CHAPTER 5

Storm Drainage

5.010 General

The standards established by this chapter are intended to represent the minimum standards for the design and construction of storm drainage facilities.

The *Drainage Design and Erosion Control Manual for Tumwater* is considered a part of the City of Tumwater Development Guidelines and Public Works Standards. This Drainage Manual sets forth minimum drainage and erosion control requirements. Where conflicting information occurs between this chapter and the Drainage Design and Erosion Control Manual, the most stringent standard shall apply.

A Grading Permit might be required when constructing storm pond facilities.

5.020 Purpose

The provisions of this chapter are intended to:

A. Provide standards and procedures for inspection, maintenance, and repair of storm water facilities in Tumwater to help contribute to an effective and functional storm water system.

B. Comply with Washington Department of Ecology (Ecology) and Puget Sound Water Quality Authority (PSWQA) regulations and requirements for local governments.

C. Authorize the Tumwater Storm water Utility to require that storm water facilities be inspected, maintained, and repaired in conformance with this Chapter.

D. Establish the minimum level of compliance which must be met.

E. Guide and advise all who conduct inspection, maintenance, and repair of storm water facilities.

F. Prevent harmful materials from leaking, spilling, draining, or being dumped into any public or private storm water system.

G. Provide a method of enforcement for compliance with this Chapter.

5.030 Definitions

For the purpose of this Chapter, the following definitions apply:

AKART - All Known, Available, and Reasonable methods of prevention, control, and Treatment.

“Best management practice” or “BMP” -- physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of storm water. BMP’s are listed and described in the Storm Water Management Manual.

“Director” - the Public Works department director and/or designees.

“Ground Water” - water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Harmful materials” - substances that may create a public nuisance or constitute a hazard to humans, animals, fish or fowl, or any solid, dangerous, or extremely hazardous waste.

“Harmful materials”- also include substances that, when released into the environment, may cause non-compliance Washington Administrative Code.

“Hyperchlorinated” - water that contains more than 10mg/Liter chlorine.

“Illicit Discharge” - any direct or indirect non-storm water discharge to the City’s storm drain system, except as expressly allowed by this chapter.

“Illicit connection” – any man-made conveyance that is connected to a municipal storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections and floor drains.

“Municipal separate storm sewer system (MS4)” - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

a. Owned or operated by the City of Tumwater;
b. Designed or used for collecting or conveying storm water;
c. Which is not part of a Publicly Owned Treatment Works (POTW) “POTW” means any device or system used in treatment of municipal

sewage or industrial wastes of a liquid nature which is publicly owned; and

d. Which is not a combined sewer. "Combined sewer" means a system that collects sanitary sewage and storm water in a single sewer system.

"National Pollutant Discharge Elimination System (NPDES) Storm water Discharge Permit" - a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

"Non-storm water discharges to the storm water system" - discharges to any portion of the public or privately owned storm water system that are not composed entirely of rainfall or snow melt. Examples may include, but are not limited to, sanitary wastewater, laundry wastewater, non-contact cooling water, vehicle wash wastewater, radiator flushing wastewater, spills from roadway accidents, and improperly disposed of motor oil, solvents, lubricants, and paints.

"Person" - any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local governmental unit, however designated.

"Pollutant" - anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

"Premises" - any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

"Storm water" - that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or a constructed infiltration facility.

“Storm water facility” - a component of a storm water system, designed and/or constructed to perform a particular function or multiple functions. Storm water facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, wet ponds, manufactured treatment devices, constructed wetlands, infiltration devices, catch basins, oil/water separators, and sediment basins. Storm water facilities are described in the Storm Water Management Manual.

“Storm Water Management Manual” or “Manual” - the Storm Water Management Manual for Western Washington prepared by the State Department of Ecology or any other technically equivalent manual.

“Storm water system” -- constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter storm water. “Storm water system” includes both public and privately owned features.

5.040 Design Standards

The following design considerations shall apply:

A. No retention/detention facility shall be located in an area that is used to satisfy an open space requirement unless it is approved during Site Plan Review (SPR) or by the City.

The City shall make the sole determination whether the proposed storm water facilities are compatible with open space and satisfy the intent of the City for open space amenities.

