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ORDINANCE 881

AN ORDINANCE REPEALING CHAPTER 147 CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL OF THE HUDSON CITY CODE, 2017, OF THE CITY OF HUDSON, IOWA, AND ENACTING IN LIEU THEREOF A NEW CHAPTER 147 CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL AND MAKING OTHER CHANGES

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

SECTION 1. Chapter 147, is hereby amended by replacing the current wording with the following:

147.01 GENERAL.

1. Soil erosion contributes to the impairment of drainage ways, increases road and stormwater maintenance costs, contributes to the destruction of traveled roadways creating a potential hazard for vehicular traffic, and contributes to contamination and degradation of land surfaces and streams, flooding, and dusty conditions. This chapter establishes requirements in an effort to control erosion and sediment transport.
2. Owners of certain construction sites are required, under rules contained in General Permit No. 2, Storm Water Discharge Associated with Construction Activities (“General Permit No. 2”), to obtain coverage through the Iowa DNR under that permit.
3. Under its Municipal Stormwater National Pollution Discharge Elimination System permit, which permit is on file at the offices of the City Clerk and the City Engineer and is available for public inspection during regular office hours, the city is required to develop, implement and enforce a program to reduce pollutants in any stormwater runoff from construction activities. Under that permit, the city is required to enforce General Permit No. 2.
4. This chapter establishes requirements for grading, filling, and obtaining an erosion control permit and Post Construction Stormwater Management.
5. No person shall engage in land-disturbing activities requiring an NPDES permit within the city unless they have received an erosion control permit.

147.02 DEFINITIONS.

Wherever used in this chapter the terms listed below will have the meanings indicated. Words using the present tense shall include the future; the singular shall include the plural, the plurals shall include the singular; the masculine gender shall include the feminine; the term “shall” is always mandatory, and the term “may” is permissive.

1. “Applicant” means any individual, firm, corporation, association or partnership, or proprietor of land to undergo land-disturbing activities.
2. “Building Official” means the Building Inspector or their designee.
3. “Certified professional erosion and sediment control specialist” means a specialist in the areas of soil erosion and sediment control as the Soil and Water Conservation Society and the International Erosion Control Association.
4. “City” means the City of Hudson, Iowa.
5. “City Council” means the City Council of the City of Hudson, Iowa.
6. “City Engineer” means the official so designated by the City Council of designee.
7. “Civil Engineer” means a professional engineer licensed in the State of Iowa to practice civil engineering.

8. "Clearing and grubbing" means the removal of unwanted growth, in the form of trees, wood, shrub, brush, or stumps on site.
9. "Connection" means the physical act or process of tapping public stormwater, stormwater sewer drainage line, or joining onto an existing site of a stormwater drain sewer, for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the public storm and surface water system. It also includes the creation or maintenance of an impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both, from the natural state of stormwater runoff, and which drains, directly or indirectly, to the storm and surface water system.
10. "Customer" means all persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management system and facilities.
11. "Design Professional" means an erosion and sediment control specialist approved by the City of Hudson.
12. "Development" means the alteration of land from its existing state.
13. "Disturbed area" means the part of a site on which land-disturbing activities take place. All land area that is to be disturbed at any time during the project is to be counted in determining the disturbed area, even if part of the land will be stabilized before another part is disturbed.
14. "Erosion" means the wearing away of the land surface by running water, wind, ice, gravity, or other geological, natural, or man-made agents.
15. "Erosion Control Officer" means the City Engineer, Building Official, or designee.
16. "Erosion control permit" means a major erosion control permit or a minor erosion control permit.
17. "Fill site" means land upon which fill materials are placed and which placement does not require a Sanitary Disposal Permit issued by the State of Iowa.
18. "Filling" means placing materials to effectively change the site contours. This shall include placing materials from the site itself, or from off-site.
19. "Final stabilization" means that all land-disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of 70 percent for the area has been established or equivalent stabilization measures have been employed.
20. "General Permit No. 2" means General Permit No. 2, Storm Water Discharge Associated with Industrial Activity for Construction Activities, as authored and administered by the Iowa DNR.
21. "Iowa DNR" means the Iowa Department of Natural Resources.
22. "Land-disturbing activities" means clearing, grading, excavating, filling, or removal of vegetation, paving, or buildings, exposing earthen material on a site.
23. "Ordinance" means the portion of the City Municipal Code entitled, "Construction Site Erosion and Sediment Control."
24. "Responsible Party" means one or more persons who have applied for or hold a city erosion control permit, or who own, control, or perform work on a site.
25. "Sediment" means solid material, both natural and man-made, this is in suspension, has been transported, or has been moved from its origin by air, water, gravity, or ice and has been deposited by the action of water or wind.
26. "Service charge" means the periodic rate, fee, or charge applicable to a parcel of developed land, which shall be reflective of the service provided by the city storm water drainage system district utility. Service charges shall be based upon the actual costs of operation, maintenance, acquisition, extension, and replacement of the City's stormwater management systems and facilities, including the costs of bond repayment, regulation, administrator, and services of the City.
27. "Site" means property where land-disturbing activities take place.
28. "Stabilization or stabilized" means vegetative cover with a density of 70 percent has been established, or equivalent stabilization measures have been employed.

