

Senate File 455 - Reprinted

SENATE FILE 455
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 34)

(As Amended and Passed by the Senate March 15, 2023)

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 NEW SUBSECTION. 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 that is more restrictive than those requirements provided
14 in the national pollutant discharge elimination system general
15 permit no. 2 as issued by the department of natural resources.

16 *c.* (1) A county may adopt or enforce an ordinance, motion,
17 resolution, or amendment that regulates storm water runoff at a
18 construction site only to the extent that such regulation for
19 rainfall events having a return frequency ranging from five
20 through one hundred years does not require a post-construction
21 storm water flow rate that is more restrictive than the
22 existing flow rate of a rainfall event having a return
23 frequency of five years, with all such runoff rates based on
24 the actual existing condition of the site at the time the
25 construction commences.

26 (2) A county may adopt or enforce an ordinance, motion,
27 resolution, or amendment that regulates storm water runoff
28 from upstream properties adjacent to a construction site to
29 the extent that storm water runoff shall be allowed to pass
30 through downstream storm water basins at the same flow rates as
31 off-site storm water runoff entering the construction site.

32 Sec. 2. Section 364.3, Code 2023, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 18. *a.* For purposes of this subsection:

35 (1) "*Construction site*" means a site or common plan of

1 residential or commercial development or sale, including the
2 development of a single-unit or multiple-unit residential
3 building.

4 (2) "*Topsoil*" means the same as defined in section 208.2 and
5 includes amendments to topsoil.

6 b. A city shall not adopt or enforce an ordinance, motion,
7 resolution, or amendment relating to the preservation,
8 compaction, placement, or depth of topsoil at a construction
9 site that is more restrictive than those requirements provided
10 in the national pollutant discharge elimination system general
11 permit no. 2 as issued by the department of natural resources.

12 c. (1) A city may adopt or enforce an ordinance, motion,
13 resolution, or amendment that regulates storm water runoff at a
14 construction site only to the extent that such regulation for
15 rainfall events having a return frequency ranging from five
16 through one hundred years does not require a post-construction
17 storm water flow rate that is more restrictive than the
18 existing flow rate of a rainfall event having a return
19 frequency of five years, with all such runoff rates based on
20 the actual existing condition of the site at the time the
21 construction commences.

22 (2) A city may adopt or enforce an ordinance, motion,
23 resolution, or amendment that regulates storm water runoff from
24 upstream properties adjacent to a construction site only to the
25 extent that storm water runoff shall be allowed to pass through
26 downstream storm water basins at the same flow rate as off-site
27 storm water runoff entering the construction site.