

ORDINANCE NO. 16,427

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Chapter 42, Article II, Sections 42-87 and 42-121, relating to stormwater runoff control plan and grading operations.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, by amending Chapter 42, Article II, Sections 42-87 and 42-121, relating to stormwater runoff control plan and grading operations, as follows:

Sec. 42-87. Application data required.

- (a) Plans and specifications shall accompany each grading permit application and shall contain the following data unless otherwise included in the information required to be set forth in a preliminary plat or site plan;
 - (1) A vicinity sketch at a scale of one inch to 400 feet or larger indicating the site location as well as the adjacent properties within 500 feet of the site boundaries.
 - (2) A boundary line survey of the property on which the work is to be performed, unless waived by the city engineer.
 - (3) A plan of the site at a scale of one inch to 100 feet or larger, on 24-inch by 36-inch reproducible sepia, vellum or Mylar showing the following:
 - a. The names, addresses, and telephone numbers of the landowner, developer, and petitioner.
 - b. A time schedule indicating the anticipated starting and completion dates of the development's construction sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
 - c. A SWPPP for sites of one acre or more.
 - d. Existing topography with contour intervals at least every two feet of elevation change with a minimum of two contour lines for each site.
 - e. Proposed topography with contour intervals at least every two feet of elevation change with a minimum of two contour lines for each site.
 - f. Location of any structure or natural feature, including existing tree canopies, rock outcrops, landslide area, springs and streams and other water bodies and any areas subject to flooding on the site or within 50 feet of the site boundary line. The plan must be accompanied by a tree removal and mitigation plan containing the information required by section 42-544 of the tree removal and mitigation ordinance.
 - g. Location of any proposed structures or development on the site.
 - h. Elevations, dimensions, location, extent, and the slope of all proposed grading.

- i. The estimated total cost of the required temporary and permanent soil erosion control measures if such application for the grading permit is made pursuant to chapter 106, pertaining to subdivisions, of this Code.
 - j. Plans of all drainage provisions, retaining walls, cribbing, planting, erosion control measures, or other temporary or permanent soil erosion control measures to be constructed in connection with or as part of the proposed work.
 - k. A map or other document sufficient to show the drainage area of land tributary to the site and estimated runoff of the area served by any drains.
 - l. A soils report for the plat by a licensed professional engineer experienced in soils investigation. The content of such report shall be at the discretion of the licensed engineer, shall show general soil conditions, and shall include recommendations as to the adaptability of such soils for the proposed development. The city engineer may, in his or her discretion, waive this requirement.
 - m. The location of all soil borrow or spoil sites and the proposed routes from the borrow or spoil sites to the job site.
 - n. Certification by a licensed engineer, architect or landscape architect.
 - o. A stormwater runoff control plan in compliance with section 42-561.
- (b) Small in-fill projects located on residential lots that exceed the area limits of section 42-86(a)(6), but are less than one acre, may be exempt from submitting a plan if, in the opinion of the city engineer, it has been demonstrated that adequate preventative measures will be taken to prevent any accelerated soil erosion or sedimentation or interference with any natural drainageway or storm sewer or constructed channel, and no more than 5 mature trees would be removed by such project.

Sec. 42-121. Grading operations.

The applicant or the owner of the property or any part thereof shall be responsible for the following:

- (1) The prevention of damage to any public utilities or services within the limits of grading and along any routes of travel of the equipment.
- (2) The prevention of damage of adjacent property.
- (3) Carrying out the proposed work so as not to grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, or any other public or private property without supporting and protecting such property from settling, cracking, or other damage which might result.
- (4) Carrying out the proposed work in compliance with the approved plans, the requirements of this article, the NPDES General Permit No. 2 covering the property, the SWPPP covering the property, and all applicable state and federal laws and regulations, and in compliance with section 42-561 of the municipal code.
- (5) The prompt removal of excessive soil, miscellaneous debris, or other materials applied, dumped, or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares during transit to and from the construction site so as to prevent a violation of sections 42-347 and 42-348 of this chapter.

- (6) Completing the grading operation and the erosion control measures within the approved time schedule.
- (7) Conducting any earth changes in such a manner as to effectively reduce accelerated soil erosion and resulting sedimentation.
- (8) Designing, implementing and maintaining acceptable soil erosion and sedimentation control measures, in conformance with the Soil Conservation Districts Law, I.C. § 161A.1 et seq., and the adopted rules of the Polk Soil Conservation District as they pertain to erosion control and which effectively reduce accelerated soil erosion.
- (9) Designing, constructing and completing all earth changes in such manner that the exposed area of any disturbed land shall remain exposed for the shortest possible period of time so as to prevent a violation of sections 42-347 and 42-348.
- (10) Updating, amending, implementing and maintaining the SWPPP, making required inspections and keeping inspection reports, and retaining all plans and reports, in accordance with the applicant's NPDES General Permit No. 2 requirements.
- (11) Carrying out the proposed work in compliance with any applicable tree removal and mitigation plan approved pursuant to the tree removal and mitigation ordinance codified in Article X of Chapter 42 of this Code.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED: Glenna K. Frank, Assistant City Attorney

Connie Boesen, Mayor

Attest: I, Laura Baumgartner, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an Ordinance (Roll Call No. 25-0154), passed by the City Council of said City at the meeting held on January 27, 2025 and signed by the Mayor on January 27, 2025 and published and provided by law in the Business Record on February 14, 2025. Authorized by Publication Order No. 12903.

Laura Baumgartner, City Clerk