29. "SUDAS" (Pronounced: "soo' dahs") means Statewide Urban Design and Specifications. Common urban standards and specifications for public improvements.
30. "Stormwater drainage system" means all man-made facilities and structures and all-natural watercourses that are owned by the city, or that are within drainage easement owned by the city, and that being used for collection, storage, treatment, and conveyance of stormwater from any area, through any area. This includes without limitation all stormwater facilities, canals, creeks, curbs and gutters, dams, ditches, floodwalls, flumes, gulches, gullies, levees, ravines, siphons, streams streets, and swales. For the purpose of illicit discharge regulation, any discharge to an area tributary to the stormwater drainage system shall be treated as a discharge to the stormwater drainage system. The stormwater drainage system does not include Black Hawk Creek.
31. "stormwater facilities" means anything built or used for the control of stormwater, including without limitation catch basins, channels, culverts, detentions basins, energy dissipation structures, inlets, manholes, outlets, pipes and other conduits, retention basins, and roadways and gutters.
32. "Stormwater Pollution Prevention Plan" means a document conforming to the requirements, therefore, contained in General Permit No. 2 and this chapter, prepared and certified by a design professional as defined herein.
33. "SWPPP" means Stormwater Pollution Prevention Plan.
34. "Unit" means each household, each place of commerce, education, government, religion, or each industry, whether in a single building on a single lot or in a multiple-use building on a single lot of multiple lot complex. Each unit shall be considered an individual customer but where the complex is billed under on combined service account, the recipient of that bill shall be deemed the customer and receive the total combined stormwater drainage system district charge for that complex.

147.03 STORM WATER DISCHARGE SYSTEM DISTRICT ESTABLISHED.

Pursuant to the authority of Section 384.84(5) o the *Code of Iowa*, the entire City is hereby declared a Storm Water Discharge System District for the purpose of establishing, imposing, adjusting, and providing for the collection rates for the operation and maintenance of stormwater management facilities. The entire City, as increased from time to time by annexation, shall constitute a single Storm Water Drainage System District.

(Code of Iowa, See. 384.84[5])

147.04 RATES.

Each customer shall pay for storm and surface water drainage system services provided by the City. The rates for the operation and maintenance of the stormwater management facilities shall be collected by imposing a monthly service charge on each customer within the City. The service charge shall be billed as part of a combined service account which means a customer service account for the provision of two or more utility services. The Council may adopt rules, charges, rates, and fees for the use of the City's storm and surface water system, and for services provided by the City relating to that system. Such rules may include delinquency and interest charges and penalties. Such charges and fees shall be just and equitable based upon the actual costs of operations, maintenance, acquisition, extension, and replacement of the City's system, the costs of bond repayment, regulation, administration, and services of the City. The rates for the foregoing functions shall be collected by imposing a fee at the rate of \$3.00 for each month or part thereof on every City residential, commercial, educational, religious, governmental, and industrial unit to be billed along with the water and sewer billings.

