

Arlene D. Petit

Town Clerk

**AN ORDINANCE AMENDING CHAPTER 22**  
**OF THE CODE OF ORDINANCES OF THE**  
**TOWN OF JAMESTOWN**

THE TOWN OF JAMESTOWN HEREBY ORDAINS AS FOLLOWS:

**Section 1.** Article V of Chapter 22 of the Jamestown Code of Ordinances is hereby amended by adding the following new Division thereto

**Division 3. Post Construction Stormwater Control**

**Sec. 22-256. Purpose.**

Unmitigated storm water from areas altered by development may pose public health and safety threats. Potential contaminants in storm water runoff may include suspended solids, nitrogen, phosphorus, hydrocarbons, heavy metals, pathogenic organisms (bacteria and viruses), and road salts.

This ordinance establishes the administrative mechanisms necessary for The Town of Jamestown to ensure proper storm water management. The ordinance is written to work in conjunction with current state regulations.

**Sec. 22-257. Applicability.**

This ordinance shall apply to any major or minor subdivision, land development project, or other development occurring within the Town of Jamestown involving an area or areas of disturbance which total one acre or more. No person shall engage in such development activities without receiving approval of the a Stormwater Management Plan for the development.

**Section 22-258. Technical Standards**

All applicants must develop and submit a proposed Storm Water Management Plan which must address storm water management for the development which meets all the requirements of this ordinance. All such storm water management shall be consistent with the *Rhode Island Stormwater Design and Installation Standards Manual* and the *Rhode Island Soil Erosion and Sediment Control Handbook*, as amended. The stormwater management plan must include a description of proposed best management practices

(BMPs), detailed site plans, and a written narrative, that when implemented, provides protection of receiving waters by reducing pollutant loadings and other negative impacts associated with changes in land use as described below. Structural BMPs are described as structural stormwater devices that temporarily detain and treat stormwater runoff in order to reduce pollutant loadings. Typical BMPs include wet ponds, extended detention ponds, infiltration trenches, created wetlands, grassed swales and the like.

**A. Performance Standards**

Storm Water Management Plans must incorporate best management practices for water quality control, which in combination are demonstrated to reduce the average annual total suspended solids in post development runoff by eighty percent (80%). Development in drinking water supply watersheds or watersheds where impaired waters as defined by the State's 303(d) list exist may be held to higher standards.

**B. Disallowed Storm Water Best Management Practices**

The placement of structural BMPs and other storm water structures within a floodplain shall be avoided. If there is no alternative, the applicant must show what effects, if any, the tail waters created by the floodplain will have on the outflow and effective storage capacity of the detention facility.

**C. Facilitation of Maintenance**

Facilities that require maintenance shall be designed to minimize the need for regular maintenance, facilitate required maintenance, and ensure accessibility of components that require maintenance. At a minimum, all Storm Water Management Plans must incorporate structural BMPs with appropriate maintenance design in accordance with the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended; or the *Rhode Island Soil Erosion and Sediment Control Handbook*, as amended.

**Sec. 22-259. Maintenance Requirements for Best Management Practices**

**A. Routine Maintenance and Repair Procedures**

Preventative maintenance procedures are required to maintain the intended operation and safe condition of the structural BMPs by greatly reducing the occurrence of problems and malfunctions. To be effective, preventative maintenance shall be performed on a regular basis and include such routine procedures as training of staff, periodic inspections, grass cutting elimination of mosquito breeding habitats, and pond maintenance. Disposal of sediment and debris must occur on a regular basis (unless otherwise specified within an

approved plan), at suitable disposal sites or recycling sites and comply with applicable local, state and federal regulations.

Corrective maintenance procedures are required to correct a problem or malfunction at a storm water management facility and to restore the facility's intended operation and safe condition. Based upon the severity of the problem, corrective maintenance must be performed on an as-needed or emergency basis and include such procedures as structural repairs, removal of debris, sediment and trash removal which threaten discharge capacity, erosion repair, snow and ice removal, fence repair, mosquito extermination, and restoration of vegetated and nonvegetated linings.

**B. General Maintenance Standards for Storm Water Best Management Practices.**

Maintenance design and maintenance procedures for all structural BMPs shall be in accordance *Rhode Island Stormwater Design and Installation Standards Manual*, as amended; or the *Rhode Island Soil Erosion and Sediment Control Handbook*, as amended. Storm Water Management Plans shall demonstrate appropriate maintenance design and procedures for each proposed best management practice.

A maintenance schedule for each type of structural BMP must be included in the Storm Water Management Plan. These schedules shall list the frequency and type of maintenance operations necessary along with the legally responsible party's name, address, and telephone number. If the storm water drainage system is to be deeded to the local municipality the applicant must obtain a letter from the municipality acknowledging maintenance responsibility and intent of ownership.

**Sec. 22-260. Storm Water Management Plans**

**A. Calculations**

In addition to the information required for Storm Water Management Plans the following information must also be included with the application, where applicable.

1. The area of each subwatershed as identified on final site plans.
2. The area of impervious surfaces (including all roads, driveways, rooftops, sidewalks, etc.) for each subwatershed as identified in the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended.

3. Weighted curve numbers, (CN) as determined by the SCS TR-55 method, for each subwatershed as identified in the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended.
4. Invert elevations for all applicable structural BMPs. In addition, the elevations for permanent and/or flood pool stages, including peak discharge rates for each stage, within all stormwater basins are required.
5. The total volume capacity for structural BMPs (e.g., infiltration basin, detention basins, wet ponds, etc.). Volumes must be segregated into permanent and flood pool stage volumes where applicable. Furthermore, the volumes of all sediment storage (basins, forebays, etc.) areas must also be shown.
6. The water quality volume must also be calculated for each subwatershed. All relevant variables such as curve numbers and time of concentration, along with the supporting computations and worksheets must be included.

## **B. Narrative Description**

As part of the Storm Water Management Plan, the applicant shall include a discussion of the protection of environmental resource functions and values. The following outline is provided as guidance for preparing a narrative description for the Storm Water Management Plan. Depending on the size and scope of the proposed project, the amount of information required by the permitting agency may vary, therefore, it is advised to consult the appropriate permitting agency for specific requirements.

1. Site description – general topography, soil types, current vegetative composition and relative abundance, existing infrastructure, and/or adjacent properties, identification of major resources (e.g., wetlands, groundwater, surface waters, etc.), name of receiving water(s), potential water quality and/or hydrologic impacts on resources.
2. Site input data – watershed characteristics, area of all impervious surfaces, total area of site, annual mean rainfall, runoff coefficients, curve numbers for various land uses, peak discharge rates.
3. Land use planning and source control plan.
4. Best Management Practices – identify the type of BMP(s) employed both during and post construction and justification for selection, including any deviation from the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended, and the potential effect on pollutant removal efficiency.

5. Technical feasibility – of BMPs including sizing, location, hydraulic and environmental impacts. Alternatives, which were considered but determined not to be feasible, should also be discussed.
6. Maintenance schedule – of BMPs to be used, both during and post construction including frequency of inspection and maintenance.

## **Sec. 22-261 Maintenance Agreements**

Maintenance agreements shall provide written, contractual documentation, which demonstrates compliance with this ordinance and legal arrangements for the upkeep of the structural BMPs assure their functionality and safety in accordance with this ordinance.

Maintenance agreements, which describe all maintenance schedules and requirements, must be developed for each structural BMP unless the facility is dedicated to and accepted by the Town of Jamestown.

### **A. Recognition of Municipal Inspection Requirements**

Maintenance agreements shall include a reasonable and regular schedule for the Town of Jamestown to conduct on-site inspection of the functionality and safety of the structural BMPs. Inspection schedules shall be based on the complexity and frequency of maintenance needs and shall be subject to the approval of Town of Jamestown. At a minimum, maintenance frequency should be in accordance with the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended.

