

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 26 of the Lincoln Municipal Code, the Land
 2 Subdivision Ordinance, by amending Sections 26.11.038, 26.23.190, and 26.27.060 to revise
 3 the land size threshold at which approved erosion and sediment control plans are required
 4 from two acres to one acre; amending Section 26.31.040 to clarify provisions related to
 5 sediment in the public right-of-way; and repealing Sections 26.11.038, 26.23.190, 26.27.060,
 6 and 26.31.040 of the Lincoln Municipal Code as hitherto existing.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That Section 26.11.038 of the Lincoln Municipal Code be amended
 9 to read as follows:

10 **26.11.038 Authority to Proceed With Improvements.**

11 After submittal of a proposed preliminary plat to the City Clerk, the City Clerk shall
 12 cause the proposed preliminary plat to be placed on the agenda of the City Council for
 13 approval by the City Council by resolution. Receipt by the subdivider of approval of the
 14 preliminary plat and acceptance by the City Council shall constitute authority for the
 15 subdivider to proceed with plans, profiles, and specifications for the grading and land
 16 preparation, presentation of the final plat to the Commission, and the installation of the
 17 required improvements, except street lighting and street name signs. No person shall engage
 18 in the grading or disturbance of any land one acre or greater ~~than two acres~~ in size without
 19 first submitting a drainage and grading plan setting forth the requirements of the design
 20 standards applicable to stormwater management, erosion, and sedimentation control and
 21 obtaining approval of said plan. Any person who engages in the grading or disturbance of any
 22 land in violation of the provisions contained in this section shall be subject to an order to
 23 cease and desist such grading work. No utility or improvement shall be installed or
 24 constructed until the area to be developed has been graded and the subdivider's licensed
 25 surveyor or engineer has submitted a written statement with the seal of the professional to the
 26 Director of Public Works and Utilities that the grading and shaping of the land to be devel-

1 oped has been completed in conformance with the grading shown on the preliminary plat, the
2 drainage study, and the final street grades. The Director of Public Works and Utilities may
3 approve the grading, installation, and construction in phases. Also, no utility or improvement
4 shall be installed or constructed until the plans, and if appropriate profiles and specifications,
5 are prepared by the appropriate city department or submitted by the subdivider to the
6 appropriate city department and other governmental agencies required by law, and approval
7 is granted. Plans, and if appropriate profiles and specifications, for street surfacing, sidewalks,
8 public water systems, public wastewater works, storm drains, and drainage systems, land
9 preparation and grading, and temporary turnarounds not prepared by the city engineering staff
10 shall be submitted to the Department of Public Works and Utilities for approval. Plans,
11 profiles, and specifications for community water systems and community wastewater works
12 shall be reviewed and approved pursuant to Section 26.11.040(d) of this title. Individual
13 water well systems and on-site wastewater treatment systems shall be submitted to the City-
14 County Health Department for approval. Plans and specifications for landscape screens and
15 trees shall be submitted to the Planning Director for approval. Plans and specifications for
16 electrical distribution systems and street lighting shall be prepared by the Lincoln Electric
17 System (LES) unless the subdivider requests and receives permission from LES to use a private
18 consulting engineer, then the plans and specifications shall be submitted to LES for approval.
19 The plans and specifications for street name signs shall be prepared by the Department of
20 Public Works and Utilities. The plans and specifications for the grading and land preparation,
21 paving, street surfacing, public water system, public wastewater works and storm drains shall
22 be prepared by a professional engineer or architect registered in the State of Nebraska.

23 Installation of utilities and improvements may be allowed on all or a portion of the
24 proposed subdivision prior to the approval of the final plat. Street surfacing, public water
25 systems, public wastewater works, and public street lighting shall not be installed or
26 constructed until authorized by executive order of the Mayor or ordered constructed by the
27 city through an assessment district. Storm drainage systems shall not be installed or con-
28 structed until authorized by executive order of the Mayor.

