosion control plans, stormwater pollution prevention plans, drainage reports, drainage plans, stormwater management plans, drainage and erosion control plans, etc.
 42. Stormwater: Stormwater runoff, snow melt runoff, and surface runoff and drainage caused by precipitation.
 43. Structural Control Measures: Includes control measures that are comprised of facilities and structures that remove pollutants from water or retain, reuse, or provide for infiltration or evaporation of water.
 44. Total Maximum Daily Loads (TMDLs): The sum of the individual waste load allocations (WLA) for point sources and load allocations (LA) for nonpoint sources and natural background. For the purposes of this permit, a TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes WLAs, LAs, and must include a margin of safety (MOS), and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 C.F.R. 130.2 and 130.7).
 45. Water Quality Capture Volume (WQCV): The volume equivalent to the runoff from an 80th percentile storm, meaning that 80 percent of the most frequently occurring storms are fully captured and treated, and larger events are partially treated.
 46. Water Quality Standards: Any standard promulgated pursuant to section 25-8-204 C.R.S. For purposes of this permit, water quality standards are a narrative and/or numeric restriction established by the Water Quality Commission applied to state surface waters to protect one or more beneficial uses of such waters. Whenever only numeric or only narrative standards are intended, the wording shall specifically designate which is intended. See 5 CCR 1002- 31.5(37).
 47. Waters of the State of Colorado: Any and all surface waters and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. This definition can include water courses that are usually dry.

~~14.01.040 Stormwater quality management guidelines.~~

- ~~A. Prohibited Discharges. It is an offense for any person to cause or allow a Prohibited Discharge, as defined by this code, into Waters of the State, including the City stormwater management system, or any natural water.~~
- ~~B. Land Disturbing Activities Requiring an ESQC Permit. Any construction activity requiring a HLDR Plan, Minor Development Plan, Major Development Plan, or Grading Plan as determined by the Planning Director, or any activity resulting in land disturbance within the City that require a Grading Permit per Zoning Code, Chapter 18.68.~~
- ~~C. Land Disturbing Activity Requiring an ESQC Plan. Any construction activities, resulting in land disturbance within the City greater than 0.5 acres.~~

~~No building permit shall be issued until approval of an ESQC Permit or a waiver of the permit requirements has been obtained in strict conformance with the provisions of this Code. No land shall be disturbed until the permit is approved by the City and conforms to the standards set forth herein.~~

~~Exemptions to the ESQC Plan requirements of this section include:~~

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1. ~~Any part of a subdivision that has been approved for construction by the City Planning Department on or before the effective date of this Code. An ESQC Permit for land disturbing activities on such properties may still be required, as determined by the Stormwater Manager, and such activities are still subject to other compliance requirements in accordance with this Code;~~
 2. ~~An ESQC Plan is not required for individual lots or properties located within a subdivision or plat for which an ESQC Plan has already been approved. This exemption is subject to the City's Planning Office's and Stormwater Manager's consideration and approval. ESQC Permits, however, are required subject to the other exemptions noted in this section;~~
 3. ~~A parcel for which a building permit has been approved on or before the effective date of this Code;~~
 4. ~~Emergency work to protect life, limb, or property.~~
- D. ~~Installation and repair of utility service lines.~~
1. ~~At project sites that require permit coverage where a utility contractor is not the site owner or operator, each utility contractor must comply with the provisions of the ESQC Permit for the project their construction activities will impact. Each utility contractor must ensure that their activities do not render ineffective, the erosion prevention and sediment control best management practices (BMPs) for the site. Should a utility contractor damage or render ineffective any BMPs for the site, the utility contractor must repair or replace such BMPs immediately on the site. The utility contractor will be responsible for a BMP that includes seed or sod and must provide maintenance, including any watering necessary to insure the establishment of the sod or seed. The establishment period for a BMP that includes sod or seed shall be thirty days, after which, if the area does not have an acceptable level of establishment, the utility contractor must re-sod or re-seed until satisfactory establishment is achieved.~~
 2. ~~Utility contractors working in a street right-of-way to repair existing or install new utilities shall meet the requirements of Part B of this Section of this Code. The utility contractor is required to provide appropriate inlet protection and sediment control during the course of the work so as to ensure the storm sewer system is protected from pollution. The utility contractor is also required to provide street sweeping as necessary to insure that sediments resulting from their activity do not enter the stormwater system following construction. The street shall be swept within one working day of completion of utility installation on the site. All disturbed vegetation shall be replaced with seed or sod within seven days of completion of utility installation on the site.~~
- E. ~~Waivers. The City's Planning Office may waive any requirement of this Code upon making a finding that compliance with the requirement will involve an unnecessary hardship.~~
- (Ord. 1507-5-1 (part), 2008)

14.01.040 Criteria Incorporated by Reference

This chapter, when combined with the following documents, their amendments and successors form the criteria used for protecting stormwater quality during construction and development activity in the city. These criteria shall be used for the planning, design and construction of permanent control measures.

- The City of Colorado Springs Drainage Criteria Manual Volume 1 (DCMV1), May 2014, revised January 2021)
- The City of Colorado Springs Drainage Criteria Manual Volume 2 (DCMV2), May 2014, revised December 2020.

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- [The City of Colorado Springs Stormwater Construction Manual \(SCM\) Appendix E \(latest version and approved alternatives\).](#)
 - [The Mile High Flood Control District \(MHFD\) Urban Stormwater Drainage Criteria Manual \(USDCM\) Volumes 1 through 3 \(latest versions\).](#)

Chapter 14.02 GRADING AND EROSION CONTROL PERMIT ~~EROSION AND STORMWATER QUALITY CONTROL PERMIT (ESQC PERMIT)~~

Sections:

14.02.010 Permit requirements.

~~It is unlawful to initiate any land development activity, land disturbing activity, or other activities which may result in an increase in stormwater quantities, degradation of stormwater quality, or restriction of flow in any storm sewer system, open ditch or natural channel, stormwater easement, water body, or wetland outlet within the jurisdiction of the City, without having first complied with the terms of this Code.~~

It is unlawful to initiate any land disturbing activities that meet the definition of applicable construction activities or applicable development site without first obtaining a Grading and Erosion Control Permit pursuant to the requirements of this Chapter and Title 18.

~~A. — Permit Application. All persons subject to meeting the requirements and needing to obtain a ESQC Permit shall complete and file with the Stormwater Manager an application in the form prescribed by the Stormwater Manager and accompanied by a fee established by the City Council. The permit application may need to be accompanied by an ESQC Plan, if such a plan has not been previously approved. Permit applications may be denied if the applicant is not in compliance on another ESQC Permit currently in effect.~~

1. Permit Application. Grading and Erosion Control permit submittals shall follow the general application procedures in Section 18.06.3 of Title 18. Applicants shall make an application to the Planning Department in accordance with the Grading and Erosion Control Permit Checklist. Grading and Erosion Control Plan submittals for applicable construction activities shall be developed by a professional engineer licensed to operate in the state of Colorado, consistent with content requirements of the Grading and Erosion Control Plan checklist. A copy of the Grading and Erosion Control Plan Checklist can be obtained at the Planning Department.

~~B. ESQC Permit Applicability. An ESQC Permit will be required for construction activities resulting in a land disturbance, within the City, as defined by Chapter 18.68—Grading Permit of the Zoning Code. An ESQC Permit application does not require certification by a Professional Engineer registered in the State of Colorado, but will only be issued at the discretion of the Stormwater Manager. Commencing earthwork on a project prior to ESQC Permit approval is considered a violation of this Code.~~

2. Stormwater Management Plan. A Stormwater Management Plan (SWMP) shall be developed and submitted with a Grading and Erosion Control Plan for all applicable construction activities and applicable development sites. A Stormwater Management Plan (SWMP) is a plan developed in

compliance with the content requirements of Stormwater Management Plan Checklist. A copy of the SWMP Checklist can be obtained from the Planning Department.

The SWMP shall be a separate, standalone document from the engineering plan set. The purpose of the SWMP is to develop and document a systematic approach to identify possible pollutant sources that may contribute pollutants to stormwater, and identify construction control measures that, when implemented, will prevent or reduce the discharge of pollutants to state waters. The SWMP shall be completed and implemented prior to beginning ground disturbing activities, and revised as construction proceeds to accurately reflect the conditions and practices at the site. Revisions must be made to the SWMP before changes are made in the field. A map showing the current location, status and changes to the control measures are required. The owner or his representative shall keep records of the control measures as they are installed or removed according to the SWMP. The SWMP shall be developed by a Qualified Stormwater Manager.

- C. ~~Permit Delays. The Stormwater Manager may withhold granting approval of an ESQC Permit until all issues associated with the site are resolved to the satisfaction of the Stormwater Manager. Permits may be conditioned with delays such that work cannot begin until a specified date or until after the site is inspected.~~

3. Notice to Proceed. No work shall begin on an approved Grading and Erosion Control Permit until a Notice to Proceed is issued by the Planning Director or their designee. A Notice to Proceed will be issued after all necessary approvals are issued by the Planning Director, all fees are paid, and financial assurance is received when applicable, and the installation of initial control measures are verified by a City inspector. Starting work without a Notice to Proceed may result in an immediate Stop Work Order issued by the Planning Director.

~~D. Permit Conditions. Permits are issued subject to all provisions of this Code, the Zoning Code, the Subdivision Regulations, and all other applicable regulations, user charges and fees established by the City Council. Permits may contain, but are not limited to, any of the following conditions:~~

- ~~1. A Stormwater Connection Fee for a Stormwater Outlet utilizing the City's Municipal Separate Storm Sewer System (MS4) in accordance with a cost determined by the Stormwater Manager and approved by the City Council for said Outlet;~~
- ~~2. Limits on the maximum rate of allowable stormwater discharge;~~
- ~~3. Requirements for water quality of stormwater discharge;~~
- ~~4. Requirements for the installation, operation and maintenance of stormwater facilities including detention/retention or other treatment facilities;~~
- ~~5. Requirements for erosion and sediment control, including measures to be implemented and other procedures necessary to protect the stormwater system;~~
- ~~6. Compliance schedule;~~
- ~~7. Requirements for notification to and acceptance by the Stormwater Manager of any land disturbing activities which have the potential for increasing the rate of stormwater discharge resulting in degradation of stormwater quality;~~
- ~~8. Easements; and~~
- ~~9. Other conditions as deemed appropriate by the Stormwater Manager to insure compliance with this Code.~~

14.02.020 Exclusions.

Construction activities may be excluded from the definition of applicable construction activity only when the Division waives requirements for stormwater discharges associated with small construction activity in accordance with Regulation 61.3(2)(f)(ii)(B) (the “R-Factor” waiver).

Construction activities do not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of a facility. Activities to conduct repairs that are not part of regular maintenance or for replacement are construction activities and are not routine maintenance. Repaving activities where underlying and/or surrounding soil is cleared, graded, or excavated as part of the repaving operation are considered construction activities and are not excluded.

~~E. — Permit Duration. Permits must be issued for a time period specified by the Stormwater Manager. The applicant, if necessary, shall apply for permit renewal a minimum of ninety days prior to the expiration of the applicant's existing permit. The terms and conditions of a permit are subject to modification by the Stormwater Manager during the term of the permit. Any denied or expired application may be resubmitted with additional information addressing the concerns contained within the denial or the reason why the original permit was allowed to expire. The resubmitted application shall be subject to all applicable fees and review time lines as if it were a new application.~~

14.02.030 Permit Conditions.

The following additional requirements apply to applicable construction activity. Appropriate control measures must be implemented prior to the start of construction activity, must control potential pollutants during each phase of construction, and must be continued through final stabilization. Appropriate structural control measures must be maintained in operational condition.

1. Control measures must be selected, designed, installed, implemented, and maintained to provide control of all potential pollutants, such as but not limited to sediment, construction site waste, trash, discarded building materials, concrete truck washout, chemicals, sanitary waste, and contaminated soils in discharges to the MS4 or waters of the state. At a minimum pollutant sources associated with the following activities (if part of the applicable construction activity) must be addressed:
 1. Land disturbance and storage of soils
 2. Vehicle tracking
 3. Loading and unloading operations
 4. Outdoor storage of construction site materials, building materials, fertilizers, and chemicals
 5. Bulk storage of materials
 6. Vehicle and equipment maintenance and fueling
 7. Significant dust or particulate generating processes
 8. Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, and oils
 9. Concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment

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10. Dedicated asphalt and concrete batch plants.
 11. Other areas or operations where spills can occur.
 12. Other non-stormwater discharges including construction dewatering not covered under the Construction Dewatering Discharges general permit and wash water that may contribute pollutants to the MS4.

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2. Correction of Deficiencies. The project owner is responsible for ensuring and documenting that control measures are maintained and are operating as intended by the design specifications. Control measures must be routinely maintained in accordance with good engineering, hydrologic and pollution control practices. When there is a failure to implement control measures or a control measure has failed or is determined by the Qualified Stormwater Manager to be an inadequate control measure, it must be addressed as soon as possible, immediately in most cases to minimize the discharge of pollutants. All corrective actions for control measures must be completed within 3 calendar days after the noncompliance issue is first identified.