B. Infiltration trenches shall not be located under a public roadway prism.

C. Swales designed for transporting, storing and/or infiltrating storm water shall not be located on a lot designated for single family occupancy.

D. The use of commercial parking lots for detention of storm water is prohibited.

E. Maximum catch basin spacing shall be 300 feet on boulevards, arterials and collectors and 500 feet on all other street classifications.

F. The maximum depth of a retention or detention pond shall be 4.5 feet from the pond bottom to the top of the pond slope (not the water elevation). Deeper ponds may be allowed by the City's Drainage Manual Administrator. If ponds over 4.5 feet deep have side slopes steeper than 4:1 (horizontal: vertical), then benches that are a minimum 3 feet wide shall be required for every 4.5 feet of depth. If ponds over 4.5 feet deep have sides flatter than 4:1, benches are not required.

G. All residential single family, duplex and multi-family structures shall be required to install roof dry wells, gutters and downspouts or tie into the existing storm system as soon as practicable to reduce the possibility of erosion from the site.

The General Notes on the following pages shall be included on any plans dealing with storm systems in the City.

GENERAL NOTES (STORM DRAIN CONSTRUCTION)

1. All workmanship and materials shall be in accordance with City of Tumwater standards and the most current copy of the WSDOT/APWA *Standard Specifications for Road, Bridge and Municipal Construction*. In cases of conflict, the most stringent standard shall apply.

2. The contractor shall be in compliance with all safety standards and requirements as set forth by OSHA, WISHA and the State of Washington, Department of Labor and Industries.

3. The contractor shall be responsible for all traffic control in accordance with the WSDOT/APWA *Standard Plans for Road, Bridge and Municipal Construction* (all applicable "K" plans) and/or the *Manual on Uniform Traffic Control Devices* (MUTCD). Prior to disruption of any traffic, a traffic control plan shall be prepared and submitted to the City for approval. No work shall commence until all approved traffic control is in place.

4. All approvals and permits required by the City of Tumwater shall be obtained by the contractor prior to the start of construction. A grading permit for storm pond construction might be required.

5. If construction is to take place in the County right-of-way, the contractor shall notify the County and obtain all the required approvals and permits.

6. A preconstruction meeting shall be held with the City of Tumwater construction inspector prior to the start of construction.

7. The contractor shall be fully responsible for the location and protection of all existing utilities. The contractor shall verify all utility locations prior to construction by calling the Underground Locate line at 1-800-424-5555 or 811 a minimum of 48 hours prior to any excavation.

8. It shall be the responsibility of the contractor to have a copy of an approved set of plans on the construction site at all times.

9. All surveying and staking shall be performed by an engineering firm or surveying firm capable of performing such work. The surveyor directing such work shall be licensed as a Professional Land Surveyor by the State of Washington.

10. Temporary erosion control/water pollution measures shall be required in accordance WSDOT/APWA *Standard Specifications* and the *Drainage Design and Erosion Control Manual for Tumwater*. At no time, will silts and debris be allowed to drain into an existing or newly installed facility unless special provisions have been designed.

11. Storm drain pipe shall be on the WSDOT Qualified Products list for the specification listed below:

    A. Plain Concrete Storm Sewer Pipe or Reinforced Concrete Storm Sewer Pipe.

    B. Solid Wall PVC Storm Sewer Pipe.

    C. Ductile Iron Sewer Pipe.

    D. Hancor Blue Seal ™ and Advanced Drainage Systems (ADS) N-12 HDPE.

12. All storm drainage systems shall be air tested at 4 psi except concrete pipe which shall be tested per WSDOT/APWA standard for concrete storm pipe. All flexible pipe shall be mandrel tested per WSDOT/APWA standards. Testing shall be done by the contractor.

13. Testing of the storm sewer shall include videotaping of the main by the contractor. Immediately prior to videotaping, enough water shall be run down

the line so it comes out the lower catch basin. A copy of the video tape shall be submitted to the City of Tumwater. Acceptance of the line will not be made until after the tape has been reviewed and approved by the City. Testing shall take place after all underground utilities are installed and compaction of the roadway subgrade is complete.

14. Special structures, oil/water separators and outlet controls shall be installed per plans and manufacturers' recommendations.

15. All disturbed areas shall be seeded and mulched in accordance with the *Drainage Design and Erosion Control Manual for Tumwater*.