147.05 PAYMENTS OF BILLS.

All Storm Water Drainage System District charges shall be due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. All City services may be discontinued in accordance with the provisions contained in Section 92.05 if the combined services account become delinquent, and the provision contained in Sections

92.06, 92.07, and 92.08 relating to lien exemptions and lien notices shall also apply in the event of a delinquent account under this chapter.

(Code of Iowa See. 384.84[3a])

147.06 USE OF FUNDS.

The money paid and collected pursuant to this chapter shall be held by the City in a special fund to be expended only for the purpose of constructing, operating, managing, repairing, and maintaining all kinds of conduits, drains, stormwater detention devices, flow impediments, ponds, ditches, sloughs, filter strips, rip-raps, erosion control devices, and any other things and activities useful to the proper control management, collection, drainage, and disposition of stormwater in the City.

147.07 EROSION CONTROL PERMIT REQUIRED.

Sites that will result in a total disturbed area of one or more acres and sites less than one acre that is part of a larger common plan of development will result in a total disturbed area of more than one acre.

1. All erosion control permits shall be issued by the City Building Official upon approval of a completed application. The application shall be signed by the title holder of the site, together with the applicant, if different from the title holder. The necessary documents are covered in 147.07(3).
2. Sites required to obtain an erosion control permit shall comply with Section 147.08. Requirements of Sites Covered by Iowa DNR General Permit No. 2, herein.
3. An erosion control permit application shall include the following:
 - a. A complete application.
 - b. An SWPPP conforming to the requirement of this chapter, and the requirements of General Permit No. 2.
 - c. A dimensional drawing including the following:
 - i. Property Address and legal description
 - ii. Property lines and existing easement of record
 - iii. Limit area of land-disturbing activities
 - iv. Existing and proposed ground elevations (2-foot maximum interval)
 - v. Other information as required by the City Building Official, City Engineer, and/or City Council.
4. The permittees shall provide the city with all materials submitted as part of a notice of discontinuation when such a notice is filed with the Iowa DNR.
5. Filling or construction within floodplain limits as established by the Federal Emergency Management Agency and in the Hudson Floodplain Management Ordinance will require a separate additional permit under that ordinance, in addition to the permits required by this chapter.
6. The following activities are exempt from the requirements of this chapter:
 - a. Crop production activities
 - b. Cemetery graves
 - c. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
 - d. Total fill quantity of less than 25 cubic yards in a 12-month time period.

147.08 SWPPP REQUIREMENTS.

1. Every SWPPP submitted to the city in support of an application for an erosion control permit.
 - a. Shall contain complete 24-hour contact information for the site owner and the person in responsible charge of providing and maintaining sedimentation and erosion control for the site. The permittee shall inform the Erosion Control Officer within seven (7) calendar days of any change in this contact information.

- b. Shall comply with all current minimum mandatory requirements for SWPPPs promulgated by the Iowa DNR in connection with General Permit No.2. The City Engineer may develop policies modifying these requirements for sites with a disturbed area of less than one acre.
 - c. Shall comply with all other applicable state and federal permit requirements in existence at the time of application.
 - d. Shall be prepared by a design professional as defined herein.
 - e. Shall include within the SWPPP a signed and dated certification by the person preparing the SWPPP that the SWPPP complies with all requirements of this section.
2. The SWPPP shall be modified by a design professional (as defined herein) as required in General Permit No. 2. Any modification of an SWPPP shall meet the requirements above.