14.02.040 Permit Inspections.

Inspections of applicable construction activities are conducted by the City Inspectors to ensure compliance with the GEC Plan and the SWMP. The focus of construction sites inspections is to ensure construction is following the approved plans and that control measures are installed and maintained consistent with the onsite SWMP to prevent non-stormwater discharges from leaving the site and create negative public safety, property or stormwater quality impacts.

The following inspections may be performed at applicable construction activity in the City. Not all inspection types may be performed at all sites.

1. Initial Inspections. Initial inspections are performed by a City Inspector to confirm that the initial control measures are implemented according to the approved GEC Plan. The initial inspection also serves to establish contact between inspectors and the site personnel responsible for implementing the approved plans. No land disturbance or construction activities may occur prior to the initial inspection, with the exception of initial control measure installation. No stockpiling of materials is permitted prior to the initial inspection. The City Inspector will verify all initial Control Measures have been properly installed, take pre-disturbance photographs, and discuss self-inspection requirements with the Qualified Stormwater Manager. Dewatering measures will be discussed, including State dewatering permit requirements as applicable.
2. Self-Inspections. The project owner is required to conduct self-inspections of applicable construction activity. The purpose of these inspections is to ensure that all control measures are installed according to the approved plans, appropriate for the intended use, operating effectively, and are properly maintained. The self-inspections shall be conducted by a Qualified Stormwater Manager. There are two options for conducting self-inspections.
 - A. A thorough inspection shall be conducted at least once every 14 calendar days and after storm events. Post-storm event inspections must be conducted within 24 hours following the end of any precipitation or snowmelt event that causes surface erosion. The post-storm inspections may be used to fulfill the 14-day routine inspection requirement.

B. The Qualified Stormwater Manager may choose to perform self-inspections every 7 calendar days without the requirement for post-storm event inspections. The self-inspection schedule must be identified in the self-inspection reports. A more frequent inspection schedule than this minimum may be necessary to ensure that Control Measures continue to operate intended. Site conditions such as steep grades and close proximity to a water of the state are reasons for increasing the frequency of self-inspections.

The Qualified Stormwater Manager shall retain copies of all self-inspection reports on site during active construction and provide them to the City upon request.

3. Reduced Frequency Inspections. The Qualified Stormwater Manager may perform self inspections at a minimum of one inspection every thirty (30) days when the following conditions are met.

A. All construction activities resulting in ground disturbance are complete;

B. All activities required for final stabilization, identified in the stormwater management plan are completed, with the exception of the application of sod or seed that has not occurred due to seasonal conditions or the necessity for additional seed application to augment previous efforts; and

C. The stormwater management plan has been amended to locate those areas to be inspected in accordance with the reduced schedule allowed for in this paragraph.

4. City Oversight Inspections. Applicable construction activities shall be inspected by a City Inspector (Planning or Public Works) during construction and until final stabilization is achieved. City oversight inspections shall be performed at all applicable construction activities for the purpose of assuring compliance with the City's MS4 Permit. Inspections performed by City Inspectors do not fulfill the requirement for Self-Monitoring Inspections to be conducted by the project owner. City inspections will include observations and documentation of control measures and permanent stormwater control facilities for conformance with the SWMP, approved construction drawings and the GEC Plan. During a City inspection the site is assessed for general compliance with the permit, overall site management, and record-keeping.

The City may conduct the following types of inspections: Routine Inspections, Compliance Inspections, Complaint Response Inspections, Inactive Site Inspections, Staff Vacancy Inspections and Indicator Inspections. Not all inspection types may be performed at all sites. For all inspections conducted by the City inspectors, a copy of the completed inspection report will be provided to the project owner and Qualified Stormwater Manager typically within two (2) business days following the inspection.

A. Routine Inspections. Routine Inspections are conducted to assess control measures, pollutant sources, and discharge points. During a Routine Inspection, any failure to implement control measures, inadequate control measures, and control measures requiring routine maintenance will be identified. All sources of pollution, including trash, will be evaluated to determine if any non-allowable discharges have occurred. Discharge points to the MS4 and adjacent property will be evaluated to determine if any non-allowable discharges have occurred. The removal of pollutants will be required, when feasible, if a failure to implement a control measure, or an inadequate control measure results in an off-site discharge of pollutants.

During a Routine Inspection, the City Inspector may review all Self-Monitoring Inspection reports for accuracy and completeness. In addition, the SWMP and GEC Plan may be reviewed to ensure the plans reflect current site conditions.

Routine Inspections are conducted at least once every 45 days.

- B. Compliance Inspections. Compliance Inspections are conducted as a follow up to an Illicit Discharge, or a previously documented failure to implement a control measure, or an inadequate control measure. During Compliance Inspections the City Inspector shall verify if corrective actions have been completed on sites where an Illicit Discharge, a failure to implement a control measure, or an inadequate control measure was documented in the previous inspection report,

A compliance inspection, or alternative inspection listed below, must identify if corrections have been completed on sites where the permittee has documented an illicit discharge or failure to implement a control measure or an inadequate control measure during the previous inspection. One of the following, that incorporates this required scope, may be performed or required in lieu of a compliance inspection within 14 days of the permittee site inspection identifying that there is a failure to implement a control measure or an inadequate control measure:

- i. Routine inspection in accordance with paragraph A above;
- ii. Indicator Inspection in accordance with paragraph D.3. below; or
- iii. Operator Compliance Inspection: The City requires the operator to inspect and report that the corrective actions are complete as necessary to meet the requirements of the permit. The operator report must include photographs of the new/adequate control measure(s).

Compliance Inspections are conducted within 14 days of the previous inspection, unless the necessary corrections were made and observed by the City Stormwater Inspector during the previous inspection when the compliance issue was observed.

- C. Complaint Response Inspections. Complaint Response Inspections are conducted in response to a complaint received by the City. Complaint Response Inspections are conducted to assess control measures, pollutant sources, and discharge points. During a Complaint Response Inspections, any failure to implement control measures, inadequate control measures, and control measures requiring routine maintenance will be identified. All sources of pollution, including trash, will be evaluated to determine if any non-allowable discharges are occurring. Discharge points to the MS4 or adjacent property will be evaluated to determine if an Illicit Discharge has occurred. The removal of pollutants will be required, when feasible, when an off-site discharge of pollutants has occurred.

- D. Reduced Site Inspections. Reduced Site Inspections are conducted by City Stormwater Inspectors at the frequency indicated below:

- 1. Inactive Site Inspections. Inactive Site Inspections are conducted on sites where land disturbing activities are complete and pending growth of vegetation for final stabilization, or for sites where no construction activity has occurred since the last inspection. During an Inactive Site Inspection, failure to implement control measures, inadequate control measures, and control measures requiring routine maintenance will be identified. All sources of pollution, including trash, will be inspected to determine if any non-allowable

discharges have occurred. Discharge points to the MS4 or adjacent property will be evaluated to determine if any non-allowable discharge has occurred. The removal of pollutants will be required, when feasible, when an off-site discharge of pollutants has occurred.

Inactive Site Inspections are conducted at least once every 90 days.

2. Staff Vacancy Inspection. Staff Vacancy Inspections are conducted as needed to accommodate a City staff vacancy or leave due to vacation or illness. During a Staff Vacancy Inspection, failures to implement control measures, inadequate control measures, and control measures requiring routine maintenance will be identified. All sources of pollution, including trash, will be evaluated to determine if any non-allowable discharges have occurred. Discharge points to the MS4 and adjacent property will be evaluated to determine if any non-allowable discharges have occurred. The removal of pollutants will be required, when feasible, when an off-site discharge of pollutants has occurred.

Staff Vacancy Inspections are conducted at least once every 90 days.

3. Indicator Inspection. Indicator inspections are a drive-by or screening, conducted to assess sites for indicators of noncompliance and do not fully assess the adequacy of control measures and overall site management. Before an indicator inspection may be conducted, a routine inspection of an applicable construction activity must first occur. During this inspection the perimeter of a site will be evaluated for indicators of failure to implement, and inadequate control measures. Discharge points to the MS4 and adjacent property will be evaluated to determine if any non-allowable discharges have occurred. The removal of pollutants will be required, when feasible, when an off-site discharge of pollutants has occurred.

Indicator inspections may be conducted at least once every 14 days with a routine inspection conducted at least once every 90 days.

- E. Final Inspection. When a request to terminate a Grading and Erosion Control Permit is received by the Planning Director the City and the Qualified Stormwater Manager will conduct a final inspection of the site to determine if the conditions for permit termination are met.

Final inspections are also used by the City to determine if permanent control measures are constructed according to approved plans; and to determine if:

- Any sediment or other pollutant that may have been transferred off-site has been removed.
- All PCMs have been maintained and are functioning in accordance with the design and the O&M Manual.
- As-Built Drawings are accurate and provided to the City.
- All CCMs have been removed from the site.
- Streets, parking lots and other paved surfaces (on-site and off-site) are free of sediment and debris.
- Drainage structures such as pipes, inlets and channels are clean and in good service.

-
- The site is in compliance with all required corrective action identified during previous Inspections.
 - A copy of the CDPHE Colorado Discharge Permit System Notice of Termination, Permit Modification Certification, or Permit Transfer Certification is provided to the City.

14.02.050 Permit Termination.

A request to terminate a Grading and Erosion Control Permit for an applicable construction activity must be submitted by the project owner to the Planning Director, after a site establishes final stabilization. The following conditions must be met for approval to terminate the permit.

1. All construction activities at the site are complete and no further land disturbing activities will occur.
2. For all areas where ground surface disturbing activities occurred a uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.

For sites using vegetation cover as a final stabilization method the following criteria shall be met.

- a) The vegetation may include perennial grasses, plants, shrubs and trees consistent with regionally approved seed mixes.
- b) Individual plant density equivalent to 70% of pre-disturbance levels shall be evenly distributed and be based on a locally representative location that is undisturbed.
- c) Noxious weeds shall not be present.

Following the Permit Termination Inspection, the City Inspector will send the owner a Termination Inspection Report.

Once all Permit Termination Inspection Report findings have been addressed, the City will provide the owner a written Notice of Termination stating that the GEC Permit has been terminated.

All Self-Monitoring and City Inspections shall cease at Permit Termination.

~~Permit Modification. The Stormwater Manager for just cause and upon thirty day notice may modify any ESQC Permit. Just cause shall include but not limited to:~~

- ~~1. Promulgation of new federal, state or local regulatory requirements;~~
- ~~2. Changes in the requirements of this Code, the Zoning Code or the Subdivision Regulations;~~
- ~~3. Changes in the process used by the Permittee or changes in discharge rate, volume, or character; and~~
- ~~4. Changes in the design or capability of the receiving Stormwater Systems.~~

~~The applicant must be informed of any proposed changes in the permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.~~

~~G.~~

~~Permit Amendments. ESQC Permit's may be amended (by applicant) only by a written request submitted by the Permittee to the Stormwater Manager. This request shall contain the reason for the change and documentation related to any additional impacts, which may result from amendment approval. Amendment requests submitted prior to issuance of an ESQC Permit shall be considered part of the original submittal. Amendment requests filed after permit approval shall be considered and reviewed under the same procedures and guidelines used for the ESQC Permit Applications under this Section. Depending on the extent of the amendment, the Stormwater Manager may waive any additional fees for a permit amendment review.~~

~~H. Permit Transfer. A permit runs with the property it covers, until the permitted activities are completed, and is transferable to new Landowners in its entirety or by parcel, with each parcel being subject to the permit and any conditions, which apply to that parcel. Land transfers must be reported to the Stormwater Manager within seven days of the transfer. This section refers to City issued permits and does not release the applicant or owner from transfer requirements for a CDPS/Stormwater Construction Permit, including but not limited to permit transfers or subdivision registration.~~

~~I. Monitoring Facilities. The Stormwater Manager may require the Applicant to provide and operate at the applicant's expense a monitoring facility to allow inspection, sampling, and flow measurements of each Stormwater System component. Where at all possible, the monitoring facility shall be located on the Applicant's property as opposed to being located on public rights-of-way. Ample room must be allowed for accurate flow measuring and sampling and the facility shall be kept in a safe and proper operating condition.~~

~~J. Inspection. The Stormwater Manager may inspect the Stormwater Management System of any Permittee to determine compliance with the requirements of this Code. The applicant shall promptly allow the City and their authorized representatives upon presentation of credentials, to:~~

- ~~1. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys;~~
- ~~2. Bring such equipment upon the permitted site as is necessary to conduct such inspections, surveys and investigations;~~
- ~~3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site;~~
- ~~4. Inspect the stormwater pollution control measures (BMPs);~~
- ~~5. Sample and monitor any items or activities pertaining to stormwater pollution control measures (BMPs).~~

~~Any temporary or permanent obstruction to the safe and easy access of such an inspection shall be promptly removed upon the inspector's request. The cost of providing such access shall be born by the Permittee.~~

~~K. Inspections of the ESQC Plan's BMPs. At a minimum, such inspections shall be done weekly by the Permittee (general contractor, developer or the developer's designated representative), and within twenty four hours after every storm or snow melt event large enough to result in runoff from the site (approximately 0.25 inches or more in twenty four hours). At a minimum, these inspections shall be done during active construction.~~

~~L. Other Permits. All conditions of the Colorado Department of Public Health and Environment (CDPHE) Stormwater Construction Permit and the City's Municipal Separate Storm Sewer Systems (MS4) CDPS General Permit shall be met prior to issuance of an ESQC Permit.~~

14.02.060 Other Permits.

The project owner is responsible for ensuring all other applicable, local, state and federal permits are obtained prior to initiating land disturbing activities. Construction sites meeting the definition of applicable construction activity also meet the applicability requirements of the Colorado Discharge Permit System (CDPS) Stormwater Discharges Associated with Construction Activity (COR400000) permit. Projects that require construction dewatering require additional CDPS permit coverage for that activity. Sites occurring in a live stream or within a designated floodplain may also be subject to additional local and federal permitting requirements.