16. Any changes to the design shall first be reviewed and approved by the project engineer and the City of Tumwater.

19. All main lines for storm pipe shall be a minimum of 12-inch diameter. Catch basin crossings shall be a minimum of 8-inches.

20. Footing drains shall not tie into roof dry wells.

21. Provide down-turned elbows on the outlet pipes in catch basins and manholes.

22. Storm designs on private property shall be designed so there is no backwater in the piping system in the public right-of-way.

5.050 Zero Effective Impervious Surface Projects

A Zero Effective Impervious Surface Ordinance (ZEISO) has been adopted by the City. This allows for demonstration projects that deviate from current engineering designs and standards as set forth herein.

The Zero Effect Drainage Ordinance was adopted to:

- Provide those developing land the opportunity to demonstrate zero effective impervious surfaces;

- Improve the conditions of habitat and ground and surface waters within a watershed with innovative urban residential design and development techniques;

- Foster broad community acceptance of the use of significantly less impervious surface and greater natural habitat conservation on sites;

- Provide the opportunity to identify and evaluate potential substantive changes to land use development regulations which support and improve natural functions of watersheds.

Zero Effective Impervious Surface Projects shall be characterized by:

A. Innovative Site Design. Innovative site design means development techniques for development using creative approaches to site design, habitat and tree retention, significant reduction of impervious surfaces, changes in traditional site features such as roads and structures in favor of natural habitat features which result in zero or near-zero drainage discharge from the site after development.

B. Impervious Surface Reduction. Impervious surface reduction of total impervious surface to a small fraction of that which would result from traditional development. Such projects will place impervious surfaces in increments such that runoff travel distance to a vegetative buffer is minimized and does not exceed a maximum of fifteen feet.

C. Retention or Restoration of Forested Areas. Landscaped areas within such projects will be minimized and buffered on the down-slope side by a forested area. Forested means a treed area which functions, or which over time, will be restored to function as a mature forest characterized by an undisturbed understory. A forested area shall comprise at least 60% of the land area upon which the project is located. The forested area shall be maintained in perpetuity and shall substitute for a traditional drainage system. It is preferred that the site for such projects be characterized by a predominance of Soils Conservation Service Class C or D soils.

Deviations shall be based on the following criteria:

A. The deviations contribute to and are consistent with the intent of this chapter.

B. The proposed development project offers reasonable assurance that near zero effect impervious surface will be achieved and maintained.

C. The deviations do not threaten public health or safety.

D. The deviations are consistent with generally accepted engineering and design criteria, except as necessary to achieve the purposes set forth herein. In addition, the deviations shall not lessen regulations regarding protection of life and property nor shall they decrease the requirement for fire department access, water supplies or protection of life and property from intrusion of fire from wild land or heavily vegetated areas.

E. The deviations promote one or more of the following:

1. Innovative site or housing design furthering the purposes of this program;

2. Increased on-site storm water retention using a variety of native vegetation;

3. Retention of at least 60 per cent of the native forested conditions over the site. The forest shall be used to buffer impervious surfaces and should not be clustered on the site or segregated from impervious surfaces.

F. The deviations do not allow density greater or lesser than what would otherwise be allowed under city regulations. The deviations do not allow any relaxation of the critical areas regulations. The applicant will be required to list and document the justification for each deviation requested. In order for such a project to be approved, it must be demonstrated that the project meets all other requirements of the Tumwater Municipal Code except for such specific deviations and that such project has a reasonable assurance of long term success. There shall be submitted, in conjunction with each such project, covenants, conditions and restrictions which will be binding upon the property and which require forest retention, no net increases in impervious surface and such other critical features as the city may require.

G. Zero Effective Discharge Project Requirements:

1. Native Growth Protection Areas shall count toward the 60% forested cover. Lots shall be considered cleared areas and shall not count toward the 60% forested cover, regardless of covenants restricting clearing.

2. Roads should run perpendicular to contour lines for slopes up to 10% and parallel to contour lines for steeper slopes to the

maximum extent possible; roads on 5% or steeper grades that are perpindicular must have water stops (such as a geotextile) every 50 feet to prevent piping in the ballast. The water stops shall be constructed the full width of and perpendicular to the road between the subgrade and the top of the ballast to create a barrier to subsurface water flow.

