SENATE FILE 455 BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SF 34)

A BILL FOR

- 1 An Act relating to the regulation of topsoil and storm water at 2 construction sites.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.301, Code 2023, is amended by adding
2 the following new subsection:

3 <u>NEW SUBSECTION</u>. 22. *a.* For purposes of this subsection: 4 (1) *Construction site* means a site or common plan of 5 residential or commercial development or sale, including the 6 development of a single-unit or multiple-unit residential 7 building.

8 (2) "Topsoil" means the same as defined in section 208.2 and
9 includes amendments to topsoil.

10 b. A county shall not adopt or enforce an ordinance, 11 motion, resolution, or amendment relating to the preservation, 12 compaction, placement, or depth of topsoil at a construction 13 site.

14 (1) A county may adopt or enforce an ordinance, motion, с, 15 resolution, or amendment that regulates storm water runoff at a 16 construction site only to the extent that such regulation does 17 not require a post-construction storm water flow rate that is 18 more restrictive than the existing flow rate of the same storm 19 event, with all such runoff rates based on the actual existing 20 condition of the site at the time the construction commences. 21 (2) A county may adopt or enforce an ordinance, motion, 22 resolution, or amendment that regulates storm water runoff 23 from upstream properties adjacent to a construction site to 24 the extent that storm water runoff shall be allowed to pass 25 through downstream storm water basins at the same flow rates as 26 off-site storm water runoff entering the construction site. 27 Sec. 2. Section 364.3, Code 2023, is amended by adding the 28 following new subsection:

29 <u>NEW SUBSECTION</u>. 18. *a.* For purposes of this subsection: 30 (1) *Construction site* means a site or common plan of 31 residential or commercial development or sale, including the 32 development of a single-unit or multiple-unit residential 33 building.

34 (2) *Topsoil* means the same as defined in section 208.2 and 35 includes amendments to topsoil.

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b. A city shall not adopt or enforce an ordinance, motion,
 resolution, or amendment relating to the preservation,
 compaction, placement, or depth of topsoil at a construction
 site.

5 c. (1) A city may adopt or enforce an ordinance, motion, 6 resolution, or amendment that regulates storm water runoff at a 7 construction site only to the extent that such regulation does 8 not require a post-construction storm water flow rate that is 9 more restrictive than the existing flow rate of the same storm 10 event, with all such runoff rates based on the actual existing 11 condition of the site at the time the construction commences. 12 (2) A city may adopt or enforce an ordinance, motion, 13 resolution, or amendment that regulates storm water runoff from 14 upstream properties adjacent to a construction site only to the

15 extent that storm water runoff shall be allowed to pass through 16 downstream storm water basins at the same flow rate as off-site 17 storm water runoff entering the construction site.

18

EXPLANATION

19The inclusion of this explanation does not constitute agreement with20the explanation's substance by the members of the general assembly.

21 This bill relates to the regulation of topsoil and storm 22 water at construction sites. The bill prohibits a county 23 or city from adopting or enforcing an ordinance, motion, 24 resolution, or amendment relating to the preservation, 25 compaction, placement, or depth of topsoil at a construction The bill authorizes a county or city to adopt or enforce 26 site. 27 an ordinance, motion, resolution, or amendment that regulates 28 storm water runoff at a construction site only to the extent 29 that such regulation does not require a post-construction storm 30 water flow rate that is more restrictive than the existing flow 31 rate of the same storm event, with all such runoff rates based 32 on the actual existing condition of the site at the time the 33 construction commences. Additionally, a county or city may 34 adopt or enforce an ordinance, motion, resolution, or amendment 35 that regulates storm water runoff from upstream properties

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1 adjacent to a construction site only to the extent that storm

2 water runoff shall be allowed to pass through downstream storm

3 water basins at the same flow rate as off-site storm water

4 runoff entering the construction site.

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