~~(Ord. 1507 § 1 (part), 2008)~~

~~14.02.020 Erosion and stormwater quality control plan (ESQC plan).~~

14.03 Grading and Erosion Control Plan

~~A. The ESQC Plan shall consist of the following:~~

- ~~1. Stormwater Management Plan (SWMP), consistent with guidelines outlined in the CDPHE Stormwater Construction Permit and El Paso County SWMP Checklist.~~
- ~~2. Detailed Grading and Erosion Control Plan (GEC) consistent with the El Paso County GEC Submittal Checklist.~~

~~B. The ESQC plan must be:~~

- ~~1. Consistent with the ESQC Permit approved by the Stormwater Manager, including any special provisions or conditions.~~
- ~~2. In conformance with the requirements of the City of Manitou Springs Municipal Specifications, this Code, the Zoning Code, the Subdivision Regulations, and any other necessary permits required and issued by other government agencies.~~
- ~~3. Sealed and signed by a Professional Engineer registered in the State of Colorado.~~
- ~~4. Submitted to the Stormwater Manager for approval.~~
- ~~5. Approved by the Stormwater Manager prior to commencing construction.~~

~~C. The ESQC Plan, in a format acceptable to the Stormwater Manager, shall contain a drawing or drawings delineating the features, described to be implemented, including details of perimeter protection, construction phasing, storm drain inlet protection, erosion control measures, temporary stabilization measures, including all BMPs. In addition the construction specifications shall contain technical provisions describing erosion, sedimentation, and water control measures to be utilized during construction as well as to define the entities responsible for the installation and maintenance of the BMPs. The ESQC Plans must be incorporated into the approved construction documents.~~

~~(Ord. 1507 § 1 (part), 2008)~~

A Grading and Erosion Control Plan (GEC Plan) meeting the requirements of this Title shall be submitted with all applications for a Grading and Erosion Control Permit for applicable construction activities and applicable development sites. The GEC Plan shall be developed, signed and stamped by a professional engineer licensed to work in Colorado. The GEC Plan shall be developed to include all the required

elements and standard notes identified in the Grading and Erosion Control Plan Checklist provided by the Planning Department.

14.04 Permanent Stormwater Management.

All applicable development sites shall have operational permanent stormwater quality control measures at the completion of the site. In the case where permanent water quality control measures are part of future phasing, the owner must have a mechanism to ensure that all control measures will be implemented, regardless of completion of future phases or site ownership. In such cases, temporary water quality control measures must be implemented as feasible and maintained until removed or modified. All stormwater water quality control measures must meet one of the base design standards of this Chapter.

14.04.01 Exclusions.

The following sites may be excluded from the definition of applicable development site.

- A. Pavement Management Sites: Sites, or portions of sites, for the rehabilitation, maintenance, and reconstruction of roadway pavement, which includes roadway resurfacing, mill and overlay, white topping, black topping, curb and gutter replacement, concrete panel replacement, and pothole repair. The purpose of the site must be to provide additional years of service life and optimize service and safety. The site must be limited to the repair and replacement of pavement in a manner that does not result in an increased impervious area and the infrastructure must not substantially change. The types of sites covered under this exclusion include day-to-day maintenance activities, rehabilitation, and reconstruction of pavement. Roadways include: roads and bridges that are improved, designed or ordinarily used for vehicular travel, and contiguous areas improved, designed and ordinarily used for pedestrian or bicycle traffic; drainage for the roadway; and/or parking along the roadway. Areas used primarily for
- B. Excluded Roadway Redevelopment: Redevelopment sites for existing roadways, when one of the following criteria is met:
 - A. The site adds less than 1 acre of paved area per mile of roadway to an existing roadway, or
 - B. The site does not add more than 8.25 feet of paved width at any location to the existing roadway.
- C. Excluded Existing Roadway Areas: For redevelopment of existing roadways, only the area of the existing roadway is excluded from the requirements of an applicable development site when the site does not increase the width by two times or more, on average, of the original roadway area. The entire site is not excluded from being considered an applicable development site for this exclusion. The area of the site that is part of the added new roadway area is still an applicable development site.
- D. Aboveground and Underground Utilities: Activities for installation or maintenance of underground utilities or infrastructure that does not permanently alter the terrain, ground

cover, or drainage patterns from those present prior to the construction activity. This exclusion includes, but is not limited to, activities to install, replace, or maintain utilities under roadways or other paved areas that return the surface to the same condition.

- E. Large Lot Single Family Sites: A single-family residential lot, greater than or equal to 2.5 acres in size per dwelling and having a total lot impervious area of less than 10 percent. A total lot imperviousness greater than 10 percent is allowed when a study specific to the watershed and/or MS4 shows that expected soil and vegetation conditions are suitable for infiltration/filtration of the WQCV for a typical site, and the permittee accepts such study as applicable within its MS4 boundaries. The maximum total lot impervious covered under this exclusion shall be 20 percent.
- F. Non-Residential and Non-Commercial Infiltration Conditions: This exclusion does not apply to residential or commercial sites for buildings. This exclusion applies to applicable development sites for which post-development surface conditions do not percentile stormwater runoff event. In addition, post-development surface conditions must not be projected to result in a surface water discharge from the 80th percentile stormwater runoff events. percentile event must be infiltrated and not discharged as concentrated flow. For this exclusion to apply, a study specific to the site, watershed and/or MS4 must be conducted. The study must show rainfall and soil conditions present within the permitted area; must include allowable slopes, surface conditions, and ratios of impervious area to pervious area; and the permittee must accept such study as applicable within its MS4 boundaries.
- G. Sites with Land Disturbance to Undeveloped Land that will Remain Undeveloped: Permittees may exclude sites with land disturbance to undeveloped land (land with no human-made structures such as buildings or pavement) that will remain undeveloped after the site.
- H. Stream Stabilization Sites: Permittees may exclude stream stabilization sites.
- I. Trails: Bike and pedestrian trails are excluded. Bike lanes for roadways are not included in this exclusion, unless attached to a roadway that qualifies under another exclusion in this section.

14.04.02 Base Design Standards.

The City's oversight for applicable development sites shall be implemented to address the selection, installation, implementation, and maintenance of control measures in accordance with requirements of the MS4 permit. The "base design standard" is the minimum design standard for new development and redevelopment. The permanent control measures for applicable development sites shall meet one of the following base design standards.

- 1. WQCV Standard: The control measure(s) is designed to provide treatment and/or infiltration of the WQCV and:
 - A. 100% of the applicable development site is captured, except the owner may exclude up to 20 percent, not to exceed 1 acre of the applicable development site area when the City has determined that it is not practicable to capture runoff from portions of the site that will not drain towards control measures. In addition, the owner must also determine that the implementation of a separate control measure for that portion of the site is not practicable (e.g., driveway access that drains directly to the street).
 - B. Evaluation of the minimum drain time shall be based on the pollutant removal mechanism

and functionality of the control measure implemented. Consideration of drain time shall include maintaining vegetation necessary for operation of the control measure (e.g., wetland vegetation).

2. Pollutant Removal Standard: The control measure(s) is designed to treat at a minimum the 80th percentile storm event. The control measure(s) shall be designed to treat stormwater runoff in a manner expected to reduce the event mean concentration of total suspended solids (TSS) to a median value of 30 mg/L or less.

100% of the applicable development site is captured, except the owner may exclude up to 20 percent not to exceed 1 acre of the applicable development site area when the owner has determined that it is not practicable to capture runoff from portions of the site that will not drain towards control measures. In addition, the owner must also determine that the implementation of a separate control measure for that portion of the site is not practicable (e.g., driveway access that drains directly to the street).

3. Runoff Reduction Standard: The control measure(s) is designed to infiltrate into the ground where site geology permits, evaporate, or evapotranspire a quantity of water equal to 60% of what the calculated WQCV would be if all impervious area for the applicable development site discharged without infiltration.

This base design standard can be met through practices such as green infrastructure. "Green infrastructure" generally refers to control measures that use vegetation, soils, and natural processes or mimic natural processes to manage stormwater. Green infrastructure can be used in place of or in addition to low impact development principles.

4. Applicable Development Site Draining to a Regional WQCV Control Measure: The regional WQCV control measure must be designed to accept the drainage from the applicable development site. Stormwater from the site must not discharge to a water of the state before being discharged to the regional WQCV control measure. The regional WQCV control measure must meet the requirements of the WQCV in B.1.above.

5. Applicable Development Site Draining to a Regional WQCV Facility: The regional WQCV facility is designed to accept drainage from the applicable development site. Stormwater from the site may discharge to a water of the state before being discharged to the regional WQCV facility. Before discharging to a water of the state, at least 20 percent of the upstream imperviousness of the applicable development site must be disconnected from the storm drainage system and drain through a receiving pervious area control measure comprising a footprint of at least 10 percent of the upstream disconnected impervious area of the applicable development site. The control measure must be designed in accordance with a design criteria included in this Title. In addition, the stream channel between the discharge point of the applicable development site and the regional WQCV facility must be stabilized.

The regional WQCV facility must meet the following requirements:

- A. The regional WQCV facility must be implemented, functional, and maintained following good engineering, hydrologic and pollution control practices.
- B. The regional WQCV facility must be designed and maintained for 100% WQCV for its entire drainage area.

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- C. The regional WQCV facility must have the capacity to accommodate the drainage from the applicable development site.
 - D. The regional WQCV facility be designed and built to comply with all assumptions for the development activities planned by the permittee within its drainage area, including the imperviousness of its drainage area and the applicable development site.
 - E. Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the facility. Consideration of drain time shall include maintaining vegetation necessary for operation of the facility (e.g., wetland vegetation).
 - F. The permittee shall meet the requirements in Parts I.E.4.a.v. and vii. and Part I.E.4.b. for the regional WQCV facility consistent with requirements and actions for control measures.
 - G. The regional WQCV facility must be subject to the City's authority.
 - H. Regional Facilities must be designed and implemented with flood control or water quality as the primary use. Recreational ponds and reservoirs may not be considered Regional Facilities. Water bodies listed by name in surface water quality classifications and standards regulations (5 CCR 1002-32 through 5 CCR 1002-38) may not be considered regional facilities.

6. Constrained Redevelopment Sites Standard.

- A. Applicability: the design standards in this paragraph may be used for sites meeting the following constrained redevelopment sites criteria.

- 1) The applicable redevelopment site is for a site that has greater than 75% impervious area, and
- 2) The City has determined that it is not practicable to meet any of the base design standards of this section. The City's determination shall include an evaluation of the applicable redevelopment site's ability to install a permanent control measure without reducing surface area covered with the structures.

- B. Constrained Redevelopment Sites Design Standard. The control measure(s) is designed to meet **one** of the following:

- 1) Provide treatment of the WQCV for the area captured. The captured area shall be 50% or more of the impervious area of the applicable redevelopment site. Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the control measure implemented,
- 2) The control measure(s) is designed to provide for treatment of the 80th percentile storm event. The control measure(s) shall be designed to treat stormwater runoff in a manner expected to reduce the event mean concentration of total suspended solids (TSS) to a median value of 30 mg/L or less.

A minimum of 50% of the applicable development area including 50% or more of the impervious area of the applicable development area shall drain to the control measure(s). This standard does not require that 100% of the applicable redevelopment site area be directed to control measure(s) as long as the overall removal goal is met or exceeded (e.g., providing increased removal for a smaller area), or

- 3) Infiltrate, evaporate, or evapotranspiration, through practices such as green

infrastructure, a quantity of water equal to 30% of what the calculated WQCV would be if all impervious area for the applicable redevelopment site discharged without infiltration.

14.04.03 Financial Surety.

Grading and Erosion Control Plans that include the construction of public and private development improvements shall be required to provide financial security pursuant to Title 18. The financial surety amount shall be determined by the engineer of record and based on the current Financial Assurance Estimate form provided by El Paso County. The owner shall submit financial security to the Planning Department prior to the approval of the Grading and Erosion Control Permit.

14.04.04 Final As-built Drawings.

All GEC Plans that include the construction of public and private development improvements shall provide Final As-built construction drawings for all public improvements and public and private permanent stormwater quality control structures. The final as-built drawings shall document the final configurations for all improvements as they were constructed. The professional engineer of record, registered in the State of Colorado shall certify the final as-built plans. If no significant or material changes occurred between the approved plans and final construction, the owner may submit a letter from the engineer of record certifying conformance with the approved plans and construction drawings. In this case, record drawings are not required to be submitted to the Planning Department.

14.04.05 Permanent Control Measure Operation, Maintenance and Access.

The MS4 Permit requires the City to ensure the long-term operation and maintenance of permanent stormwater quality control measures. The City must implement inspection and acceptance procedures to ensure that PCMs are constructed, implemented, and operate in accordance with the approved GEC Plan, construction drawings and drainage report. All applicable development sites shall have operational permanent water quality control measures at the completion of the site.

1. Confirmation that post-construction stormwater quality control measures operate according to approved plans occurs through the use of an inflow hydrograph routed through a basin model. This analysis and the resulting hydrograph shall be performed by the Engineer of Record for the owner or authorized agent of the applicable development site and provided with Final Drainage Report included in the development plan submitted to the Planning Department. If the Planning Director determines that significant changes to the approved plans are identified in the "as-built" drawings, an additional inflow hydrograph based on the "as-built" changes shall be provided to the City to confirm that the changes made during construction did not negatively alter the effective operation of the control measure.
2. Ownership. Permanent stormwater management infrastructure, including but not limited to storm drain inlets, swales, channels, pipes, and PCMs located on private property shall be owned and operated by the owner of the property on which the structures are located.
3. Easement. Prior to approval of a subdivision or issuance of a Certificate of Occupancy, owners of applicable development sites with permanent stormwater quality control measures, shall submit to

the Planning Department a signed private maintenance and access agreement for all permanent control measures that were constructed. This agreement shall be submitted to and recorded by the El Paso County Clerk and Recorder. The City uses these agreements as the primary mechanism to ensure the long-term operation and maintenance of post construction stormwater quality control measures. The agreement shall also provide for access by the City for inspection and repair if required. The agreement templates are available through the Planning Department.

4. Operation and Maintenance Manual. A detailed Operation and Maintenance Manual covering inspections, operation and maintenance of permanent BMPs shall be provided to the person responsible for the Private Maintenance Agreement for Permanent BMPs. The Operation and Maintenance Manual shall include specifics on frequency of inspections and maintenance; standards for vegetation or structures, such as species of vegetation, mowing height, revegetation of worn or eroded areas, cleaning methods; depth of sediment requiring removal; replacement frequencies; and other relevant topics.
5. Acceptance. Upon completion of all required corrective actions or maintenance items identified in a Final Inspection report, a PCM will be added into the Manitou Springs Permanent Control Measure Inventory. Addition to the City inventory does not negate the owner's the long-term operation and maintenance requirements for the PCMs.
6. Inspections. The owner of PCMs shall inspect each facility in accordance with the Operations and Maintenance Manual. The City will inspect private PCMs at minimum once every year to evaluate the long-term operation and maintenance of structures. If during an inspection of a post-construction stormwater quality control structure it is determined and documented by a City Inspector that any owner or authorized agent failed to adequately operate and maintain a permanent stormwater quality control measures or remove the temporary control measures, an enforcement action described in this Title.

14.05 Enforcement.

A process of escalating enforcement measures will be used to ensure compliance with City Grading and Erosion Control Permits and the City MS4 permit. Enforcement shall be applied to sites with an existing GEC Permit, and sites that do not obtain a GECP permit when one is required prior to starting construction. In addition to the enforcement provisions in Title 18, the enforcement procedures included in the Section will be used for applicable construction activities and applicable development sites.

14.05.01 Sites with a GEC Permit.

It is the responsibility of the owner to take all necessary measures to ensure that the site is in compliance with the GEC Permit. The basis for implementing enforcement actions are the inspections conducted by the City and the QSM for the site. City Inspectors will take a compliance assistance approach with the owner during inspections. However, Failure to adequately respond to noncompliance findings documented in any Inspection Report provided by the City may result in an enforcement action.

1. **Escalation.** The MS4 permit requires an enforcement process and sanctions designed to minimize the occurrence of violations and obtain compliance from chronic and recalcitrant violators of stormwater control measure requirements. Thus, escalation of enforcement must occur, as necessary, based upon the severity of the violation and/or the recalcitrance of the violator. As a general outline, the following process will be followed until the site is brought into compliance:

Non-compliance documented on Inspection Report > Verbal Notice of Noncompliance > Written Notice of Noncompliance > Stop Work Order > Revocation of Permit > Performance of Remedial Work and/or Court Order.

The City will exercise its discretion in applying enforcement mechanisms as circumstances warrant. Accelerated enforcement action or the immediate imposition of stricter remedies may be pursued in certain instances. Factors to be considered include:

- Recurrence of the same violation at a site,
- Repeated failure to correct violations at a site; and
- A history of noncompliance or recalcitrance.

2. **Correction of Noncompliance.** With each inspection the City performs at a site, the inspector will document any observed violations of the GEC Permit and SWMP. The owner will remain noncompliant until all violations are corrected.

When the City Inspector observes violations of the GEC Permit, the findings will be documented in the inspection report. Examples of findings include failure to implement control measures, inadequate control measures, or control measures requiring routine maintenance. At the subsequent Compliance Inspection (within 14 days of the previous inspection), if the findings have not been resolved before or during the inspection, then the City Inspector may issue a Notice of Noncompliance to the owner.

When control measures have not been implemented, are inadequate, or require routine maintenance, the owner shall take all necessary steps to minimize or prevent the discharge of pollutants. If it is not feasible to immediately install, repair, or perform maintenance on a control measure, the SWMP must be amended to describe the reason(s) such action is infeasible and establish a schedule for installing, repairing, or performing maintenance as soon as possible.

The owner shall remove and properly dispose of any unauthorized release or discharge (e.g., non-stormwater discharge, trash, sediment, spill, or leak) and clean up any contaminated surfaces on site to minimize future unauthorized discharges.

3. **Notice of Noncompliance.** There are two types of Notices of Noncompliance issued by the City.

A. **Initial Notice of Noncompliance.** During a Compliance Inspection the City Inspector will identify findings from the previous report that have not been resolved and identify these issues as noncompliant in the current inspection report. The informal notice of noncompliance will be provided to the owner as a note in the inspection report. During a subsequent Compliance Inspection (within 14 days of the previous inspection), if the findings have not been resolved before or during the inspection, the City Inspector may issue a Formal Notice of Noncompliance to the owner.

B. Formal Notice of Noncompliance. Following issuance of the Informal Notice of Noncompliance the City will conduct a follow-up Compliance Inspection (within 14 days of the previous Compliance Inspection) to determine if the previous findings were adequately resolved. Findings that have not been adequately resolved from the previous report will be documented in the current Compliance Inspection report and the City Inspector will issue a Formal Notice of Noncompliance. This is a written notice to formally inform the owner that the permitted site is not in compliance with the GEC Permit or other requirements of City criteria, codes or ordinances relating to grading, erosion, and stormwater quality. Failure to subsequently correct the violations prior to the next Compliance Inspection will result in the issuance of a Stop Work Order.

4. **Stop Work Order.** A Stop Work Order (SWO) is a written order to immediately cease all construction activities at a site. The SWO may be issued by the Planning Director or City Inspector to the owner. An immediate SWO (i.e., enforcement notifications steps described above are skipped) shall be issued when the owner has failed to obtain a Notice to Proceed prior to commencing any land disturbing activities. An immediate SWO may also be issued if the owner has demonstrated noncompliance with the GEC Permit after repeated and documented attempts by the City Stormwater Inspector to bring the site into compliance (i.e., Informal Notice of Noncompliance and Formal Notice of Noncompliance) or if the impacts of noncompliance are great enough, in the City's discretion, to warrant issuance of a SWO. When a SWO is issued, it requires all work on the site to cease. No further land use approvals relative to the site will be allowed by the City, nor will work be allowed to resume, until the owner takes the measures necessary to bring the site into compliance, as described in the SWO. The only work that may continue under a SWO is work associated with bringing the site into compliance and/or stabilizing all land disturbance using temporary or permanent stabilization measures. The owner shall notify the City Inspector, once corrective actions are completed, in order to schedule a follow-up inspection. The City Stormwater Inspector will perform a Compliance Inspection to verify satisfactory completion of required corrective actions identified in the SWO. No work shall commence until the owner receives the Compliance Inspection report with a written notice to resume full Construction Activities.
5. **Revocation of Permit.** The City may revoke a GEC Permit if the requirements of the SWMP and GEC Plan are not implemented. Revocation of the GEC Permit results in a Stop Work Order and the owner shall submit to the Planning Director an adequate SWMP, GEC Plan, a new permit application, fees. This enforcement level is used in the following instances.
- A. A site refuses to comply with a SWO.
- B. The current stormwater management plan has been demonstrated to be inadequate and the owner failed to take the necessary measures to improve the plan,
- C. The owner received three (3) Stop Works Orders, independent of site, from the city within a rolling twelve (12) month period.
6. **Performance or Contracting of Remedial Work.** If the owner does not successfully complete all required work or violates any requirement of the GEC Permit, the City may take remedial measures (e.g., City staff or a private contractor may be retained to perform remedial work), charge the cost to the owner, and draw on posted collateral to cover such cost. Such costs shall include the actual cost of any work deemed necessary by the City plus reasonable administrative and inspection costs and penalties, as established by Resolution adopted by the City Council or by a fee schedule

adopted by the Planning Director as authorized by the City Council. If the total of such costs exceeds the owner collateral, as determined by the approved FAE Form, the owner shall be responsible for payment of the remaining balance within thirty calendar days of receipt of an accounting of such from the City. This enforcement level is used when a site is vulnerable to significant erosion or sediment migration and offsite discharge of pollutants and when the owner cannot or will not come into compliance.

7. **Civil Court Action.** Failure to comply with a SWO or Revocation of Permit, or failure to reimburse the City for costs incurred in the Performance or Contracting of Remedial Work, may result in a civil court action being filed against the owner.

14.05.02 Sites without a GEC Permit.

When construction activity is started without an approved GEC Permit, the City considers the owner the ultimate responsible party for all construction activities. When a City Inspector determines that applicable construction activity is occurring or has occurred without an approved GEC Permit, an immediate SWO will be issued to the owner. All construction activity shall cease at the site until a Grading and Erosion Control Permit is obtained from the City. The only work that may continue is implementation of control measures to prevent an offsite discharge. The owner shall follow the procedures outlined in Title 18 and this Title 14 of City Code to obtain the required approval(s). Failure to comply with a SWO may result in a Civil Court Action being filed against the owner.

14.05.03 Illicit Discharges.

The City at its discretion may consider an unauthorized discharge of a pollutant to the MS4 or waters of the state as illicit discharge. In such cases, additional enforcement provided in Title 6 may be pursued. When an illicit discharge occurs directly into Waters of the State, the City, may notify the Colorado Department of Public Health and Environment pursuant to the reporting requirements included in the City MS4 permit or the CDPS General Permit for Stormwater Discharges Associated with Construction Activity.

1.—

14.02.040 New development stormwater management.

Stormwater quality control best management practices (BMPs) included as part of the final construction for a new development or a significant redevelopment shall be addressed in the grading and erosion control plan and shall comply with the following requirements:

- A. Pre Versus Post Hydrological Response of Site. An applicant shall install or construct, on or for the proposed land disturbing activity or development activity, all stormwater management facilities necessary to manage runoff such that increases in flow under the design conditions will not occur that could exceed the capacity of the outlet, or the stormwater management system, into which the site discharges or that would cause the stormwater management system to be overloaded or accelerate channel erosion as a result of the proposed land disturbing activity or development activity. Under no circumstances shall the two, ten, or one hundred year developed peak flow exceed the two, ten, or one hundred year existing peak flow without prior written approval by the stormwater manager. For regional detention or stormwater management system, the stormwater manager shall recommend a

proposed system charge or assessment to be approved by the city council based upon an approved watershed master plan and an analysis of required drainage systems, projected costs and flood protection benefits provided to those properties directly or indirectly impacted by the regional detention or stormwater management system.

- B. ~~Natural Features of the Site.~~ The applicant shall give consideration to reducing the need for stormwater management system facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional water flow without compromising the integrity or quality of these natural features.
- C. ~~Stormwater Management Strategies.~~ The following stormwater management practices shall be investigated when developing permanent erosion control and stormwater quality best management practices (BMPs) for the grading and erosion control plan:
 - 1. ~~Natural infiltration of precipitation and runoff on-site, if suitable soil profiles can be created during site grading. The purpose of this strategy is to encourage the development of a grading and erosion control plan that encourages natural infiltration. This includes providing as much natural or vegetated area on the site as possible, minimizing impervious surfaces, and directing runoff to vegetated areas rather than onto adjoining streets, storm sewers and ditches;~~
 - 2. ~~Flow attenuation by use of open vegetated swales and natural depressions;~~
 - 3. ~~Stormwater detention facilities;~~
 - 4. ~~Stormwater retention facilities; and~~
 - 5. ~~Other facilities, as requested by the stormwater manager.~~
- C. ~~All permanent BMPs shall be in conformance with the requirements of the City of Manitou Springs Municipal Specifications, this Code, the zoning code, the subdivision regulations, and any other necessary permits required and issued by other government agencies.~~
- D. ~~Structural BMPs, such as pipes and inlets, located on private property shall be owned and operated by the owners of the property on which the BMP is located, unless the city in writing agrees that a person other than the owner shall own or operate such BMP.~~
- E. ~~As a condition of approval of the BMP, the owner shall agree to maintain the BMP to its design capacity unless or until the city relieves the property owner of that responsibility in writing. The obligation to maintain the BMP shall be memorialized on the subdivision plat, annexation plat, development agreement or other instrument in a form acceptable to the city and shall be recorded in the office of the county clerk and Recorded.~~
- F. ~~Certification of Permanent BMPs. Upon completion of a project, and before a certificate of occupancy shall be granted, the city shall be provided a written certification stating that the completed project is in compliance with the approved grading and erosion control plan. All applicants are required to submit final "as built" grading and erosion control plans for any permanent BMPs after final construction is completed and must be certified by a Colorado licensed professional engineer. A final inspection by the city is required before the release of any performance securities can occur.~~
- G. ~~Ongoing Inspection and Maintenance of Permanent BMPs.~~
 - 1. ~~Maintenance Agreements. The owner of site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the city, execute an inspection and maintenance agreement that shall be binding on all subsequent owners of the permanent BMPs.~~
 - 2. ~~Long Term Inspection of Permanent BMPs. Permanent BMPs included in a final grading and erosion control plan which are subject to an inspection and maintenance agreement must~~

undergo ongoing inspections to document maintenance and repair needs and to ensure compliance with the requirements of the agreement, the plan and this chapter.

(Ord. 1507 § 1 (part), 2008)

14.02.050 Technical standards and specifications.

- A. ~~All BMPs (temporary and permanent) designed to meet the requirements of this chapter shall comply with the following technical standards:~~
- ~~1. Applicable procedures and guidelines outlined in the city specifications, this code, the zoning code and the subdivision regulations.~~
 - ~~2. By reference, the City of Colorado Springs Drainage Criteria Manual, Volume I, dated May 2014, and as may be amended.~~
 - ~~3. By reference, the City of Colorado Springs Drainage Criteria Manual, Volume II, dated May 2014, and as may be amended.~~
- B. ~~All proposed BMPs shall be approved prior to construction. Details of proposed BMPs and appropriate specifications shall be submitted with the Erosion and Stormwater Quality Control Plan (ESQC Plan) Grading and Erosion Control Plan.~~

(Ord. No. 29106, § 1, 9-20-2016; Ord. 1507 § 1 (part), 2008)

14.02.060 Operation, maintenance and inspection.

All stormwater management systems shall be designed to minimize the need for maintenance, to provide easy vehicle (typically eight feet or wider) and personnel access for maintenance purposes, and to be structurally sound. All stormwater management systems shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in stormwater runoff. The stormwater manager may inspect all public and private stormwater management systems at any time. Inspection records will be kept on file at the stormwater manager. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow to the stormwater management system for inspection and maintenance purposes. The stormwater manager shall retain enforcement powers for assuring adequate operation and maintenance activities through permit conditions, penalties, noncompliance orders and fees.

The city or its designated representative shall inspect all stormwater management systems during construction, during the first year of operation and at least once every five years thereafter. The city will keep all inspection records on file for a period of three years beyond the Colorado Department of Public Health and Environment (CDPHE) Stormwater Construction Permit period.

(Ord. 1507 § 1 (part), 2008)

14.02.070 Easements.

Easements may be required as conditions to the approval of a grading and erosion control plan or issuance of an ESQC permit. If a grading and erosion control plan involves directing some or all of the site's runoff to a drainage easement, the applicant or his designated representative shall obtain from the property owners any necessary easements or other property interests concerning the flowing of such water.

(Ord. 1507 § 1 (part), 2008)

14.02.080 Grading and erosion control plan amendment.

Grading and erosion control plans may be amended only by a written request submitted to the development director and stormwater manager. This request shall contain the reason for the change and documentation related to any additional change in projected impacts, which may result from amendment approval. Amendment requests submitted prior to final approval of a plan application shall be considered part of the original submittal. Amendment requests filed after plan approval shall be considered following the same procedures as if it were a new application and subject to all applicable fees and review periods.

(Ord. 1507 § 1 (part), 2008)

14.02.090 Final (as-built) grading and erosion control plan.

Upon completion of all required construction activities, the permittee shall submit to the stormwater manager a final grading and erosion control plan to document any elevation changes greater than 0.5 feet or material modifications to the approved grading and erosion control plan. The final grading and erosion control plan shall contain record drawings showing the final configuration for all improvements as constructed. A professional engineer registered in the State of Colorado shall certify the final grading and erosion control plan and record drawings. If no significant or material changes occurred between the approved plan and final construction, the owner shall submit a letter certifying conformance with the original grading and erosion control plan and record drawings need not be submitted to the stormwater manager. The permittee, however, is responsible to retain copies of said drawings and provide them to the stormwater manager upon request. Failure to provide these drawings upon written request constitutes a violation of this code.

(Ord. 1507 § 1 (part), 2008)

Chapter 14.03 SUSPENSIONS, REVOCATIONS AND STOP WORK ORDERS

Sections:

14.03.010 Stormwater violations and reporting.

A. — Erosion and stormwater quality control permit (ESQC permit) and nonpermit related stormwater violations include, but are not limited to:

1. — Commencing site grading or preparation work without first having obtained the required CDPHE stormwater construction permit and/or an ESQC permit.
2. — Noncompliance with the requirements or conditions attached to an approved SWMP of a CDPHE stormwater construction permit, ESQC permit or other standards established by the stormwater manager, under authority of the city.
3. — The causing or allowing of a prohibited discharge to the city stormwater management system or waters of the state.
4. — Failure to remove sediments transported or tracked onto city streets by vehicles or construction traffic within twenty-four hours of it being deposited on the street.
5. — Failure to install and maintain the erosion control measures (BMPs) on a construction site as outlined in the approved ESQC plans, ESQC permit or other standards established by the stormwater manager, under authority of the city.

6. ~~Other violations or issues as noted or described throughout this code.~~

B. ~~The stormwater manager shall document the reporting of a violation in writing. Such violation reports may be obtained via a site inspection or a public complaint followed by a site inspection. At a minimum the complaint file shall contain the name and address of the owner, date, time and nature of the violation as well as other information as deemed necessary to document site conditions, including photos and personal conversation records. In the case of a public complaint the file shall also, if voluntarily provided, contain the name address and phone number of the individual filing the complaint. In addition the complaint file shall contain records documenting subsequent site inspections, compliance actions and a memo outlining the determination of the stormwater manager and any enforcement action taken and/or any noncompliance fees levied.~~

(Ord. 1507 § 1 (part), 2008)

~~14.03.020 Emergency suspension.~~

A. ~~The stormwater manager may for cause order the suspension of an ESQC permit when the stormwater manager determines that an actual or threatened discharge presents or may present and imminent or substantial danger to the health or welfare of persons downstream, or substantial danger to the environment. If such permits are suspended, all work in the area covered by the permit shall cease immediately. If any person is notified of such suspension and then fails to comply voluntarily with the suspension order, the city shall commence whatever steps are necessary to obtain compliance. The stormwater manager may reinstate the ESQC permit upon proof of compliance with all plan or permit conditions. The stormwater manager may also order the immediate suspension of all work if a person or entity is conducting an activity for which a permit is needed without first obtaining the appropriate permit. The suspension shall remain in effect until the required permit(s) are obtained.~~

B. ~~Whenever the stormwater manager orders the suspension of a plan or permit and/or orders all work to stop pursuant to the emergency provisions of this section, the stormwater manager shall serve notice on the landowner and/or permittee personally, or by registered or certified mail. The landowner and/or permittee has the right to an informal hearing before the Stormwater Manager upon request made in writing and filed with the Stormwater Manager. The informal hearing must be held within five days of the request. Following the hearing, the Stormwater Manager may affirm, modify or rescind the order.~~

C. ~~Any person dissatisfied with an order the Stormwater Manager issued pursuant to this section may request a hearing by filing a written request for a hearing with the Stormwater Manager, within fifteen days of receipt of the order. The hearing must be held within ten days of receipt of the request. A request for a hearing filed pursuant to this section does not stay the order while the hearing is pending.~~

(Ord. 1507 § 1 (part), 2008)

~~14.03.030 Non-emergency revocation of a permit.~~

A. ~~An ESQC Permit may be revoked following written notice of violation. An opportunity for a hearing with the Stormwater manager will be provided within five business days. The Stormwater Manager may revoke a plan or permit for cause, including but not limited to:~~

- ~~1. Violation of any terms or conditions of the applicable plan or permit;~~
- ~~2. False statements on any required reports and applications;~~
- ~~3. Obtaining a plan or permit by misrepresentation or failure to disclose fully all relevant facts; or~~
- ~~4. Any other violation of this Code or related ordinance.~~

~~B. — The Stormwater Manager may revoke an ESQC Permit and order a temporary work stoppage to bring a project into compliance. Notice of such an order shall be given and a hearing opportunity provided. Under a revoked plan or permit no additional permit approvals (i.e., building, excavation, etc.) shall be issued for any properties within the area included within the plan or permit boundaries until approved by the Stormwater Manager. In addition the City may deny new permits (i.e., stormwater, building, excavation, etc.) to the Permittee or Landowner in violation for projects in other locations until current permits are brought into compliance.~~

~~(Ord. 1507 § 1 (part), 2008)~~

~~14.03.040 Notification.~~

~~Whenever the Stormwater Manager finds that any person has violated or is violating this Code, the approved ESQC Plans, the ESQC Permit and/or its conditions, or any prohibition, limitation or requirement contained herein, the Stormwater Manager shall serve upon such person a written notice stating the nature of the violation. Within seven days of the date of the notice, unless a shorter time frame is set by the Stormwater Manager due to the nature of the violation, a plan is not submitted in a timely manner, or the terms of such plan are not followed, the Stormwater Manager may order all work in the affected area to cease until submittal of such a plan and compliance with the plan is happening.~~

~~(Ord. 1507 § 1 (part), 2008)~~

~~14.03.050 Appeals.~~

~~A. — Appeals of Stormwater Manager Decisions.~~

- ~~1. — Scheduling Appeals. Any person aggrieved by an appealable administrative decision made by the Stormwater Manager may file a formal appeal application with the City Administrator within ten days from the date of the decision. The City Administrator shall schedule a hearing of the appeal within thirty days from the date of receipt of the application for appeal. Written notice of the hearing date, specifying the time and place, shall be provided to the appellant either personally or by registered or certified mail at least five days before the hearing. The evidence submitted at the hearing shall be considered by the City Administrator, who shall either affirm, reverse, modify, or remand back to the Stormwater Manager for additional review of the appealed decision(s).~~
- ~~2. — Submittal Requirements for Review of an Appeal of an Administrative Decision. In the written appeal application, the appellant must substantiate the following:~~
 - ~~a. — Identify the explicit Code provisions that are in dispute;~~
 - ~~b. — Show that the administrative decision is incorrect because of one or more of the following:~~
 - ~~i. — It was against the language of this Stormwater Quality Code, or~~
 - ~~ii. — It was against the expressed intent of this Stormwater Quality Code, or~~
 - ~~iii. — It is unreasonable, or~~
 - ~~iv. — It is erroneous, or~~
 - ~~v. — It is clearly contrary to law;~~
 - ~~c. — Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.~~

3. ~~Criteria for Review of an Appeal of an Administrative Decision.~~

- a. ~~Code was interpreted or applied erroneously.~~
- b. ~~Granting the appeal is not a detriment to public health, safety or welfare.~~

4. ~~Stays of Administrative Decisions. Unless the Office has suspended the Permit or ordered work to stop, a perfected appeal shall operate as a stay of the administrative decision unless determined otherwise by City Administrator.~~

5. ~~Failure to Appeal. The failure to appeal an administrative decision within the ten-day period shall be deemed to be a waiver of the applicant's, or a party in interests, right to appeal to the City Administrator and a failure to exhaust administrative remedies.~~

~~Failure to Appeal. The failure to appeal the decision of the City Administrator within the ten-day period shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal to the City Council for failure to exhaust administrative remedies.~~

6. ~~Appeal Filing Fee. Any person pursuing an appeal pursuant to this subsection shall be responsible for the payment of all fees, per the published fee schedule, and for the completion of all forms which may be prescribed by the City. Failure to pay any required fee or to properly complete any required form shall be deemed a waiver of the right to appeal.~~

