

City of Northville
Proposed Amendment to Code of Ordinances
Chapter 86 Utilities

At its regular meeting on May 6, 2019, the Northville City Council will consider introducing for first reading text amendments to Chapter 86 Utilities in the Code of Ordinances. The proposed ordinance amends Article III Stormwater to add Division 1 Generally, and Division 2 Stormwater Management – Illicit Discharge to provide for the health, safety and general welfare of the citizens of the City of Northville through the regulation of non-storm water discharges to the storm drainage system as required by federal and state law.

Public comments will be received at the City Council meeting scheduled for May 6, 2019 at 7:00 p.m. at the City of Northville Municipal Building, 215 W. Main Street, Northville, Michigan, 48167, 248-349-1300. Written comments may also be submitted to the above address. Complete text of the proposed ordinance amendment is available for review at the City Clerk's Office during normal business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, local prevailing time or on the City's website www.ci.northville.mi.us.

POSTED: April 25, 2019

DIANNE MASSA, CMC, CITY CLERK

ORDINANCE NO. _____

**CITY OF NORTHVILLE
OAKLAND AND WAYNE COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND THE CITY OF NORTHVILLE CODE OF ORDINANCES TO AMEND CHAPTER 86 UTILITIES TO ADD STORMWATER MANAGEMENT - ILLICIT DISCHARGE WHICH REGULATES ILLICIT DISCHARGE IN THE CITY.

Section 1. The City of Northville Ordains:

Chapter 86 Utilities, Article III Stormwater is amended to add Stormwater Management – Illicit Discharge.

Section 2. Amend Article III Stormwater by adding the text “Division 1 Generally.”

(additions are underlined, deletions are ~~strike thru~~)

ARTICLE III. - STORMWATER

Division 1 – Generally.

Sec. 86-101. - 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:

Sanitary sewer system means that system of sewers and appurtenances which directly or indirectly connects with and discharges into the Middle Rouge Sanitary Sewer System.

(Code 1980, § 7-502) ~~Cross reference~~— Definitions generally, § 1-2.

Sec. 86-102. - Entry into sanitary sewers prohibited; exception.

No surface or stormwater from any source shall be allowed or permitted to enter the sanitary sewer system of the city, and no connections shall be made or permitted which would allow other than sanitary sewage to flow into the system, except as is provided in this article.

(Code 1980, § 7-501)

Sec. 86-103. - Direction of drainage from surfaces at or above building grade line.

In all cases of improved surfaces at or above the building grade line including, but not being limited to, driveways, courts, patios and sidewalks, they shall be so constructed or altered so that any water on the same shall drain away from the building and in a direction approved by the city. In the case of existing construction, the city manager, or his representative, may require the alteration of such improved surfaces if he finds that the existing condition is causing stormwater and surface water to drain into the city sanitary sewer system. (Code 1980, § 7-504)

Sec. 86-104. - Regulation of below grade drainage.

- (a) In all cases of below grade drainage including, but not being limited to, footing tiles, sunken patios and underground springs, such drainage shall be constructed in such a manner as to preclude their draining into the sanitary sewer system. In the case of existing construction, the city manager, or his representative, may require the alteration of such drainage system if he finds that it is causing water to flow into the sanitary sewer system.
- (b) All footing drain discharge shall be deposited into the storm sewers or other stormwater drainage facility in accordance with the plumbing code of the city, or upon the surface of the ground in those instances where no storm drainage facility is available.
- (c) Where such footing drain discharge is deposited upon the surface of the ground, the place of deposit shall be in that yard area that drains directly to a street, road or alley, or to that yard which contains a drainage easement, without crossing another parcel of land. Discharge of such water upon the surface of the ground shall be carried not less than three feet from the foundation walls by means of splash blocks which shall be installed at the time of construction, and shall not discharge on the surface of the ground within the street right-of-way or within 20 feet of such right-of-way.
- (d) Where footing drain discharge is ejected or carried to the drainage system by means of a pump or lift, and where it is not deposited on the surface of the ground, there shall be a relief line installed wherever there is a probability that the drainage system may become inoperative due to freezing or surge changing. Such systems shall be protected against backflow as required by the applicable sections of the city plumbing code.
(Code 1980, § 7-505)

Sec. 86-105. - Enforcement; authority of city to enter private property.

For the purpose of the enforcement of this article, the city manager, or his representative, is hereby authorized to go upon private property for the purpose of making tests or ascertaining whether there exists a condition which violates the provisions of this article. (Code 1980, § 7-506)

Sec. 86-106. - Adoption of county storm water management ordinance.

The ordinance of the city which regulates storm water management, being the Wayne County Storm Water Management Ordinance, adopted by the city on June 4, 2001, is hereby incorporated into this chapter and made a part of this chapter by reference. A copy of this ordinance shall be maintained on file in the office of the city clerk.
(Ord. No. 5-21-01A, 6-4-01)

~~Secs. 86-107—86-130. Reserved.~~

Section 3. Add “Division 2 Stormwater Management – Illicit Discharge.”

Division 2 – Illicit Discharge Elimination Program.

Sec. 86-107. – Statement of purpose.

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-stormwater 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 into the municipal storm sewer system in order to comply with requirements

of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Ordinance are:

- (1) To regulate the contribution of pollutants to the municipal storm sewer system by stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the municipal storm sewer system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

Sec. 86-108. – Definitions.

