

THE CITY OF HAYSVILLE, KANSAS

ORDINANCE NO. 1125

**AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 8, SECTIONS 801 AND 820  
REGARDING STORMWATER MANAGEMENT AND DESIGN CRITERIA**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYSVILLE,  
KANSAS:

**Section 1.** That Chapter 15, Article 8, Section 801 of the Code of the City of Haysville is amended to provide as follows:

15-801. General provisions.

(a) Purposes. The purpose and objective of this chapter are as follows:

- (1) To maintain and improve the quality of surface water and groundwater within the city;
- (2) To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters within the city;
- (3) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers of the city;
- (4) To encourage recycling of used motor oil and safe disposal of other hazardous consumer products;
- (5) To facilitate compliance with state and federal standards and permits by owners of industrial and construction sites within the city;
- (6) To enable the city to comply with all federal and state laws and regulations applicable to its NPDES permit for stormwater discharges.

(b) Administration. Except as otherwise provided in this chapter, the Director, or his appointed representative, shall administer, implement, and enforce the provisions of this chapter.

(c) Abbreviations. The following abbreviations when used in this chapter shall have the designated meanings:

BMP Best Management Practices

CFR	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency
HHW	Hazardous Household Waste
mg/l	Milligrams per liter
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
PST	Petroleum Storage Tank
SWP3	Stormwater Pollution Prevention Plan
USC	United States Code

(d) Authority. The Director may develop additional policies, criteria, specifications and standards in a Stormwater Manual and/or in other policy, master plans, watershed plans or guidance documents as necessary to effectively implement the requirements of this chapter. The policies, criteria and requirements of the Stormwater Manual and/or other policy, plans or guidance documents may be implemented and amended by the director, are referenced in this chapter when required, and shall be enforceable, consistent with the provisions contained in this chapter.

(e) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

(1) Best management practices (BMPs) mean schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States or the city’s MS4. Best management practices 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 areas. The BMPs required in this chapter will be sufficient to prevent or reduce the likelihood of pollutants entering storm sewers, ditches or ponds.

(2) City means the city of Haysville, Kansas.

(3) Commencement of construction means the disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

(4) Commercial means pertaining to any business, trade, industry, or other activity engaged in for profit.

(5) Construction general permit. See “Kansas general permit for stormwater discharges from construction sites.”

(6) Contractor means any person or firm performing construction work at a construction site, including any general contractor and subcontractors. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical, landscaping contractors, and material suppliers delivering materials to the site.

(7) Director means the Director of Public Works, or his or her duly authorized representative.

(8) Discharge means any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

(9) Discharger means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any owner of a construction site or industrial facility.

(10) Domestic sewage means human excrement, gray water (from home clothes washing, bathing, showers, dishwashing and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, that is free from industrial waste.

(11) Earthwork means the disturbance of soils on a site associated with clearing, grading or excavation activities.

(12) Environmental Protection Agency (EPA) means the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

(13) Extremely hazardous substance means any substance listed in the appendices to 40 CFR Part 355, emergency planning and notification.

(14) Facility means any building, structure, installation, process or activity from which there is or may be a discharge of a pollutant.

(15) Fertilizer means a substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.

(16) Final stabilization means the status when all soil-disturbing activities at a site have been completed. This would establish a uniform perennial vegetative cover with a density of seventy percent coverage for unpaved areas and those not covered by permanent structures or equivalent permanent stabilization measures (by employing riprap, gabions or geotextiles).

(17) Fire protection water means any water, and any substances or materials contained therein, used by any person to control or extinguish a fire, or to inspect or test fire equipment.

(18) Garbage means putrescible animal and vegetable waste materials from the handling, preparation, cooking or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

(19) Harmful quantity means the amount of any substance that will cause a violation of a State Water Quality Standard or any adverse impact to the city's drainage system.

(20) Hazardous household waste (HHW) means any material generated in a household (including single and multiple residences) by a consumer which, except for the exclusion provided in 40 CFR Section 261.4(h)(1), would be classified as a hazardous waste under 40 CFR Part 261.

(21) Hazardous substance means any substance listed in Table 302.4 of 40 CFR Part 302.

(22) Hazardous waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

(23) Hazardous waste treatment, disposal, and recovery facility means all contiguous land, and structures, other appurtenances and improvements on the land used for the treatment, disposal, or recovery of hazardous waste.