B. ~~Appeals of City Administrator Decisions.~~

1. ~~Notice of Appeal. Any person may appeal to the City Council any action of the City Administrator in relation to this Stormwater Quality Code, by filing a written notice of appeal with the City Clerk. The notice of appeal shall be filed with the City Clerk no later than ten days after the action from which appeal is taken, and shall briefly state the grounds upon which the appeal is based.~~

2. ~~Submittal Requirements for Review of an Appeal of a City Administrator Decision. In the written notice, the appellant must substantiate the following:~~

- a. ~~Identify the explicit Code provisions that are in dispute;~~
- b. ~~Show that the City Administrator's decision is incorrect because of one or more of the following:~~
 - i. ~~It was against the language of this Stormwater Quality Code, or~~
 - ii. ~~It was against the expressed intent of this Stormwater Quality Code, or~~
 - iii. ~~It is unreasonable, or~~
 - iv. ~~It is erroneous, or~~
 - v. ~~It is clearly contrary to law;~~

3. ~~Stays of City Administrator Decisions. A perfected appeal shall operate as a stay of the City Administrator's decision unless determined otherwise by City Council.~~

4. ~~Criteria for Review of an Appeal of a City Administrator Decision.~~

- a. ~~Code was interpreted or applied erroneously.~~
- b. ~~Granting the appeal is not a detriment to public health, safety or welfare.~~

5. ~~Action and Procedure by the City Council. Upon receipt of the notice of appeal required by this subsection, the City Clerk shall schedule the item for a City Council meeting. Publication and posting shall be required. The City Council shall hold a public hearing on appeals of a City Administrator~~

~~decision upon the date so scheduled or upon the date to which the same may be postponed or continued.~~

- ~~6. Postponement of Items on Appeal to the City Council. As a matter of course, an appellant may postpone the first scheduled Council hearing or consideration of an appeal from a decision of the City Planning Commission, made in accord with this subsection, to the next following regular Council meeting. Request for any additional postponement shall be only for good cause shown to and found by the City Council. If new or additional evidence is set forth as the grounds for a request for a postponement, the appeal may be referred to the City Administrator for further hearing and recommendations.~~
- ~~7. City Council's Powers Upon Appeal. The City Council shall have the power to refer any matter appealed back to the City Administrator for further consideration or Council may affirm, reverse or modify the action of the City Administrator. City Council may limit the hearing to matters raised on appeal, or may hear the appeal de novo, except in cases of substantial new information or additional evidence. In such cases, the City Council may remand the request back to the City Administrator for further hearing and consideration.~~
8. Failure to Appeal. The failure to appeal the decision of the City Administrator within the ten-day period shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal to the City Council for failure to exhaust administrative remedies.
9. Appeal Filing Fee. The filing fee shall be per the published fee schedule. Failure to pay the fee according to the published fee schedule shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal.

C. Appeals of City Council Decisions. On such appeals, the decision of the City Council shall be final, and shall be subject to review by the courts pursuant to applicable rules and statutes, unless the matter is remanded to the City Administrator. Provided that the City Administrator upholds the order stopping work, such work suspension shall not be stayed as a result of appeal to the District Court.

(Ord. 1507 § 1 (part), 2008)

14.03.060 Legal action.

The discharge of deposited or eroded materials onto public rights-of-way or public storm sewer systems within the City of Manitou Springs shall be considered an offense and may result in an order to remove such materials. Removal of such materials shall be at the expense of the Landowner and/or Permittee and shall have three days after receiving the notice to remove these materials. If such materials are not removed, others may remove them under the Public Service Director's order and any associated costs shall be the responsibility of the Landowner or Permittee and, if unpaid within ninety days, may be recommended for assessment action by the City Council against property of the violator.

If any person commences any land-disturbing activities which result in increased Stormwater quantity or Stormwater quality degradation into the City's Stormwater Management System contrary to the provisions of this Code, federal or state requirements or any order of the Stormwater Manager, the City Attorney may, commence action for appropriate legal and/or equitable relief including administrative or criminal penalties.

(Ord. 1507 § 1 (part), 2008)

Any person violating any of the provisions of this Code or who initiates an activity that causes a deposit, obstruction, or damage or other impairment to the City's Stormwater Management System is liable to the City for

any expense, loss, or damage caused by the violation or the discharge. The City may bill the person violating this Code the costs for any cleaning, repair or replacement work caused by the violation of stormwater discharge, and if unpaid within ninety days may result in assessment of such costs against the violator's property.

~~Chapter 14.04 ENFORCEMENT, PENALTIES AND NONCOMPLIANCE FEES~~

~~Sections:~~

~~14.04.010 Monitoring, sampling, inspecting and notification of spills.~~

- A. ~~Monitoring and Analysis. The Stormwater Manager may, by written notice, require that any person engaged in any activity or owning or operating any facility which may cause or contribute to stormwater pollution, prohibited discharges, or nonstormwater discharges to the storm drain system or to waters of the state, to undertake at said person's expense such monitoring and analyses, and furnish reports thereof to the City, as the Stormwater Manager may require.~~
- B. ~~Authority to Inspect Private Property. Whenever the Stormwater Manager has cause to believe that there exists or potentially exists, in or upon any premises within the City any condition which is in violation, or is potentially in violation, of any provision of this Code, the Stormwater Manager may enter such premises at any time to inspect the same and to inspect and copy any records related to stormwater compliance. During any inspection, the Stormwater Manager may take such samples and conduct such testing as he or she deems necessary. In the event any owner or occupant of any such property refuses entry, the City may seek assistance from the courts to obtain such entry.~~
- C. ~~Inspections of City Facilities and Infrastructure. The Stormwater Manager shall conduct inspections no less frequently than yearly of the waters in Fountain Creek to check, at a minimum, for suspended solids, grease and oil, chemical oxygen demand and pH. The Public Works Department shall, in addition to regular maintenance of infrastructure, monitoring, and visual point source detection, perform visual inspections no less frequently than quarterly of all sanitary sewer mains in the vicinity of creeks within the City. The City shall be notified of any and all testing and the results thereto, when performed in any creeks within the City.~~
- D. ~~Notification of Spills. In addition to any other requirement of law, as soon as any person responsible for any facility, operation, activity, or property within the City has any information of any known or suspected release into the stormwater drainage system of materials in violation of this Code, said person shall promptly notify the Stormwater Manager by calling 911. The owner of any such facility, operation activity or property shall maintain an on-site record of each such discharge for a minimum of three years following the date of the discharge.~~

~~(Ord. 1507 § 1 (part), 2008)~~

~~14.04.020 Enforcement, penalty and noncompliance fees.~~

~~Any person who is found to have violated an order of the Stormwater Manager made in accordance with this Code, or who has failed to comply with any provision of this Code and the orders, rules, regulations and permits issued hereunder, is guilty of an offense. Each day on which a violation occurs or continues to exist shall be deemed a separate and distinct offense. All land use and building permits may be suspended until the applicant has corrected the violation. A schedule for noncompliance and re-inspection fees, which may be imposed for violation of this Code, shall be approved by the City Council.~~

~~(Ord. 1507 § 1 (part), 2008)~~

~~14.04.030 Costs of damage.~~

~~Any person violating any of the provisions of this Code or who initiates an activity that causes a deposit, obstruction, or damage or other impairment to the City's Stormwater Management System is liable to the City for any expense, loss, or damage caused by the violation or the discharge. The City may bill the person violating this Code the costs for any cleaning, repair or replacement work caused by the violation of stormwater discharge, and if unpaid within ninety days may result in assessment of such costs against the violator's property.~~

~~(Ord. 1507 § 1 (part), 2008)~~

~~14.04.040 City attorney's fees and costs.~~

~~In addition to the civil penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation by appropriate action against the person found to have violated this Code or the orders, rules, regulations and permits issued hereunder.~~

~~(Ord. 1507 § 1 (part), 2008)~~

~~14.04.050 Falsifying information.~~

~~Any person who knowingly makes any false statements, representations, or certification in any applicable record, report, plan, permit or other document filed or required to be maintained pursuant to this Code, or who knowingly falsifies, tampers with, or knowingly renders inaccurate any monitoring devices or method required under this Code, shall be guilty of an offense.~~

~~(Ord. 1507 § 1 (part), 2008)~~

~~14.04.060 Penalties.~~

~~Any person violating any provision of this Code, in addition to other sanctions set forth above, may be charged with a criminal misdemeanor per Chapter 1.16 of the Municipal Code of the City of Manitou Springs.~~

~~(Ord. 1507 § 1 (part), 2008)~~

~~14.04.070 Severability.~~

14.06 Severability

If any section, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. In addition to any other penalties, any person convicted of any violation of this Stormwater Quality Management and Discharge Control Code shall be punished in accordance with the provisions of Section 1.01.100 of the Code of Ordinances of the City of Manitou Springs.

(Ord. 1507 § 1 (part), 2008)

18.03.11 Stormwater Management

18.03.11.1 Purpose and Applicability.

- A. All drainage plans and reports shall meet the design and submittal requirements of the City of Colorado Springs Drainage Criteria Manual.

- B. With the submission of a Final Drainage Report for a project meeting the definition of applicable development site, as defined in Title 14, the engineer of record shall include for each detention and infiltration facility proposed for the project:
 - 1. A completed Post Construction Stormwater Detention Facility Documentation Form.
 - 2. An Operations and Maintenance Manual specific to every permanent control measure constructed at the site.
 - 3. A Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement.
 - 4. A completed Stormwater Detention and Infiltration Facility Design Data Sheet for each facility included in the project.

Items 1-3 may be obtained from the Manitou Springs Planning Department.

The Stormwater Detention and Infiltration Facility Design Data Sheet can be downloaded from the statewide notification and compliance portal at:

<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>. City Planning will review the submitted documentation forms for completeness and accuracy. Upon verification of complete and accurate documentation and data sheets, the owner is responsible for uploading each facility into the statewide reporting portal.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

18.06.4.23 -Grading and Erosion Control Permit.

- A. Purpose. This LUDC prescribes standards and criteria for judging how a *development* will affect the terrain, drainage, or vegetation, and/or to ensure the proposed grading matches the preliminary grading plan as approved as part of a *Major Development Plan*. This permit is required before any construction or earthwork meeting the criteria below takes place, or minerals and material are removed. This permit also shall ~~prescribe~~require erosion control measures to protect public and private property. The purpose of this section is to protect the health, safety, and welfare of the citizens of Manitou Springs by:
1. Ensuring that the *development* of each site minimizes adverse impacts to adjacent properties by adequately addressing drainage, erosion, earth movement, and *geologic hazards*;
 2. Ensuring that the construction of a *development* will be as unobtrusive to the natural terrain as possible;
 3. Ensuring to the *maximum extent practicable* the retention of natural vegetation to aid in protection against erosion, earth movement, and other similar hazards and to aid in preservation of natural scenic qualities of the City;
 4. Reducing air pollution caused by dust blown from areas under *development*;
 5. Preventing the premature cutting of roads and building sites.
- B. Applicability. No person shall commence or proceed with any modification of the natural terrain without seeking and obtaining a Grading and Erosion Control Permit from the Planning Director, if such modification will result in any of the following:
1. An excavation, fill, or combination in excess of one hundred (100) cubic yards;
 2. An excavation which will be three (3) or more feet below the ground surface for an area over five hundred (500) square feet or more;
 3. A fill that will be three (3) or more feet above the ground surface, for an area over five hundred (500) square feet or more;
 4. An excavation or fill by a *developer* or contractor not working on behalf of the City or a *Public Utility* that falls within a public drainage *easement*, a *public right-of-way*, or any other *public utility easement*. This includes the preparation of roads or sidewalk;
 5. Vegetation removal over an area five hundred (500) square feet or more; or
 6. Mining, quarrying, or gravel operations.
 7. [Land disturbing activity meeting the definition of Applicable Construction Activity as defined in Title 14.](#)
- C. Submittal. Grading permit submittals shall follow the general application procedures in Section 18.06.3 of this Chapter. Applicants shall make a submittal to the Planning Department in accordance with the Grading and Erosion Control Permit Checklist.
1. [Grading and Erosion Control Plan. A Grading and Erosion Control \(GEC\) Plan shall be submitted for all applicable construction activity and applicable development sites. The intent of the GEC Plan is to provide for overall construction, subdivision or development grading design as part of the engineering required for review and approval by the City. This plan is done at the time construction drawings are prepared by the Professional Engineer working for the project owner. Cuts and fills are analyzed for balance, slopes and contours](#)

are proposed, and permanent stormwater control measures are designed as an integral part of the engineering design.

2. Applicable construction activity and applicable development sites, as defined in Title 14 shall comply with the additional requirements of Title 14.

D. Exemptions. No permit shall be required when grading is performed in the following circumstances:

1. *Solid waste* disposal sites operated by the public or under public regulations;
2. An excavation by the City for the purpose of maintenance ~~or installation~~ of City utilities, buildings, streets, drainage or easements;
3. ~~An excavation by a private individual for the purpose of routine maintenance~~ Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of regular maintenance or for replacement are construction activities and are not routine maintenance.;
4. ~~Tilling the ground for agricultural purposes or protection.~~ Sites that meet the criteria for an exemption as defined in Title 14.