147.09 SWPPP REVIEW AND APPROVAL PROCEDURE.

1. The applicant shall submit an SWPPP for the site, meeting the requirements established in the State Urban Design Standards (SUDAS), to the City Building Official for review and approval as follows:
 - a. The City Building Official shall review the submittal for compliance with the requirements of an SWPPP as set forth in GP#2. Following the review, the City Building Official may return comments to the design professional.
 - b. Following receipt of comments from the City Building Official, the applicant shall provide a revised submittal to the City Building Official in accordance with any requested revisions.
 - c. The City Building Officials may require supporting documentation as needed to demonstrate conformance with these requirements. Issuance of an erosion control permit may be delayed pending receipt of the documentation.
 - d. If the submittal is complete and meets the requirements as set forth herein, the City Building Official shall approve the plan.

147.10 REQUIREMENTS FOR SITES COVERED BY IOWA DNR GENERAL PERMIT NO. 2.

1. The city shall not allow any land-disturbing activity on a site for which coverage under General Permit no. 2 is required, nor shall the city issue any permit, authorization, or license to allow such activity, until the site owner has obtained coverage for the site under General Permit No. 2 from the Iowa DNR.
2. Any responsible party who is required to obtain, or has obtained, coverage under General Permit No. 2 shall comply with all the requirements of General Permit No. 2. Failure to do so is a violation of this section.
 - a. Completion of work shown in a Stormwater Pollution Prevention Plan submitted under the provisions of General Permit No. 2 is a requirement of General Permit No. 2 and failure to complete such work is a violation of this section.
3. For sites covered under General Permit No. 2 where the ownership changes, the City Building Official must be notified of the title transfer within 30 days. The new owner shall be subject to all terms and conditions of the erosion control permit. A copy of the notice of transfer that was sent to the Enforcement official shall be included in the SWPPP.
4. For sites that are part of a larger common plan of development, such as housing or commercial development project, if a permittee transfers ownership of all or any part of the property subject to an erosion control permit, both the permittee and transferee shall be responsible for compliance with the provision of General permit No.2 and the erosion control permit for that portion of the project which has been transferred including when the transferred property is less than one acre in area. If the new owner agrees in writing to be solely responsible for compliance with the provisions of General Permit No. 2 and the erosion control permit for the property which has

been transferred, then the existing permittee shall be relieved of responsibility for compliance with General Permit No.2 and the erosion control permit for the transferred property, from and after the date the transfer of responsibility is attached to the SWPPP.

147.11 INSPECTION, NOTICE TO COMPLY, AND NOTICE OF VIOLATIONS.

1. The Erosion Control Officer may inspect the site in response to reports from third parties or at other times, at the Erosion Control Officer's discretion.
2. The Erosion Control Officer may issue a notice to comply to the responsible party or parties, describing any parties, describing any problems, and specifying a date and time by which compliance must be achieved.
 - a. The Erosion Control Officer may modify a notice to comply and may authorize, in writing, an extension to the specified date and time by which compliance must be achieved.
 - b. Failure to achieve compliance by the specified date and time is a violation of this section.
3. The Erosion Control Officer shall, upon determination of any violation of this section, issue a notice of violation in writing to the responsible party or parties, indicating the nature of the violation and ordering the action necessary to correct it.
 - a. The Notice of Violation may:
 - i. Order the discontinuance of any or all work at the site, including the Erosion Control Officer's discretion work not directly related to the cause and prevention of erosion and sedimentation, except work necessary to achieve compliance and to repair and clean up the damage, specifying a date and time for such discontinuance to commence and conditions for such discontinuance to cease.
 - ii. Require to repair and cleanup of any damage done due to failure to comply with General Permit No. 2, specifying a date and time for completion of repair and cleanup.
 - iii. Order the withholding of any building or occupancy permits for the site.
 - b. Failure to comply with any order in a notice of violation is an additional violation. Each day of a such failure constitutes a separate violation.
 - c. The Erosion Control Officer may modify a notice of violation and may authorize, in writing, an extension to the specified dates and times herein.
 - d. The notice of violation shall where necessary or appropriate, recommend to the City Attorney the institution of legal or equitable actions that may be required for the enforcement of this section.
4. Communication to a responsible party's employees, partner, attorney, agent, contractor, or subcontractor shall be regarded as communication to the responsible party for the purpose of this section.
5. Communication to one responsible party shall be regarded as communication to each responsible party for the purpose of this section.