(24) Individual building sites mean and include sites of building construction or earthwork activities that are not a part of a new subdivision development and any individual lot within a newly developing subdivision.

(25) Industrial General Permit. See "Kansas general permit for stormwater discharges associated with industrial activity."

(26) Industrial waste means any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade or business.

(27) Industry means and includes: (a) municipal landfills; (b) hazardous waste treatment, disposal, and recovery facilities; (c) industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. Section 11023; industrial facilities required to obtain NPDES stormwater discharge permits due to their standard industrial classification or narrative description; and (d) industrial facilities that the Director determines are contributing a substantial pollutant loading to the MS4, which are sources of stormwater discharges associated with industrial activity.

(28) Kansas general permit for stormwater discharges associated with industrial activity and Industrial general permit mean the industrial general permit issued by KDHE and any subsequent modifications or amendments thereto, including group permits.

(29) Kansas general permit for stormwater discharges from construction sites and construction general permit mean the construction general permit issued by KDHE and any subsequent modifications or amendments thereto, including group permits.

(30) Landfill means an area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, or an injection well.

(31) Municipal separate storm sewer system (MS4) means the system of conveyances, (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, drainage easements or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

(32) Municipal solid waste means solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

(33) NPDES permit means for the purpose of this chapter, this is a permit issued by EPA or the state of Kansas that authorizes the discharge of stormwater pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

(34) Nonpoint source means the source of any discharge of a pollutant that is not a point source.

(35) Notice of intent (NOI) means the notice of intent that is required by either the industrial general permit or the construction general permit.

(36) Notice of termination (NOT) means the notice of termination that is required by either the industrial general permit or the construction general permit.

(37) Notice of violation means a written notice provided to the owner or contractor detailing any violations of this chapter and any clean-up action expected of the violators.

(38) Oil means any kind of oil in any form, including but not limited to: petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

(39) Owner means the person who owns a facility, part of a facility or land.

(40) Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents or assigns, including all federal, state and local governmental entities.

(41) Pesticide means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest, or substances intended for use as a plant regulator, defoliant or desiccant.

(42) Petroleum product means a petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle, or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

(43) Petroleum storage tank (PST) means any one or combination of aboveground or underground storage tanks that contain petroleum product and any connecting underground pipes.

(44) Point source means any discernable, 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, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

(45) Pollutant means dredged spoil, spoil waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, yard waste, hazardous household wastes, used motor oil, anti-freeze, litter, and industrial, municipal, and agricultural waste discharged into water.

(46) Pollution means the alteration of the physical, thermal, chemical or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation or property, or public health, safety or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(47) Qualified personnel means persons who possess the required certification, license, or appropriate competence, skills, and ability as demonstrated by sufficient education, training, and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements and generally accepted industry standards for such activity.

(48) Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.

(49) Reportable quantity (RQ) means, for any hazardous substance, the quantity established and listed in Table 302.4 of 40 CFR Part 302; for any extremely hazardous substance, the quantity established in 40 CFR Part 355.

(50) Rubbish means nonputrescible solid waste, excluding ashes, that consist of: (a) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (one thousand six hundred to one thousand eight hundred degrees Fahrenheit).

(51) Sanitary sewer means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

(52) Septic tank waste means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

(53) Service station means any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from pumps.

(54) Sewage means the domestic sewage mid and/or industrial waste that is discharged into the city sanitary sewer system and passes through the sanitary sewer system to the city sewage treatment plant for treatment.

(55) Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

(56) Solid waste means any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material including: solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, agricultural operations, and community and institutional activities.

(57) State means the state of Kansas.

(58) Stormwater means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

(59) Stormwater discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is listed as one of the categories of facilities in 40 CFR Section 122.26(b)(14), and which is not excluded from EPA's definition of the same term.

(60) Stormwater Manual refers to the latest version, as amended, of the document on file with the Director of Public Works entitled City of Haysville Storm Water Manual.

(61) Stormwater pollution prevention plan (SWP3) means a plan required by a NPDES stormwater permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity.

(62) Subdivision development means and includes activities associated with the platting of any parcel of land into two or more lots and includes all construction taking place thereon.

(63) Used oil (or used motor oil) means any oil that has been refined from crude oil or a synthetic oil that, as a result of use, storage or handling; has become unsuitable for its original purpose because of impurities or the loss of original properties.