E. Procedure. Grading and Erosion Control Permits shall follow the General Application Procedures as outlined in Section 18.06.2 and further described in Section 18.06.3. of this Chapter. The Planning Director may approve, disapprove, or conditionally approve the application. Major or *Minor Development* Plans, Variances, or any other Planning Permission associated with the proposed grading activity shall be approved by the City prior to issuance of a grading permit.

1. In addition to the General Application procedures outlined in this Chapter, applicable construction activities shall follow the application procedures outlined in Chapter 14.02 of Title 14.
2. Compliance. Inspections for compliance of the work and administration of the permit shall be done by the Planning Department. Periodic inspections of ~~the work~~ applicable construction activity shall be ~~done~~ performed by the Manitou Springs Stormwater Department consistent with Title 14.
3. Denial of Permit. When, upon determination by the Planning Director, the work proposed by the applicant is contrary to the purposes of this Chapter, the Grading and Erosion Control Permit shall be denied. Factors to be considered in the denial shall include, but not be limited to: Possible saturation of fill and unsupported cut by water, both natural and domestic runoff surface waters that cause erosion, and silting of drainageways; subsurface conditions such as the rock strata and faults, nature and type of soil or rock that when disturbed by the proposed grading may create earth movement and produce slopes that cannot be landscaped and excessive and unnecessary scaring of the natural landscape through grading or removal of vegetation.
4. Conditions of Issuance. A permit may be issued with conditions including but not limited to the following:
 - a. Limitation of the hours of operation or the period of year in which work may be performed;
 - b. Restrictions as to the size and type of equipment;

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- c. Designations of routes upon which materials may be transported;
 - d. The place and manner of disposal of excavated materials;
 - e. Requirements as to the laying of dust and tracking of dirt, the prevention of noises and other results offensive or injurious to the neighborhood, the general public, or any portion thereof;
 - f. Designation of maximum or minimum slopes to be used if they vary from those prescribed in this LUDC;
 - g. Regulations as to the use of public streets and places in the course of the work;
 - h. Regulations as to the degree of compaction of fill material;
 - i. Requirements as to paving private driveways and roads constructed under the permit;
 - j. Requirements for safe and adequate drainage of the site;
 - k. A requirement that crews and equipment be provided at the site during storms to prevent incomplete work from endangering life or property;
 - l. Requirements for fencing of excavation or fills, which would be hazardous without such fencing.
- F. Failure to Start a *Major Development*. If an application for a Grading and Erosion Control Permit for a *major development* is not made within twelve months after planning permission has been granted by the Planning Director, Planning Commission, or City Council then that permission will lapse. An extension may be granted by the Planning Director of one, twelve-month period for good cause. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a Grading and Erosion Control Permit was not submitted by the deadline. Examples of good cause include delays in plan or report preparation, inability to secure financing in a timely manner, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.
- G. Failure to Start a *Minor Development*. If final inspection approval by the Planning Director of a Grading Permit for a *minor development* is not made within six months after permission has been granted by the Planning Director, Planning Commission or City Council then that permission will lapse. An extension may be granted by the Planning Director of one, six-month period for good cause. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a Grading and Erosion Control Permit was not submitted by the deadline. Examples of good cause include delays in plan or report preparation, inability to secure financing in a timely manner, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.
- H. Expiration. If work within the Grading and Erosion Control Permit's scope does not commence within twelve months of approval, the permit shall expire. An extension may be granted by the Planning Director of one, twelve-month period for good cause. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why work did not commence within the allotted timeframe. Examples of good cause include delays in available labor or materials, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.

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- I. Reclamation. If a proposed *development* is *abandoned* after commencing work within the scope of the approved Grading and Erosion Control Permit, the owner of the property for which the permit was granted shall file a reclamation plan for approval by the Planning Director. The reclamation plan shall be designed to return the site to as close to the condition existing prior to grading as deemed reasonable by the Planning Director. If a reclamation plan is not submitted, the property owner may be subject to violations and punishment as outlined in Section 18.06.4.27.
 - J. Financial Security Required. The applicant for a Grading and Erosion Control Permit may be required to file a financial security in the form of a surety bond, irrevocable letter of credit, or evidence of cash held in escrow by the City or other such guarantee satisfactory to the City, in an amount deemed sufficient by the City Engineer to cover all costs of reclamation of the site in the event that the *improvements* are not in accordance with the approved Grading and Erosion Control Permit. Said security shall be returned to the applicant within thirty days of final approval of the *improvements* by the Planning Director. In such case that use of the security as described above occurs, any monies in excess of that required for reclamation shall be returned to the applicant.
 - K. Erosion Control. All cut and fill surfaces created by grading and subject to erosion except plowing or disking for agricultural or fire break purposes shall be planted with a ground cover that is compatible with the natural ground covers in the City and that will thrive with little or no maintenance once established.
 - 1. Top soils are to be stockpiled during rough grading and used on cut and fill slopes.
 - 2. On slopes likely to be extensively disturbed by later construction, an interim ground cover may be planted to be supplemented by the permanent ground cover and/or shrubs and trees when the site is finally developed and landscaped.
 - 3. The City may require *retaining walls* on steep slopes unless the stability of a cut on such slope is certified by a licensed Engineer.
 - 4. All areas along public roads disturbed by cuts and fills shall be re-landscaped with groundcover or plant material to match that existing prior to disturbance.
 - L. Air Pollution Control. Efforts shall be made to abate the dust caused by the *development* of sites. Such methods as watering, erosion controls, chemical treatment, etc., shall be used in order to minimize dust.
 - M. Responsibility. Failure of the City officials to observe and recognize hazardous or unsightly conditions, or to deny or recommend denial of the Grading and Erosion Control Permit, shall not relieve the permittee of responsibility for the condition or damages resulting therefrom, and shall not result in the City of Manitou Springs, its officer, or agents, being responsible for the conditions or damages resulting therefrom.

Stormwater Code Update



PRESENTED BY: JOHN CHAVEZ
MAY 13, 2025





Overview

Title 6 – Health and Safety

Title 13 – Stormwater Utility

Title 14 – Stormwater Quality and Discharge Control

Title 18 – Land Use and Development Code



Purpose



Compliance Audit 2021

Municipal Separate Storm Sewer System (MS4) Permit Consistency

Illicit Discharge Detection and Elimination

Construction Oversight

Post Construction (Permanent) Stormwater Quality Management

Program Description Document

Municipal Operations and Pollution Prevention



Title 6 – Health and Safety



- Illicit Discharge Prohibition
- Add new Chapter 6.17: Discharges to the Municipal Separate Storm Sewer System
- Cleaning of Hard Surfaces
- Materials Storage
- Exemptions (16)
- Notice of Violation
- Enforcement (City Administrator)



Title 13 – Stormwater Utility



Definition of Storm Sewer System



Title 14 – Stormwater Quality and Discharge



- Applicable Construction Activity and Applicable Development Sites
- Grading and Erosion Control Permit
- Plan Review
- Exemptions
- Inspections
- Permanent Stormwater Quality Management
- Base Design Standards
- Long Term Operation and Maintenance
- Enforcement: Title 18



Title 18 – Land Use and Development Code



18.03.11 – Stormwater Management

1. Post Construction Stormwater Detention Facility Documentation Form.
2. Operations and Maintenance Manual specific to every permanent control measure constructed at the site.
3. Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement.
4. Stormwater Detention and Infiltration Facility Design Data Sheet for each facility included in the project.



Title 18 – Land Use and Development Code



18.06.4.23 – Grading and Erosion Control Permit

Reference to Title 14 for applicable construction activity (> 1 acre of land disturbance)

Additional requirement for Grading and Erosion Control Plan per Title 14





Questions?





Memorandum

Title: Discussion with Mountain Metro Concerning Route 3 and Fall 2025 Schedule

From: John Crawford, Mobility and Parking Director

To: Mayor and City Council

CC: City Administrator Denise Howell

Allocated Time: 1 Hour

May 13, 2025

Purpose:

To provide the City Council with the opportunity for questions and additional discussion regarding the information that was introduced by Mountain Metro during their May 6, 2025 presentation.

Background:

Mountain Metro presented this information to the City Council at the May 6, 2025, regular meeting ahead of tonight's work session, so that Council members can prepare any follow-up questions for the purpose of discussion.

Additionally, Mountain Metro presented to the Mobility and Parking Board (MAPS) on April 23, 2025. MAPS voted unanimously to support Route 3 being free if the enterprise can financially support it. They also supported Route 33, going to the Dillon starting in the fall. They would like to see the bus off of El Paso if possible, and understand that this may take additional time.

Pros and Cons:

To be determined.

Fiscal Impact:

\$55,000 plus

Workload Impact:

40 to 50 hours

Recommended Action:

There is no formal action to be taken.

EXTENDING ROUTE 33 TO THE DILLON MOBILITY HUB AND ROUTE 3 FARE-FREE PROPOSAL

CITY OF MANITOU SPRINGS
CITY COUNCIL

May 6, 2025



Mountain Metropolitan Transit

Jacob Matsen, Transit Planning and Operations Supervisor



TOPICS



- Overview of upcoming service change timelines and process
- Extending Route 33 service to the Dillon Mobility Hub
- Route 3 fare free, cost-share proposal

SERVICE CHANGE PROCESS



- Typically, two service changes annually
 - Cyclical process of reviewing key performance indicators, public feedback, and consulting various planning efforts/projects
 - 2025 Fall Service Change should be implemented on September 28, 2025
 - 2026 Spring Service Change should be implemented on April 26, 2026

SERVICE CHANGE CALENDAR



- Service change process, focusing on public notice
 - List is not exhaustive of all tasks

		Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Spring Service Change	Proposed Changes Identified*										
	Public Notice and Comment Period										
	Final Public Notice Period										
	Service Change Implemented										
Fall Service Change	Proposed Changes Identified*										
	Public Notice and Comment Period										
	Final Public Notice Period										
	Service Change Implemented										

*It is critical MMT has identified the proposed service changes at these times to ensure tasks are completed properly and on time

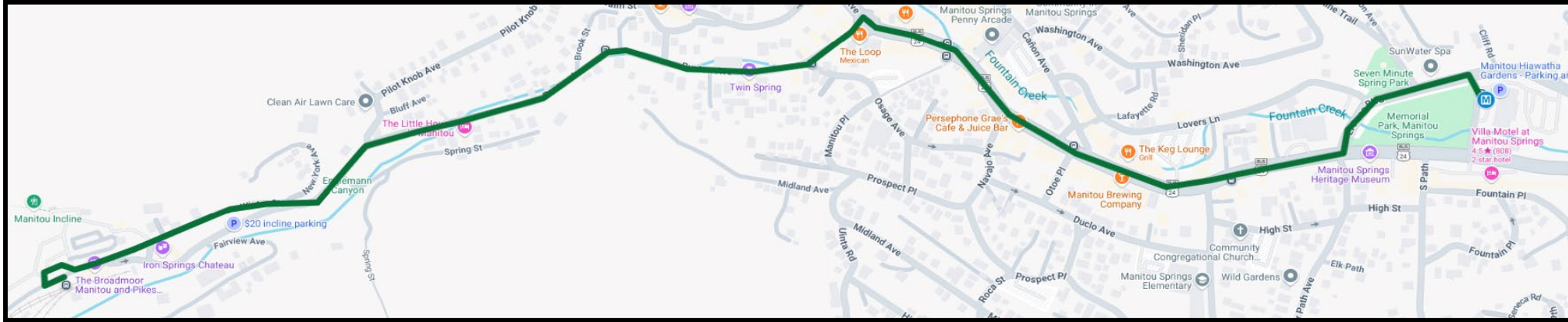
SERVICE CHANGE CONSIDERATIONS



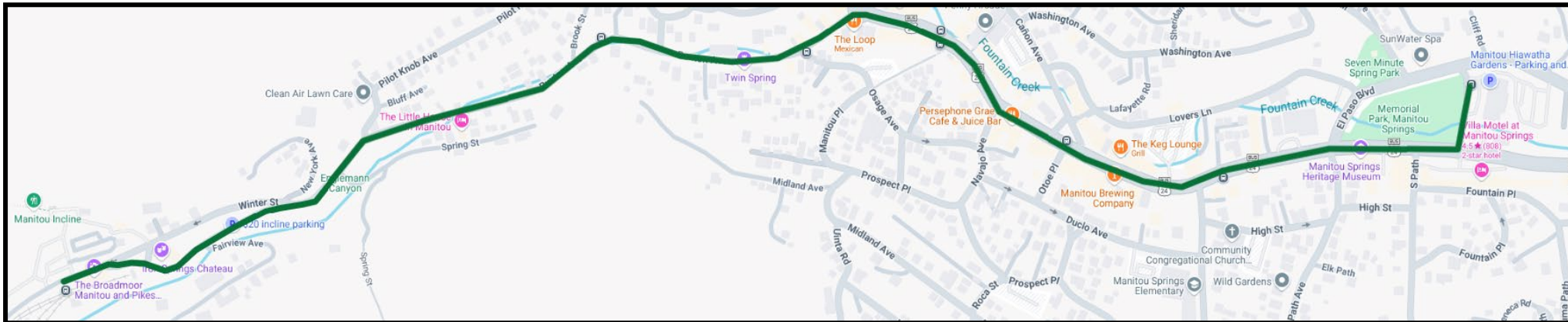
- A service change may require some or all the following (this list is not exhaustive):
 - Contract adjustments/negotiations
 - Additional capital investments such as new vehicles and bus stop improvements
 - Updating MMT's transit planning software with new routes, bus stops, timetables, work assignments, etc.
 - Updating onboard vehicle equipment with bus stop announcements (ADA requirement), onboard digital signs, and communications with other platforms such as Google Maps
 - New schedules and maps
 - Title VI threshold analysis