147.12 POWERS OF AUTHORITY FOR INSPECTION.

1. Right of Entry. The City Engineer or Building Official and authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The application, owner, or titleholder shall be deemed to have consented to such entry by submission of an application for any permit or plan contemplated in this chapter. Barring or delaying such inspection is a violation of this section.
2. The Erosion Control Officer shall have access to and be able to copy any records that must be kept under the conditions of General Permit No. 2 within three (3) business hours, where a business hour is any hour between 8:00 a.m. and 3:30 p.m. on a non-holiday weekday.

147.13 POWERS OF AUTHORITY FOR INSPECTION.

1. For any site, whether or not covered by an erosion control permit or another stormwater discharge permit, the city may clean up eroded sediment or tracked soil deposited on public property if:
 - a. Corrective action has not been completed within twenty-four (24) hours or within an extended deadline granted in writing by the city; or
 - b. In judgement of the City Engineer, damage to the environment is ongoing and prompt corrective action would be intended to reduce such damage.
2. If the city cleans up such materials deposited off-site, the City Engineer will invoice the responsible party or parties for the city's actual costs including overhead, which may be recorded as an assessment against the property and constitute a lien thereon.
3. Failure to pay an invoice under this subchapter within 30 days shall constitute a violation of this section.

147.14 POST-CONSTRUCTION STORMWATER MANAGEMENT

1. PURPOSE.
 - a. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impacts criteria obtain from the IDNR and NPDES permit for the discharge of stormwater from a Municipal Separate Storm Sewer System (MS4). The City's MS4 Permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.
 - b. As a condition of the City's MS4 Permit, the City is obliged to develop, implement, and enforce a program to address stormwater runoff from new construction and reconstruction projects for which State NPDES General Permit #2 stormwater permit coverage is required, by adopting a POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE designed:
 - i. To require water quality and quantity components be considered in the design of new construction and implemented when practical;
 - ii. To promote the use of stormwater detention and retention, grass swales, buffer strips, and proper operation and maintenance of these facilities;
 - iii. To allow the use of bio-retention swales and riparian buffers where practical and the soils and topography are suitable to ensure such measures will be effective in accomplishing the purpose of the Ordinance;
 - iv. To prohibit construction activities from commencing until the plans for post-construction runoff controls have been submitted to the City;
 - v. To allow the City to have the ability to access private property for the purpose of enforcement procedures to promote compliance with the State NPDES General Permit #2, which require post-construction compliance by Applicants
 - c. No state or federal funds have been made available to assist the City with inspections, monitoring, and/or enforcing the Program.
 - d. Terms used in this Ordinance shall have the meanings specified as follows:
 - i. "Applicant" means any person, firm, or entity applying for a permit to develop, grade, or construct within the corporate limits of the City.
 - ii. Terms used in this chapter shall have the meaning specified in the Program.
2. PROCEDURE FOR POST-CONSTRUCTION.
 - a. Each Applicant who is required to have coverage under General Permit No. 2 for a site, shall install post-construction stormwater management facilities as set forth herein and as approved by the City during site plan, platting, or construction plans.
 - b. Each Applicant or its successor person(s) or entity shall be responsible for maintaining all stormwater management facilities as approved by the City.