(64) Water of the state and water mean any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

(65) Water quality standard means the designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses.

(66) Waters of the United States mean all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of “waters of the United States” at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

(67) Wetland means any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

(68) Yard waste means leaves, grass clippings, yard and garden debris, and brush that result from landscaping maintenance and land-clearing operations.

**Section 2.** That Chapter 15, Article 8, Section 820 of the Code of the City of Haysville is amended to provide as follows:

15-820. Design criteria.



Unless otherwise approved, the following rules shall govern the design of improvements with respect to managing stormwater runoff:

(a) **Methods Of Determining Stormwater Runoff.** In determining the amount of stormwater runoff from a development, it is important for the designer to relate the methodology to be used in his calculations to the proportionate size of the tributary watershed area. Approved methods of determining stormwater runoff shall be contained in the Storm Water Manual. Use of methods other than those described in the Stormwater Manual shall be only upon approval of the Director.

(b) **Development Design.** Streets, blocks, depth of lots, parks, and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of stormwater into the ground, and to preserve and utilize existing and planned streams, channels and detention basins, and include, whenever possible, streams and floodplains within parks and other public grounds.

(c) **Enclosed Systems And Open Channels.** The Design Criteria for Storm Drainage Facilities, latest edition, of the city, which by reference is made a part hereof as though repeated verbatim in this article, shall govern the design of enclosed systems and open channels within the city.

(d) **Methods Of Controlling Downstream Flooding.** The Director shall determine whether the proposed plan will cause or increase downstream local flooding conditions. This determination shall be made on the basis of existing downstream development and drainage system capabilities and an analysis of stormwater runoff prior to and after the proposed development. If the Director determines that the proposed development will cause or increase downstream local flooding conditions during the design storm, provisions to minimize such flooding conditions shall be included in the design of storm drainage improvements and/or the temporary controlled detention of stormwater runoff and its regulated discharge to the downstream storm drainage system.

(e) **Downstream Improvements.** Improvements to minimize downstream flooding conditions may include, but not be limited to, the construction of dams, dikes, levees, and floodwalls; culvert enlargements; and channel clearance and modification projects.

(f) **Detention Basins.** Temporary detention of stormwater runoff may be used in developments in order to minimize downstream flooding conditions. Generally, stormwater detention basins shall be designed and constructed for the attenuation of the peak rate of runoff to an amount not greater than that occurring prior to development. Temporary storage facilities will not be required in situations where the installation of such a facility would adversely affect the environment or where the site discharges directly into a major stream or system component. The design of temporary detention facilities shall be in accordance with the following design criteria:

(1) **Storage volume requirements:** Sufficient storage volume shall be provided to prevent local flooding damage. Such volume shall be adequate to contain the differential volume of runoff which would result from the design storm occurring on a fully developed site over the maximum allowable release rate. Inflow rates into the storage basin shall be determined utilizing either the

rational method or the unit hydrograph method dependent on the development size limitations and methodologies described in subsection (1) of this section. The minimum rainfall event to be utilized in determining the detention storage volume shall be based upon the planned land usage and intensity within the tributary area and shall be as follows:

(A) Residential development, ten-year rainfall event.

(B) Commercial and industrial, twenty-five-year rainfall event.

(2) Minimum rainfall events shall be based upon the twenty-four-hour point rainfall as indicated in Technical Paper No. 40 published by the Department of Commerce, Weather Bureau.

(3) In the event of special circumstances the Director may require the use of storms of greater magnitude. When utilizing the rational method for runoff computations the rainfall intensity (i) and runoff coefficient (c) shall be based upon the area being fully developed in accordance with the planned land usage.

(4) Associated with the analysis will be the routing of the storm hydrograph through the basin to determine the effect of the temporary storage on the rate of inflow.

(5) As a result of the flood routing procedure, a determination of the required combination to temporary storage volume and outlet control required to reduce post development peak outflows to no more than the maximum allowable release rate may be made.

(g) Maximum allowable release rate: The basic design factor used in the determination of the maximum release rate of a detention facility shall be the capability of the downstream system to handle the flow adequately. In general, the maximum release rate shall be defined as the rate of runoff occurring prior to the proposed development taking place and shall be determined mathematically as the runoff resulting from a ten-year return-frequency rainfall calculated using the rational formula. Deviations from the use of this rainfall frequency in design calculations shall be only where approved by the Director. Actual rainfall intensity (i) shall be determined for the time of concentration of the tributary area in its undeveloped and natural state. The runoff coefficient (c) shall likewise be determined for the land in its undeveloped state. In no case shall the release rate exceed the existing "safe" storm drainage capacity of the downstream system or watercourse.