3. Driveways must be shared where such sharing results in reduced impervious surface.

4. Roof runoff must be infiltrated in dry wells, collected in cisterns and used for domestic purposes, or partially retained on a vegetated or garden roof.

5. Covenants shall describe sanctions against tree removal and the addition of impervious surfaces for patios, tennis courts, etc. Raised decks that allow the passage of water through decking shall not be considered impervious.

6. Covenants shall describe provisions for maintenance of private streets.

The deviations do not allow density greater than what would otherwise be allowed under current City regulations.

The applicant will be required to list and document the justification for each deviation requested. There shall be in conjunction with each such project, in recordable form, covenants, conditions and restrictions which will be binding upon the owners of the real property, their heirs and assigns and which require forest retention, no net increase in impervious surface and such other critical features as the City may require. Such document shall include a specific land clearing and tree retention plan which shall be referenced upon the face of the plat or binding site plan.

Each proposed project shall be accompanied by a proposed monitoring and evaluation process designed to measure the performance of specific elements addressed in the deviations sought for the project.

5.060 Landscape Considerations

The final landscape design shall be prepared by a licensed landscape architect or certified nursery person. Wherever possible, existing trees and other native vegetation around the facility shall be saved.

New vegetation will need to be planted regardless of how much is cleared. Plantings should be designed with specific functions in mind: soil preservation, erosion control, evapotranspiration, screening, space definition, sun and shade, and others. Use a combination of trees, shrubs and groundcovers to provide variety and interest. Plant at least three different species of trees and shrubs.

Native plants that will tolerate flooding and wet conditions are preferred. To ensure survival of newly planted native vegetation, it is recommended that the plants be irrigated for the first season. In wet ponds with standing water, wetland herbaceous species (sedges, rushes, etc.) must be included.

Regional wet ponds located in commercial developments should be designed with consideration for pedestrian and passive recreation facilities. Amenities around regional wet ponds such as picnic tables, benches, gazebos, etc. are encouraged. Aeration and/or recirculation of the water, such as waterfalls, cascades and fountains, should be considered to reduce the potential for odors to develop during the warmer months, to add visual interest, reduce the proliferation of mosquitos and to mask unwanted traffic noise.

5.070 Conveyance

Pipe: Storm drain pipe within a public right-of-way or easement shall be sized to carry the maximum anticipated runoff from the contributing area using a 25 year, 24 hour storm event model or a continuous time series model with 25 year conditions, whichever is more stringent.

The minimum cover for storm drain pipe shall be two (2) feet. All pipe specified where the cover is two (2) feet or less shall be ductile iron.

Channels: The City encourages the use of open vegetated channels to convey storm water runoff when possible. Any open channels proposed to be located within public right-of-way shall require special approval from the Director of Public Works.

5.080 Staking

All surveying and staking shall be performed by engineering or surveying firms capable of performing such work. The surveyor directing such work shall be licensed as a Professional Land Surveyor by the State of Washington.

The minimum staking of storm sewer systems shall be as directed by the city inspector or as follows:

A. Stake centerline alignment every 50 feet with station and cut or fill to invert of pipe.

B. Stake location of all catch basins, manholes and other fixtures for grade and alignment with cut or fill to rim and inverts of all pipes.

C. Grade stake or slope stake (as appropriate) at intervals, sufficient to control location, size and depth of retention/detention facilities.

5.090 Maintenance

The City shall maintain all storm water system elements such as catch basins, oil water separators, and conveyance systems located within the public rights-of-way. The development's owner or homeowner's association shall be responsible for maintaining the on-site storm water facilities including, but not limited to, the on-site ponds, and catch basins and conveyance systems within private roads.

5.100 Storm Drain Marking

Each catch basin or grated manhole must have a message cast into the catch basin cover that reads as follows:

"Dump No Waste
Drains To (Stream) (Groundwater)"

In addition, each catch basin or manhole grate shall have a marker applied. Markers can be obtained free of charge from the Public Works Department at Tumwater City Hall.

5.110 Maintenance Requirements

All storm water facilities in the City of Tumwater, both public and private, shall be maintained according to this Chapter, maintenance guidelines specific to the storm water facility, and the Minimum Maintenance Requirements and Standards of the Manual.