- c. For sites equal to or greater than one acre, each Applicant must provide to the City as-built plans detailing dimensions and elevations as well as a certification that stormwater management facilities were built as part of the approved development that include the site. For sites less than one acre that are part of a common plan of development and for which the Applicant establishes that stormwater management facilities were or will be built to address all properties (either collectively or individually) within the development, each Applicant must provide the City a copy of the Notice of Discontinuation for General Permit No. 2 applicable to the property.
 - d. Each Applicant must include in their site design those stormwater management facilities that will convey drainage through the property to one or more detention and/or treatment areas such that no development shall cause downstream property owners, water courses, channels, or conduits to receive stormwater runoff from the proposed development site at a peak flow rate greater than that allowed by policy or standard in effect at the time of approval of the development unless such requirements are waived by the City. Nothing contained herein shall prohibit the City from changing the policies or standards in the future, nor from requiring the site to comply with the new requirements.
 - e. Each Applicant shall comply with all other applicable City, state, or federal permit requirements as they apply to the City or to the property.
 - f. At the discretion of the City, the applicant may satisfy the post-construction stormwater management requirements by ensuring the conveyance of the stormwater discharge from the property to the regional detention facility. For purposes of this Ordinance, a “regional detention facility” shall be wet or dry detention basins, which are designed to accept stormwater runoff from two or more sites that are required to obtain a state NPDES General Permit No. 2 and that otherwise comply with all city, state, federal permit requirements, as they apply to stormwater management requirements for those sites.
3. MAINTENANCE AND REPAIR OF STORMWATER UTILITIES.
- a. Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the Applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City, or its contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Ordinance. The easement agreement shall be recorded by the City in the land records.
 - b. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the city and recorded into the land record at the time of final approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections by the Applicant, owner, or assigns to ensure proper performance of the facility.
 - c. The City shall be permitted to enter and inspect any property subject to regulation under this section as often as is necessary to document maintenance and repair needs and determine compliance with the requirements of this Ordinance. If a Responsible Party owning, controlling, or possessing a property has security measures that require identification and clearance before entry to its property, such Responsible Party shall make the necessary arrangements to allow access by the City. By way of specification but not limitation:

- i. A Responsible Party shall allow the City ready access to all parts of the property for purposes of inspection, examination, and copying of records related to compliance with this Ordinance.
 - ii. Any temporary or permanent obstruction that obstructs the safe and easy access to property to be inspected and shall be promptly removed by the Responsible Party at the written or oral order of the City and shall not be replaced. The costs of clearing such access shall be borne by the Responsible Party.
 - iii. An unreasonable delay in allowing the City to access property is a violation of this chapter.
 - d. Parties responsible for the operation and maintenance of a stormwater management facility, shall make records of the installation and of all maintenance and repairs, and shall retain said records. Copies of the as-built plans and records of all self inspections, maintenance, and repairs, shall be kept on-site and shall be made available to the City during the inspection of the facility and at other reasonable times upon request.
 - e. In the event that a stormwater management facility is found by the City to be non-compliant with the plans as submitted and approved or is found to be in need of maintenance, the Responsible Party will be notified in writing of such deficiencies. Upon receipt of such notice, the responsible party shall have fifteen (15) days to correct such deficiencies. After proper notice and if the Responsible Party fails to make the repairs or perform the maintenance, the City may have such work performed and assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the City. In addition, easements and covenants recorded upon the applicant's property, shall provide mechanisms for the establishment of a lien by the City for any and all costs incurred by the City pursuant to this chapter to aid in efficient and cost effective collection of sums so expended, including, but not limited to attorney's fees associated with collection.
4. **PUBLIC INVOLVEMENT AND PARTICIPATION.** The permittee shall implement a public involvement and participation program that includes the following:
- a. Establish Stormwater Advisory Committee – the permittee shall establish a stormwater advisory committee to participate in decision making, holding public hearings, and working with volunteer groups. Businessmen, developers, homeowners, members of environmental groups, and members of the public at large shall be allowed to participate, if interested. However, the permittee may place reasonable limits on the total number of individuals participating in the group. The scope of an existing committee may be expanded to include stormwater issues.

