

ORDINANCE NO. 15
(Series of 2011)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN,
COLORADO, AMENDING THE MUNICIPAL CODE OF THE CITY OF ASPEN FOR
THE DELETION OF THE STORMWATER SYSTEM DEVELOPMENT FEE AND
ADDITION OF A STORMWATER FEE-IN-LIEU OF DETENTION**

WHEREAS the City's Surface Drainage Master Plan identifies deficiencies in the condition and capacity of its existing drainage system, and

WHEREAS it is in the City's interest to protect its infrastructure, the environment, and the ecology of the Roaring Fork River from the effects of stormwater runoff, and

WHEREAS a combination of enhanced stormwater detention standards and implementation of a voluntary fee-in-lieu of the improved detention requirement will both reduce flooding and generate funds for improving the City's drainage system related to development and redevelopment of property within the boundaries of the City of Aspen.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO;

Section 1.

That Chapter 25.18 of Title 25 of the Municipal Code of the City of Aspen is hereby repealed in its entirety.

Section 2.

That a new Section 2.12.140 of the Municipal Code of the City of Aspen, Colorado, is hereby added to read as follows:

Sec. 2.12.140. Stormwater fees.

This Section of the Code sets forth certain fees related to stormwater management as follows:

Fee-in-Lieu of Detention: Fee = \$70.00 per cubic foot of detention required

(a) The fee is based on 100 percent of the estimated cost of constructing a detention facility on-site. The City Engineer at his/her sole discretion may require a certified cost estimate for construction of detention meeting the standards contained in the Urban Runoff Management Plan (Manual) established in Sec 28.02.010 and may accept at his/her sole discretion this amount to be paid in-lieu-of detention. Any appeal to decisions made by the City Engineer should follow the appeal process outlined in the Manual.

(b) Required detention storage shall be calculated at the rate of 6.20 cubic feet per 100 square feet of impervious area. The City Engineer at his/her sole discretion may

require a certified storage volume estimate for construction of detention meeting the standards contained in the Urban Runoff Management Plan (Manual) established in Sec 28.02.010 and may accept at his/her sole discretion this amount to be used for detention volume storage requirements. Any appeal to decisions made by the City Engineer should follow the appeal process outlined in the Manual.

Section 3.

That the following new Chapter 28.03 of Title 28 of the Municipal Code of the City of Aspen, Colorado, is hereby adopted:

Chapter 28.03 Stormwater Fees

Sec. 28.03.010. Definitions.

For the purposes of this Chapter, certain words or phrases are defined as follows:

- (a) Development. The proposed development creates at least one-thousand (1000) square feet of new impervious area.
- (b) Redevelopment. The proposed development disturbs at least one-thousand (1000) square feet of the existing impervious area.

Sec. 28.03.020. Fee-in-Lieu of Detention.

- (a) A stormwater fee-in-lieu of detention shall be established which shall be applied and available as an alternative to the construction of on-site detention as required by Sec. 28.02.010 to all properties within the boundaries of the City of Aspen at the time of development or redevelopment of the property. The basis of this fee is set forth in Section 2.12.140.
- (b) A developer will not have the option to pay a fee-in-lieu of constructing a stormwater detention facility if, in the opinion of the City Engineer, undetained runoff from the development may materially adversely exacerbate an existing problem or may adversely impact a downstream property.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law, by the City Council of the City of Aspen on the _____ day of _____ 2011.

Michael C. Ireland, Mayor

ATTEST:

Kathryn Koch, City Clerk

FINALLY, adopted, passed and approved this _____ day of _____ 2011.

Michael C. Ireland, Mayor

ATTEST:

APPROVED AS TO FORM:

Kathryn Koch, City Clerk

John Worcester, City Attorney