5.120 Minimum Requirements

A. All storm water facilities shall be inspected at regular intervals and maintained and repaired as needed to comply with the approved designs for the storm water facilities, storm water permits which may be issued by the City of Tumwater, the State Department of Ecology or the Environmental Protection Agency (EPA), applicable construction standards and the minimum requirements as stated in the Storm Water Management Manual.

B. All storm water facilities shall be inspected by the City on a periodic basis. If during an inspection, a facility is found to not be in compliance, then all subsequent inspection and maintenance intervals shall be scheduled more frequently in order to assure future compliance.

5.130 Disposal of Waste from Maintenance Activities

A. Disposal of waste from maintenance activities shall be conducted in accordance with the WAC, the State Department of Ecology guidelines for disposal of waste materials from storm water maintenance activities, and the Storm Water Management Manual.

B. In addition to any of the above mentioned existing regulations and guidelines, the storm water utility may develop additional requirements for handling and disposal of waste generated from maintenance activities within Tumwater which, upon adoption, shall also apply.

Additional requirements shall be placed in the Storm Water Management Manual.

5.140 Compliance Required

Unless otherwise specified by agreement, property owners are responsible for the maintenance, operation, and repair of storm water systems and BMP's within their property or development. Property owners shall maintain, operate, and repair these facilities in compliance with the requirements of this chapter and the Storm Water Management Manual.

5.150 Inspection Authority

During routine maintenance inspections to determine compliance or whenever there is cause to believe that a violation of the chapter has been or is being committed, the City is authorized to inspect, during regular working hours and at other reasonable times, all storm water systems within Tumwater.

5.160 Inspection and Minimum Maintenance Requirements

These maintenance standards are intended to give support and guidance to all persons and property owners who must comply with the Drainage Design and Erosion Control Manual. All privately owned storm water systems shall be maintained by the owner at his/her expense. The City of Tumwater Public Works will complete and file a status report with the property owner or his/her designee after inspections have been completed. The minimum requirements listed herein will be subject to review and revision by the City on an annual basis.

A. All parts of privately owned storm water systems shall be maintained and/or restored to assure performance as designed and intended. All physical parts of the storm water system shall be repaired and maintained per the City of Tumwater Development Guidelines, Public Works Standards and the Drainage Manual

B. Storm water system modifications or major repairs must be reviewed and approved by the City of Tumwater prior to implementation. This is required to ensure that the intent of the originally approved storm water system is achieved. The City may require the property owner to submit detailed drawings and/or specifications regarding proposed modifications and/or repairs.

C. The City may require either partial or complete cleaning of a storm water system whenever a prohibited substance is found to be present in a storm water system.

D. A licensed, bonded, and insured contractor must accomplish all maintenance of privately owned storm water systems except for normal vegetation maintenance of facilities.

E. All State and Federal confined space entry regulations and requirements must be followed.

F. All privately owned pipes, catch basins, manholes, inlets, ditches, swales/bio-swales, detention/retention systems, vaults, water quality facilities, flow control oil/water separators, sedimentation ponds, and stream channels located on (or running through) commercial properties, multi-family developments, private plats, and private short plats shall be inspected every year by the City and property owner.

H. At a minimum, the following storm water system maintenance shall be required:

1. Pipes and piped detention/retention systems, which are 10% or more obstructed, must be cleaned. Catch basins, manholes, and inlets must be cleaned when accumulation of material in the catchment reaches a volume of 60% capacity (the volume from the bottom of the structure to the bottom of the outlet pipe).

2. All surface inlets must be cleared of leaves and debris so that they can readily accept water.

3. All surface areas must be maintained to ensure runoff can flow directly to the catch basin as designed and approved.

4. Ditches, swales/bio-swales, detention/retention ponds, sedimentation ponds, vaults, and water quality facilities shall be cleaned and/or obstructions removed when flow is impeded; and/or the capacity of the ditch, swale, or water quality facility has been reduced by 20% or more.

5. Flow control oil/water separators shall be maintained when sediment/debris reaches a volume of 20% capacity or a visible oil sheen is present.

6. Constructed stream channels shall be cleaned and/or have obstructions removed when flow is impeded and/or the capacity has been reduced by 20% or more.

7. Unstable and eroding stream channels and sedimentation ponds shall require maintenance and/or repair.

8. Vegetation in and around the facility shall be maintained to prevent any impedance to performance of the system. Because the presence of vegetation can be both integral to water quality treatment and aesthetics, facility owners are expected to maintain established, healthy vegetation.