ROUTE 33 CURRENT SERVICE

Westbound



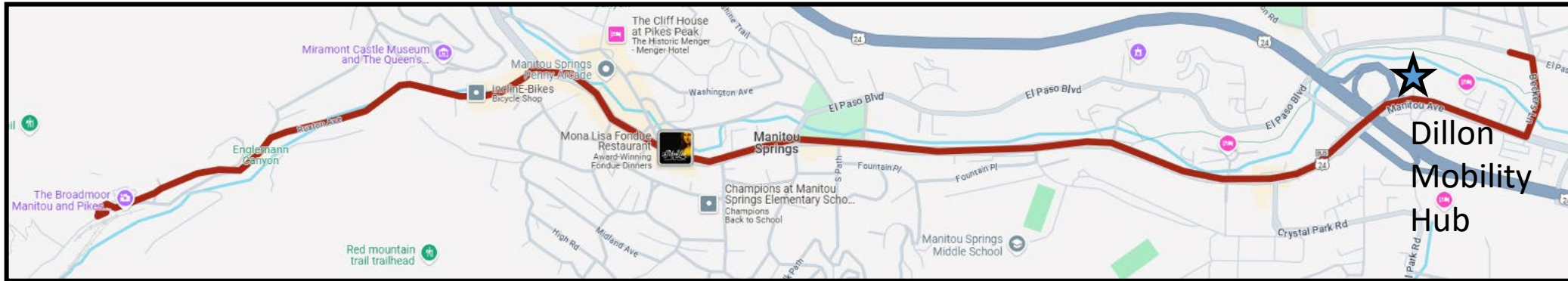
Eastbound



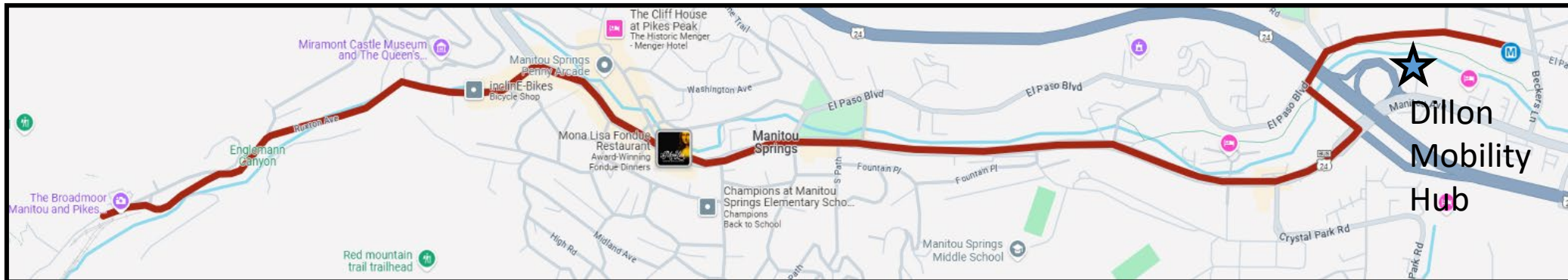
ROUTE 33 SERVING THE DILLON MOBILITY HUB



Westbound

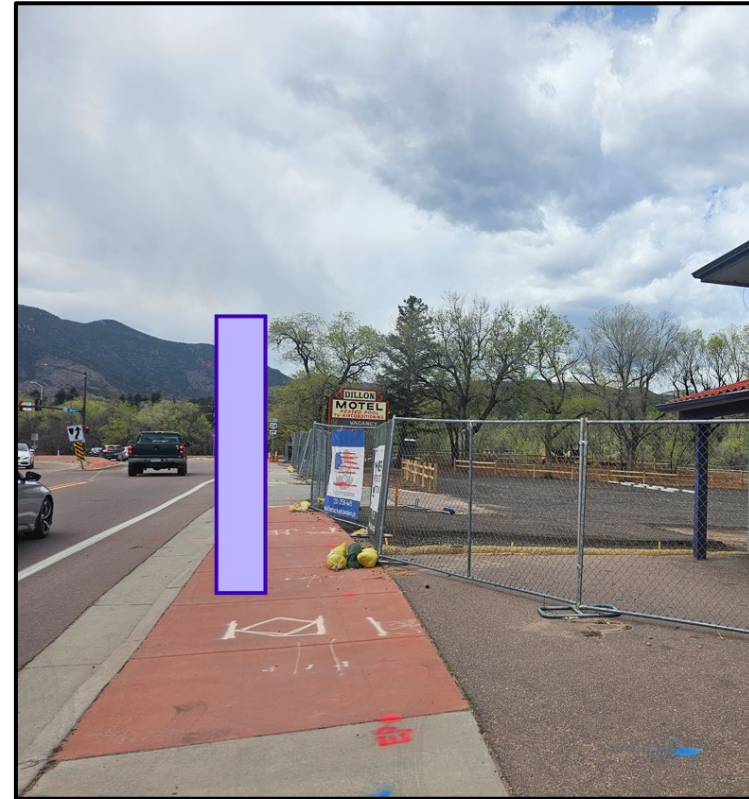


Eastbound



ROUTE 33 TIMELINE

- November 2024 through January 2025: MMT and Manitou Springs reviewed options for extending service to the Dillon Mobility Hub
- January 2025: it was determined Route 33 would not serve the Dillon Mobility Hub at least until the Fall 2025 Service Change (September 28th)
- April 2025: it was confirmed the timeline is unknown for when buses can turn into the Dillon Mobility Hub. As a result, if extending to the Dillon Mobility Hub, Route 33 would pick up/drop off on Manitou Ave
- April 2025: Manitou Springs Mobility and Parking Board voted unanimously to extend Route 33 to the Dillon Mobility Hub at the Fall 2025 Service Change



Potential New Bus Stop

ROUTE 33 CONSIDERATIONS

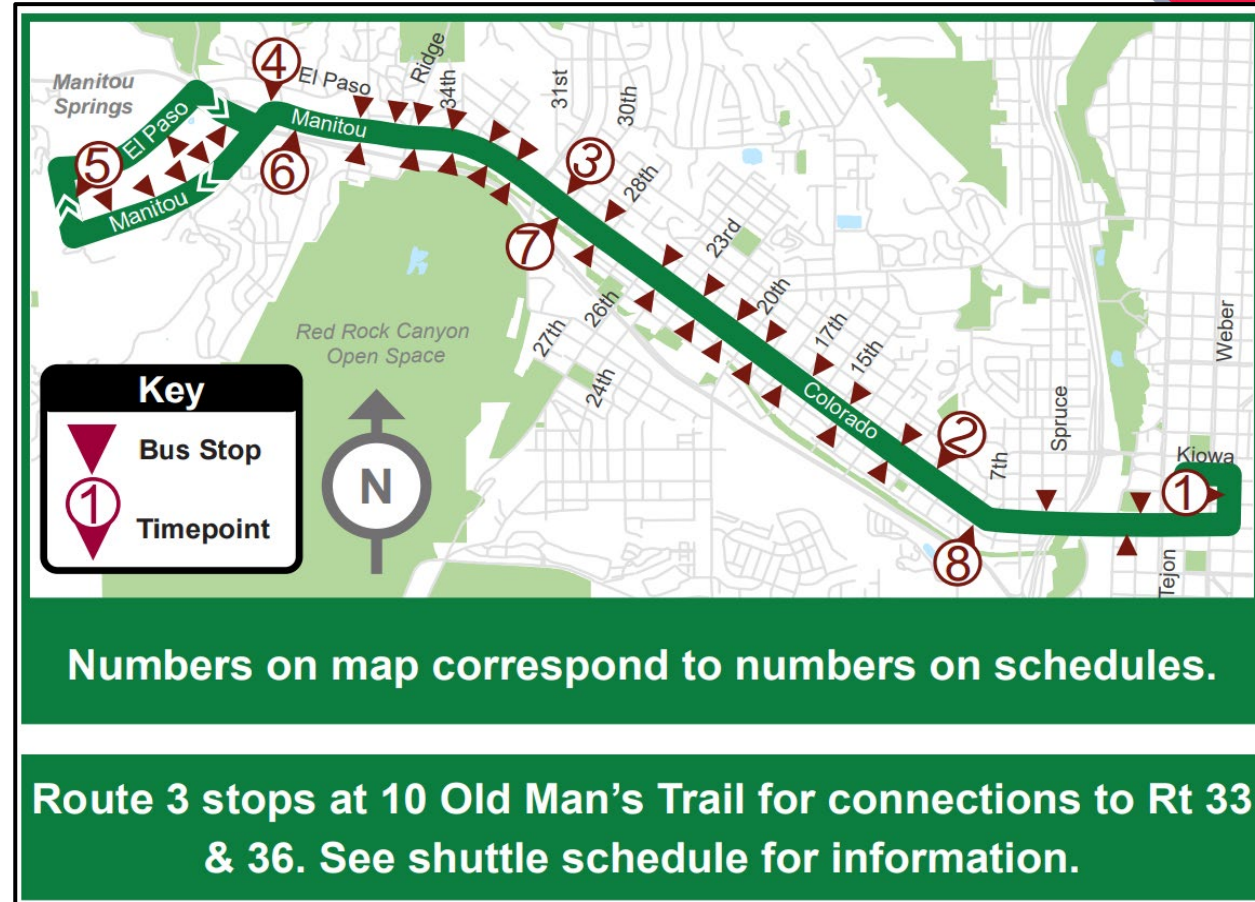


- Extending Route 33 to the Dillon Mobility Hub without adding buses reduces off-peak frequency from 20- to 30-minutes and peak frequencies from 10- to 15-minutes
 - Instead of six roundtrips per hour during peak frequency, Route 33 would be reduced to four roundtrips
- With the Dillon Mobility Hub not ready for buses on site, Route 33 may have to layover at Fields Park (El Paso Blvd./Beckers Ln.)
- While boarding and alighting large numbers of passengers at the Dillon Mobility Hub on Manitou Ave, the bus may block westbound traffic

ROUTE 33 DISCUSSION

ROUTE 3 OVERVIEW

- Provides public transit between the Downtown Terminal and Old Mans Trail
- Frequency
 - Monday through Sunday daytime and weekday evenings: 30-minutes
 - Saturday Evenings: 60-minutes
- Future goal to increase peak frequency to 15-minutes and no less than 30-minutes at all other times



ROUTE 3 FARE-FREE COST SHARE



Route 3 Fare-Free Zone Cost Share

	Manitou Springs	Colorado Springs	Total
Route 3: Fixed Route	\$51,186	\$138,173	\$189,359
Route 3: ADA Complementary Paratransit	\$1,036	\$10,181	\$11,217
Route 3: Total	\$52,222	\$148,354	\$200,576

Rates based on 2023 Ridership

MILESTONES



- Intergovernmental agreement
- Title VI analysis (fare change requirement)
- Spring 2026 Service Change process begins in mid-December 2025
- Anticipated implementation on April 26, 2026

ADDITIONAL CONSIDERATIONS



- Route 3
 - Potential reduction in traffic in Manitou Springs
 - Potential reduction in parking demands at the Dillon Mobility Hub and Hiawatha Gardens
 - Manitou Springs will have fare-free bus service between Old Mans Trail and Safeway (Colorado/32nd) and to downtown Colorado Springs
- Route 36
 - Would duplicate service between the Dillon Mobility Hub and Old Mans Trail as Route 3 and 36 would provide fare-free service on this corridor

MAP BOARD'S RECOMMENDATION



On April 23, 2025, the Mobility and Parking Board voted unanimously to recommend the City Council approve sharing the cost of fare-free service on Route 3 in the amount of \$52,222 for the first year (4/26/2026 through 4/25/2027)

MANITOU SPRINGS CITY COUNCIL TIMELINE



- Regular City Council Session, May 6th - first presentation with discussion
- City Council Work Session, May 13th – second presentation with discussion
- Regular City Council Session, May 20th - City Council votes on Route 33 extension to the Dillon Mobility Hub and Route 3 cost share proposal
- If approved:
 - Route 33 extends service to the Dillon Mobility Hub on September 28, 2025
 - Route 3 begins fare-free service on April 26, 2026

DISCUSSION