1 The design and installation of each utility and other improvements shall be in strict
2 accordance with the design standards for that utility or other improvement. Design standards
3 for utilities and other improvements shall be on file with and available from the City Clerk.

4 Section 2. That Section 26.23.190 of the Lincoln Municipal Code be amended
5 to read as follows:

6 **26.23.190 Land Grading.**

7 No person shall engage in the grading or disturbance of any land one acre or greater
8 ~~than two acres~~ in size without first submitting a drainage and grading plan setting forth the
9 requirements of the design standards applicable to stormwater management, erosion, and
10 sedimentation control and obtaining approval of said plan. Any person who engages in the
11 grading or disturbance of any land in violation of the provisions contained in this section shall
12 be subject to an order to cease and desist such grading work.

13 Earth moving shall be kept to a minimum to protect and preserve the existing trees and
14 grasses and to keep erosion to a minimum. Graded and otherwise disturbed land shall be
15 stabilized to prevent erosion. Trees that are to remain shall be protected to prevent damage
16 to them during construction and development of the subdivision.

17 Section 3. That Section 26.27.060 of the Lincoln Municipal Code be amended
18 to read as follows:

19 **26.27.060 Land Preparation and Grading.**

20 Any cut, fill, and compaction of land within, and if applicable, adjacent to the
21 subdivision, shall be accomplished in accordance with design standards of the city and subject
22 to the approval of the Department of Public Works and Utilities. No person shall engage in
23 the grading or disturbance of any land one acre or greater ~~than two acres~~ in size without first
24 submitting a drainage and grading plan setting forth the requirements of the design standards
25 applicable to stormwater management, erosion, and sedimentation control and obtaining
26 approval of said plan. Any person who engages in the grading or disturbance of any land in
27 violation of the provisions contained in this section shall be subject to an order to cease and
28 desist such grading work. To control erosion and sedimentation during and after land
29 preparation, the subdivider, his successors and assigns shall provide for disturbing only the

1 areas needed for construction; removing only those trees, shrubs, and grasses that must be
2 removed by construction; installing required sediment basins and diversion dikes before
3 disturbing the land that drains into them; and temporarily stabilizing each segment of graded
4 or otherwise disturbed land by seeding and mulching or by other approved methods. As land
5 preparation is completed, the subdivider, his successors and assigns shall permanently
6 stabilize each segment with perennial vegetation and structural measures. Diversion dikes and
7 sediment basins shall be leveled after areas that drain into them are stabilized, and permanent
8 vegetation shall be established on those areas. Sediment basins that are to be retained for
9 storm water detention shall be seeded to permanent vegetation no later than nine months after
10 completion of the sediment basins and shall be permanently maintained by the subdivider or
11 his successors and assigns. The land shall be graded and shaped as per the approved grading
12 plan.

13 Section 4. That Section 26.31.040 of the Lincoln Municipal Code be amended
14 to read as follows:

15 **26.31.040 Sediment in Public Right-of-Way; Notice to Remove; Penalty.**

16 In addition to the penalty provided in § 26.31.030, any person responsible for sediment
17 deposited upon any street, alley, sidewalk, public way or public ground within the City as a
18 result of tracking, runoff or other erosion and sedimentation from a building or development
19 site shall remove the same within a reasonable period of time as shall be required by notice
20 signed by the Director of Public Works and Utilities or his or her authorized representative
21 and served upon such person responsible for sediment deposited personally or by certified
22 mail. Whenever the person responsible for sediment deposited upon any street, alley,
23 sidewalk, public way, or public ground within the City refuses or neglects to remove the same
24 after receiving notice as provided herein, it shall be the duty of the Director of Public Works
25 and Utilities or his or her designated representative to cause the same to be removed and the
26 expense of the removal shall be recoverable from the person responsible in an action at law.

27 Section 5. That Sections 26.11.038, 26.23.190, 26.27.060, and 26.31.040 of the
28 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

1 Section 6. That this ordinance shall take effect and be in force from and after its
2 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor