

## ORDINANCE NO. 226

### AN ORDINANCE TO REGULATE STORM WATER RUNOFF

#### Section I. Purpose/Intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Detroit, Oregon, through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants to the City's storm discharge system in order to comply with requirements of the Clean Water Act. The objectives of this ordinance are:

1. To regulate the contribution of pollutants to the City's storm discharge system by stormwater discharges by any user
2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

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#### Section II. Definitions.

For the purposes of this ordinance, the following shall mean:

**Authorized Enforcement Agency.** Employees or designees of the city designated to enforce this ordinance.

**Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Illegal Discharge.** Any non-exempt direct or indirect non-storm water discharge to the storm drain system.

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 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 Discharge.** Any discharge to the storm drain system that is not composed entirely of storm water.

**Person.** Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**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; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, 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.

**Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

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**Section III. Applicability.**

This ordinance shall apply to all water entering the City's storm water runoff system generated on any developed and undeveloped lands.

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**Section IV. Responsibility for Administration.**

The City of Detroit shall administer, implement, and enforce the provisions of this ordinance.

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**Section V. Severability.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

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**Section VI. Discharge Prohibitions.**

**Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, fire fighting activities, and any other water source not containing Pollutants.
2. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
3. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### **Prohibition of Illicit Connections.**

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

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#### **Section VII. Watercourse Protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that

such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

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**Section VIII. Notification of Spills.**

The public is encouraged to report violations immediately.

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**Section IX. Enforcement.**

**A. Notice of Violation.**

Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City and/or its authorized enforcement officers may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator and include a 10% administrative fee.

**B. Penalty.**

Any person violating any provision of this ordinance, as not constituted or hereafter amended or revised, commits an infraction and shall be subject to the procedures and penalties of City of Detroit, Oregon Ordinance No. 207, as not constituted or hereafter amended or revised.

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**Section X. Violations Deemed A Public Nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public

health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

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**Section XI. Remedies Not Exclusive.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

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**Section XII. Adoption of Ordinance.**

**THE CITY OF DETROIT ORDAINS AS FOLLOWS:**

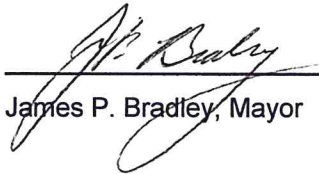
The City Council for the City of Detroit completed its first reading on August 9, 2011; and completed the 2<sup>nd</sup> reading on September 13, 2011, the City of Detroit notes that this Ordinance takes effect within thirty (30) days, and therefore, this Ordinance shall be in full force and effect September 14, 2011.


First Reading: August 9, 2011

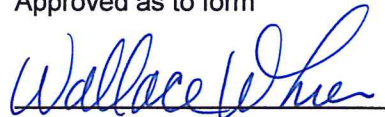
Second Reading: September 13, 2011

**PASSED** and adopted by the City Council of the City of Detroit on this 13th day of September, 2011, by the following votes and providing an effective date of September 14, 2011.

Ayes 6      Nays 0      Absent 1

  
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James P. Bradley, Mayor

Attest  
  
\_\_\_\_\_  
Christine Pavoni, City Recorder

Approved as to form  
  
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Wallace W. Lien, City Attorney