(h) Freeboard: The minimum elevation of the top of the detention storage basin embankment shall be at least one foot above the water surface with the emergency spillway flowing at design, or a minimum of two feet above the crest of the emergency spillway.

(i) Sediment storage: A sediment storage volume of at least five percent of the total required temporary storage volume for runoff detention shall be provided.

(j) Outlet control works: Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation. Size and

hydraulic characteristics shall be such that all water in detention storage is released to the downstream storm sewer system within twenty-four hours after the end of the design rainfall.

(k) Emergency overflow: A method of emergency overflow shall be designed and provided to permit the safe passage of runoff generated from a one-hundred-year storm.

(l) Other design considerations: All stormwater detention basins shall be designed with the capability of passing a one-hundred-year hydrograph from a fully developed watershed basin through the outlet works without causing failure of the embankment. It is not the intent of this requirement to entail any additional reduction of the peak runoff rate, but to assure the integrity and safety of the structure.

(m) Design data submittal: In addition to complete plans, the following design data shall be submitted to the Director for all projects including temporary detention facilities:

(1) Rainfall hydrograph plotted in units of inches per hour as ordinates, and time from beginning of the storm as abscissas;

(2) Runoff hydrograph plotted in units of cubic feet per second runoff rate of the tributary area as ordinates, and time from the start of runoff as abscissas;

(3) Area: capacity curve for proposed detention facility plotted in units of datum elevation as ordinates, and cumulative volume of storage as abscissas;

(4) Discharge characteristics curve or outlet works plotted in units of detention facility water surface elevation as ordinates, and discharge rate for cubic feet per second (cfs) as abscissas; as ordinates, and time from the start of runoff as abscissas. Curves shall be so arranged that the vertical distance between the accumulated storage and accumulated discharge will indicate the net volume in storage at any point in time. Curves shall be extended to the time required for complete discharge of all runoff stored in the detention facility.

(n) Other detention methods: In addition to the above criteria, the following detention methods may be utilized to provide temporary detention storage:

(1) Wet-bottom basins: The minimum normal depth of water before the introduction of excess stormwater shall be four feet. If fish are to be used to keep the basin clean, at least one quarter of the area of the permanent pool must have a minimum depth of ten feet. For emptying purposes, cleaning or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage. All surface area within the fluctuating limits of the basin storage or that which is susceptible to or designed as overflow areas from storms with a higher return frequency than those utilized in the design of the facility shall be seeded and mulched, sodded or paved.

(2) Dry-bottom basins: Where possible these shall be designed to serve secondary purposes for recreation, open space or other types of use which will not be adversely affected by

occasional or intermittent flooding. To facilitate interior drainage, concrete paved swales shall be required from the inflow to the outlet structures.

(3) Rooftop storage: Detention storage may be met in total or in part by detention on roofs. Details of such designs, which shall be included in the drainage permit applications, shall include the depth and volume of storage, details of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions.


(4) Paved parking lots: May be designed to provide temporary storage of stormwater on all or a portion of their surfaces to a maximum depth of nine inches. Outlets will be designed so as to empty the stored waters in such a time to create the least amount of inconvenience to the public. Minimum slopes of one percent and maximum slopes of four percent are to be utilized. The minimum freeboard from the maximum water ponding elevation to lowest sill elevation of adjacent buildings or structures shall be one foot.

**Section 3.** This Ordinance shall be included in the Code of the City of Haysville and shall take effect as of the date of its publication in the official city newspaper.

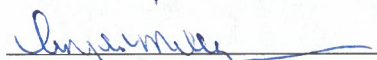
**Section 4.** Should any section, clause, sentence or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provision herein.

Passed and Approved by the Governing Body of the City of Haysville, Kansas this 10<sup>th</sup> day of June 2024.


Approved by the Mayor this 10<sup>th</sup> day of June, 2024.

  
\_\_\_\_\_  
Russ Kessler, Mayor

ATTEST:

  
\_\_\_\_\_  
Angie Millspaugh, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Joshua Pollak, City Attorney