### **B. Record Keeping for Maintenance Activities**

Maintenance agreements shall include provisions for maintenance record keeping. All activities conducted in accordance with a maintenance agreement must be recorded in a work order and inspection log. Timely updates of the log shall be the responsibility of the structural BMP's owner or other responsible party pursuant to this ordinance. Review of the maintenance and inspection log shall be completed by the Town of Jamestown to determine the effectiveness of operation, maintenance and safety activities. Reviews shall occur as part of each on-site inspection. Additional reviews may be made as deemed appropriate by the Town of Jamestown.

**C. Responsibility for Maintenance to Assure Functionality and Safety**

Appropriate maintenance to assure functionality and safety of the structural BMPs shall be the responsibility the owner or may be assumed by another party via a written contractual arrangement in accordance with this ordinance.

**D. Alterations to Maintenance Agreements**

Any alterations in maintenance responsibility or alterations to maintenance agreements must be reviewed and approved by the Building Official. If portions of the land serviced by a structural BMP are to be sold, written contractual arrangements shall be made to pass all responsibility of the maintenance agreement to the purchaser and shall be subject to review and approval of the Building Official. All alterations to maintenance agreements shall be recorded in accordance with this ordinance.

**E. Recordation of Maintenance Agreements**

All maintenance agreements and alterations to maintenance agreements shall be recorded in the land evidence records of the Town of Jamestown. Copies of all maintenance agreements and alterations to maintenance agreements shall be included in Storm Water Management Plans. Recordation of maintenance agreements in accordance with this ordinance shall be the responsibility of the owner.

**Sec. 22-262. Application Fees.**

The Town of Jamestown shall be empowered to collect fees from permit applicants, which are commensurate with the cost of administering this ordinance.

**Sec. 22-198. Responsibility for Administration**

The Public Works Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Public Works Director may be delegated in writing by the Public Works Director to persons or entities acting in the interest of or in the employ of the Town of Jamestown, including but not limited to the Building Official, the Town Engineer, the Town. Planner and the Planning Commission.

**Sec. 22-263. Enforcement.**

**A. Notification of Violation**

Whenever there is a failure to comply with the provisions of this ordinance, the Town of Jamestown shall have the right to notify the applicant/owner that he or she has five (5) calendar days from the receipt of the notice to temporarily correct the violations and thirty (30) calendar days from receipt of notice to permanently correct the violations.

In the event that a structural BMP becomes a danger to public safety or public health, or in need of maintenance or has not been maintained in accordance with the Maintenance Agreement, the Town of Jamestown shall so notify the responsible person in writing by certified mail. Upon receipt of that notice, the responsible person shall have fourteen (14) calendar days to complete maintenance and repair of the structural BMP in a manner that is approved by the municipality. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and enforce penalties and/or liens as described herein.

**B. Enforcement of Penalties and Liens**

Should the applicant/owner fail to take the corrective actions, the Town of Jamestown shall then have the right to take the available appropriate remedies it deems necessary to correct the violations including fining the owner pursuant to Section 1-15 of the Code of Ordinances of the Town of Jamestown and to assert a lien on the subject property in an amount equal to the costs of remedial actions. The lien shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property. The lien shall be recorded in the land evidence records of the Town of Jamestown, and shall incur legal interest from the date of recording. The imposition of any penalty shall not exempt the offender from compliance with the provisions of this ordinance, including assessment of a lien on the property.

Whenever a structural BMP is not implemented, operated, and/or maintained in accordance with the Stormwater Management Plan which has been approved in accordance with this ordinance. Any penalty invoked shall be in accordance with Section 1-15 of the Code of Ordinances of the Town of Jamestown.

**Section 2.** This Ordinance shall take effect upon passage and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.