I. Allowable Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

- Diverted stream flows.
- Rising ground waters.
- Uncontaminated ground water infiltration.
- Uncontaminated pumped ground water.
- Foundation drains.
- Air conditioning condensation.
- Irrigation water from agricultural sources that is commingled with urban storm water.
- Springs.
- Water from crawl space pumps.
- Flows from riparian habitats and wetlands.
- Discharges from emergency fire-fighting activities.

5.170 Inspection Procedures

A. Inspection procedures will be maintained and updated as necessary.

B. Prior to making any inspections on private property that has no dedicated access easements to the City, the inspector shall present

identification credentials, state the reason for the inspection, and request entry.

C. If the property or any building or structure on the property is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

D. If after reasonable effort the inspector is unable to locate the owner or other person(s) having charge or control of the property and has reason to believe the condition of the storm water system creates an immediate hazard to persons or property, the inspector may enter the property.

E. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property, conditions are reasonably believed to exist which create imminent hazard, the inspector shall obtain a search warrant prior to entry as authorized by the laws of the State of Washington.

5.180 Inspection and maintenance records

Owners of storm drainage systems will be required to provide the City with all existing inspection, maintenance, and repair records, as well as any record drawings or diagrams that they may have for their storm drainage systems when requested.

5.190 Enforcement Authority

The City of Tumwater is obligated to monitor and enforce water quality standards in conformance with the Clean Water Act of 1972.

5.200 Enforcement Policy

A. Where maintenance and repair is found necessary to correct health or safety problems, to control harmful materials entering the storm water system, or to remove harmful materials that have entered the storm water system, such work shall be completed by the owner or operator of the storm water system or storm water facility within twenty-four (24) hours of notification of the person or entity responsible for maintenance. When maintenance and repair is found necessary to prevent water quality degradation, such work shall be completed within seven (7)

calendar days of notification, unless there is a severe water quality hazard, in which case such work shall be completed immediately. Other related problems, maintenance, or repairs shall be completed within thirty (30) calendar days of notification of the person or entity responsible for such maintenance.

B. In the event a valid response is not received nor the violations corrected, a second letter describing the violations shall be sent in accordance with the procedures set forth above. This second notice shall allow fourteen (14) calendar days for abatement of the violation, or a valid response, to negotiate a schedule.

C. Failure to abate the violation or negotiate a schedule within fourteen (14) calendar days of the issuance of the second letter shall be deemed a misdemeanor.

5.210 Orders

The City shall have the authority to issue to an owner or person(s) representing an owner an order to maintain or repair a component of a storm water facility or BMP to bring it into compliance with this chapter, the Storm Water Management Manual, and/or other City regulations. The order shall include:

A. A description of the specific nature, extent and time of the violation, and the damage or potential damage that reasonably might occur.

B. A notice that the violation or the potential violation cease and desist, and in appropriate cases, the specific corrective action to be taken.

C. A reasonable time to comply. However, in the event the violation is reasonably believed to create an imminent hazard the City shall have the authority to issue an emergency cease and desist order. Such order shall require immediate compliance with the provisions of this chapter by halting operations and/or terminating discharges.

D. Penalties may be incurred by any owner of a storm water system not in compliance with this chapter.

E. An order to the owner to provide to the City a detailed plan which may include drawings and steps that will be taken to achieve compliance within a specified time. This plan is subject to approval by the City.

5.220 Penalty for Violations

A. Persons Subject to Penalty. Any person who violates or fails to comply with the requirements of this chapter or who fails to conform to the terms of an approval or order issued by the City may be charged with a misdemeanor. Each day of continued violation shall constitute a separate violation for purposes of this penalty.

B. Aiding and Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation of the chapter, and be subject to enforcement action.

C. Re-inspection Fees. In addition to the penalties to be imposed, the City may impose a re-inspection fee for any account or storm drainage facility found to be out of compliance with this chapter. This inspection fee shall be independent of any current or future penalties that may be incurred by the property owner for noncompliance.

D. Disconnection from the MS4. Illicit connections, illicit discharges, or continued failure of the property owner to comply with the provisions of this chapter may result in disconnection from the MS4.