147.14 ENFORCEMENT.

- 1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief.
- 2. In any civil enforcement action, administrative or judicial, the city shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.
- 3. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of Iowa Code 364.2, pursuant to Chapter 3, Hudson City Code.
- 4. Enforcement pursuant to this section shall be undertaken by the City Administrator upon the advice and consent of the City Attorney.

147.15 APPEALS.

Anyone claiming to be aggrieved by a determination made by the Erosion Control Officer may within twenty (20) days of the date of such determination appeal to the City Clerk or designee shall review the determination of the Erosion Control Officer and if reasonable ground exists, shall modify, withdraw or order compliance with said determination. Anyone claiming to be aggrieved by the determination made by the City Clerk or designee shall have such rights of appeal as provided by the law.

147.16 FEES ESTABLISHED.

The City Council may establish fees by resolution for permit applications, permit renewal applications, inspections, and for the review and processing of documents necessitated by this chapter. When such fees are established a submittal shall not be considered unless the appropriate fee has been submitted to the city.

(Ch. 147 - Ord. 817 – Oct. 19 Supp.)

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

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

Passed by the Council this ____ day of March 2023 and approved this ____ day of March 2023.

George Wessel, Mayor

date of signature

ATTEST:

Chrissi Wiersma, City Administrator/City Clerk, MPA/IaCMC/IaCMFO date of signature

I certify that the foregoing was published as Ordinance No. 881 on this ____ day of _____, 2023.

Signed:

Chrissi Wiersma, City Administrator/City Clerk,
MPA/IaCMC/IaCMFO

RESOLUTION NO 3036

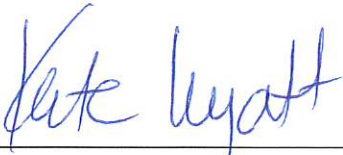
A RESOLUTION SETTING A PUBLIC HEARING TO REPEAL CHAPTER 147 AND ENACTING A
NEW CHAPTER 147 TO THE CITY OF HUDSON CODE OF ORDINANCES

WHEREAS, the Hudson City Council and the Public Works Committee have identified a need to repeal Chapter 147 Construction Site Erosion and Sediment Control of the Hudson City Code, 2017, of the City of Hudson, Iowa, and enact in Lieu thereof a new chapter 147 Construction Site Erosion and Sediment Control and making other changes; and,

WHEREAS, the determination requires the City Council to hold a public hearing and notice to be published; and

THEREFORE, BE IT RESOLVED by the City Council of the City of Hudson, Iowa, that a Public Hearing shall be held Monday, February 27, 2023, at 6:00 p.m. by the Hudson City Council to gather public comments.

Passed and approved this 13th day of February 2023.



Kate Wyatt, Councilperson

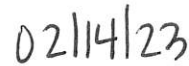


date of signature

ATTEST:



Chrissi Wiersma, City Administrator/City Clerk



date of signature

PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held by the Hudson City Council on the 27th day of February 2023 at 6:00 P.M. in the Council Chambers at City Hall, 525 Jefferson Street, Hudson, Iowa.

The Public Hearing will be to consider and gather public input regarding a proposed ordinance:

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AN ORDINANCE REPEALING CHAPTER 147 CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL OF THE HUDSON CITY CODE, 2017, OF THE CITY OF HUDSON, IOWA, AND ENACTING IN LIEU THEREOF A NEW CHAPTER 147 CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL AND MAKING OTHER CHANGES

Copies of the proposed ordinances are available at City Hall.

Under the provisions of the Hudson City Code, any interested person may appear and be heard for or against the said proposal. Written comments must be received by the city clerk's office by 4:00 p.m. on the date of the public hearing.

Submitted by:

Chrissi Wiersma, City Administrator/City Clerk