

Council Bill/General Ordinance No. 3043-2023

Sponsor: \_\_\_\_\_

AN ORDINANCE

AMENDING Chapter 34, "WATER and SEWERS," Section 34-4203, "DETENTION SYSTEM CRITERIA," of the Moline Code of Ordinances, by enacting one new subsection (c)(3).

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WHEREAS, the Stormwater Code requires installation of stormwater detention facilities in certain circumstances; and

WHEREAS, the purpose of the requirement is to protect downstream properties from flooding caused by increased instantaneous discharge as new developments or re-developments add new impervious surface; and

WHEREAS, in certain circumstances, the size of the development property prevents installation of the necessary detention. In those cases, Section 34-4203(c) allows the developer to pay the city a fee in lieu of installing the required detention facilities; and

WHEREAS, the Code is silent with regard to cases where a developer cannot install the necessary facilities at the development site, but can install it within the watershed on another property; and

WHEREAS, the proposed language allows a waiver for the development property, in favor of an installation elsewhere within the watershed and of the magnitude required of the development as approved by the Utilities Department; and

WHEREAS, the proposed ordinance amendment adds language to Section 34-4203(c) including off-site installation as a third criteria for a waiver of the requirement for on-site detention within a proposed development; and

WHEREAS, Staff recommends this language change as a means to make meeting the detention requirements more efficient, and the change reduces staff time seeking alternate locations and arranging installation of said facilities and, instead, in certain circumstances, allows the developer to manage that process, subject to approval and inspection by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

**Section 1** – The foregoing recitals are hereby incorporated into this Ordinance as though fully set forth in this Section 1.

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**Section 2** - Chapter 34, “WATER AND SEWERS,” Section 34-4203, “DETENTION SYSTEM CRITERIA,” of the Moline Code of Ordinances, is hereby amended by enacting one new subsection (c)(3), as follows (additions in **bold and underlined** and deletions in ~~**bold and strikethrough**~~):

“SEC. 34-4203. DETENTION SYSTEM CRITERIA.

[ . . . ]

(c) Waiver of Requirements.

[ . . . ]

**3. The requirement for stormwater detention and release rates for a proposed development may be waived by the utilities director when such detention or compensatory storage is installed by the developer in accordance with the provisions of this article at another location within the watershed, approved by the utilities director.**

[ . . . ]”

**Section 3** – That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 4** – That all prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**Section 5** – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

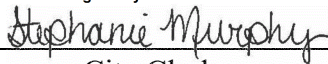
CITY OF MOLINE, ILLINOIS

DocuSigned by:  
  
\_\_\_\_\_  
Mayor

October 24, 2023  
\_\_\_\_\_  
Date

Passed: October 24, 2023

Approved: November 7, 2023

Attest:   
\_\_\_\_\_  
Stephanie Murphy  
City Clerk