

## ARTICLE III. - STORMWATER SYSTEM

## Sec. 74-61. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authorized official* means any employee of the city authorized in writing by the director to administer or enforce the provisions of this article.

*Director* means the director of public works.

*Discharge* means any direct or indirect entry of any solid, liquid or gaseous matter.

*Site of industrial activity* means any area or facility used for manufacturing, processing or raw materials storage, as defined under 40 CFR 122.26(a)(14) of regulations of the U.S. Environmental Protection Agency, as amended.

*Stormwater* means any stormwater runoff, and surface runoff and drainage.

*Stormwater system* means the system of conveyances used for collecting, storing, and transporting stormwater owned by the city but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

(Code 1987, § 102.01)

**Cross reference**— Definitions generally, § 1-2.

## Sec. 74-62. - Enforcement.

- (a) *Injunctive relief.* Any violation of any provision of this article, or of any regulation or order issued hereunder, shall be subject to injunctive relief if necessary to protect the public health, safety or general welfare.
- (b) *Continuing violation.* A person shall be deemed guilty of a separate violation for each and every day during any continuing violation of any provision of this article or of any regulation or permit issued hereunder.
- (c)

*Enforcement actions.* The director may take all actions necessary, including the issuance of notices of violation and the filing of court actions and/or referral of this matter to the code enforcement board to require and enforce compliance with the provisions of this article and with any regulation or permit issued hereunder.

(Code 1987, § 102.05)

Sec. 74-63. - Inspections and monitoring.

Whenever necessary to make an inspection to enforce any of the provisions of this article, or regulation or permit issued hereunder, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a violation of any of the provisions of this article, or regulation or permit issued hereunder, any authorized official may enter any property, building or facility at any reasonable time to inspect the same or to perform any duty related to (including but not limited to a site of industrial activity) to undertake such reasonable monitoring of any discharges to the stormwater system and to furnish periodic reports.

(Code 1987, § 102.06)

Sec. 74-64. - Industrial activity.

- (a) *General provisions.* Any discharge into the stormwater system in violation of any federal, state, county, municipal or other law, rule, regulation or permit is prohibited.
- (b) *Specific prohibitions.* By adoption of industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the director may impose reasonable limitations as to the quality of stormwater (including without limitation the designation of maximum levels of pollutants) discharged into the stormwater system from sites of industrial activity. Any promulgation of such regulations and issuance of permits by the director shall be in accordance with applicable law.
- (c) *Administrative order.* The director may issue an order to any person to immediately cease any discharge determined by the director to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

(d)

*NPDES permits.* Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the director no later than the latter of: 60 calendar days after the effective date of the ordinance from which this article was derived or 60 calendar days after issuance.

(Code 1987, § 102.02)

Sec. 74-65. - Illicit discharges.

- (a) *General prohibitions.* Except as set forth in subsection (c) of this section or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.
- (b) *Specific prohibitions.* Any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.
- (c) *Authorized exceptions.* Unless the director determines that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibition set forth in subsection (a) of this section: flows from firefighting, water line flushing and other contributions from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, direct infiltration to the stormwater system, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, and dechlorinated swimming pool contributions.
- (d) *Illicit connections.* No person may maintain, use or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this article. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.
- (e) *Administrative order.* The director may issue an order to any person to immediately cease any discharge, or any connection to the stormwater system, determined by the director to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

(Code 1987, § 102.03)

Sec. 74-66. - Spills and dumping.

- (a) *General prohibitions.* Except as set forth in section 74-65, or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.
- (b) *Specific prohibitions.* Any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.
- (c) *Notification of spills.* As soon as any person has knowledge of any discharge to the stormwater system in violation of this article, such person shall immediately notify the director by telephone or other direct means and if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such telephone notification in writing to the director within three calendar days.
- (d) *Administrative order.* The director may issue an order to any person to immediately cease any discharge, or connection to the stormwater system, determined by the director to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

(Code 1987, § 102.04)

Secs. 74-67—74-70. - Reserved.