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

Authorized enforcement agency means the City of Northville, through its Public Works Department by its Director of Public Works and his/her authorized representatives, which shall specifically include all inspectors and code enforcement, and any other individual designated by the City Manager of the City of Northville to enforce this Ordinance. Where applicable the terms may also mean the director of the Michigan Department of Environmental Quality or his/her designated official, and/or the United States EPA Administrator or his/her designated official.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City means the City of Northville.

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

County means the Counties of Oakland and Wayne

Construction activity means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of five acres or more requiring an issued permit and small construction activities impacting one to five acres of land deemed to operate under a national permit. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Hazardous materials means 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 means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 86-112 of this Ordinance.

Illicit connections mean either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited, to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to

enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

MS4 means a municipal separate storm sewer system.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by United States Environmental Protection Agency (EPA), or by the State of Michigan under authority delegated pursuant to 33 USC § 1342(b) and codified in the Michigan Natural Resources and Environmental Protection Act Protection at MCL 324.101, et seq., that authorizes the discharge of pollutants to waters of the United States or State of Michigan, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

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 means 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, articles, 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 means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm sewer system or storm drainage system means a publicly owned facility by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Sec. 86-109. – Applicability.

This Ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless expressly exempted by an authorized enforcement agency.

Sec. 86-110. – Enforcement; responsibility for administration.

This Ordinance shall be enforceable by the City Code Enforcement Officer at the direction of the Director of Public Works or other authorized enforcement agency.

Sec. 86-111. – Minimum standards.

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore, this Ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 86-112. – Discharge prohibitions

A. Prohibition of illegal discharges.

No person shall discharge or cause to be discharged into the 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 stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited; however, the following discharges are exempt from prohibition as described:

(1) The discharges and flows from firefighting activities if they are identified as not being a significant source of pollutants to the waters of the state.

(2) Discharges specified in writing by the Director of Public Works as being necessary to protect public health and safety.

(3) Dye testing, when there has been verbal notification to the Director of Public Works and state department of environmental quality procedures have been followed.

(4) Discharges 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.

(5) The following discharges or flows if they are identified as not being a significant contributor to violations of water quality standards: water line flushing and discharges from potable water sources; landscape irrigation runoff, lawn watering runoff, and irrigation waters; diverted stream flows and flows from riparian habitats and wetlands; rising groundwaters and springs; uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits; foundation drains, water from crawl space pumps, footing drains and basement sump pumps; air conditioning condensation; waters from noncommercial car washing; street wash water; dechlorinated swimming pool water from single-, two- or three-family

residences. Other swimming pools shall not be discharged to stormwater or to surface waters of the state without NPDES permit authorization from the MDEQ.

B. 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.

(3) A person is considered to be in violation of this article if the person connects a line conveying sewage to a storm drain system or MS4, or allows such a connection to continue.

C. Prohibition of Direct Dumping or Disposal of Materials into the MS4.

(1) The direct dumping of materials or discharges into the MS4 is prohibited except for those illicit discharges identified as not being a significant contributor to violations of water quality standards.

Sec. 86-113. Right of entry.

The Director of Public Works and the City's Code Enforcement Officer, or other authorized enforcement agency shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing of suspected non-stormwater discharges in accordance with the provisions of this article. Refusal of reasonable access to the Director of Public Works, the City's Code Enforcement Officer, and/or representatives of the authorized enforcement agency to any part of the premises is a violation of this article.

Sec. 86-114. – Suspension of storm sewer system access.

A. Suspension due to illicit discharges in emergency situations.

The Code Enforcement Officer at the direction of the Director of Public Works or other authorized enforcement agency may seek immediate injunctive relief to suspend storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or the Waters of the United States or this state. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or waters of the United States or this state, or to minimize danger to persons.

B. Suspension due to the detection of illicit discharge.

Any person discharging to the storm sewer system in violation of this article may have their storm sewer system access terminated by order of the District Court, or other court of competent jurisdiction, if such termination would abate or reduce an illicit discharge. The Code Enforcement Officer or the Director of Public Works will notify a violator of the proposed termination of its storm sewer system access. The violator may petition the city engineer for reconsideration and hearing.

Sec. 86-115. – Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city engineer prior to the allowing of discharges to the MS4.

Sec. 86-116. – Monitoring of discharges.

The Director of Public Works has the right to require non-residential dischargers to install monitoring equipment as necessary, in accordance with Court Order, if a non-stormwater discharge is suspected. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

Sec. 86-117. – Requirements to prevent, control, and reduce storm water pollutants by the use of best management practices.

The Director of Public Works or his designee will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 86-118. – Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 86-119. – Enforcement.

A. Notice of Violation

Whenever the Director of Public Works or his designee determines that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City of Northville may issue a notice of violation to the responsible person and the owner of the property where the violation is occurring- requiring compliance within a period set forth within the notice. 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 of hazards and the restoration of any affected property; and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

B. Abatement of a Violation.

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 advise that, should the violator fail to remediate or restore within the established deadline, the City may issue a municipal civil infraction citation and may seek an order of the District Court, or file a civil suit with a court of competent jurisdiction requiring the restoration to be completed within an established deadline and authorizing the City or its designee to complete the work at the violator’s expense.

C. Penalties.

Violations of this Article shall be a municipal civil infraction as set forth within Section 1-19 et seq., of this Code.

Sec. 86-120. – Cost of the abatement of the violation.

In the event the violator fails to correct the violation as required, and the City undertakes the corrective action in accordance with an order of the District Court, or other court of competent jurisdiction, within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The court order may provide that if the amount due is not paid within a timely manner, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Unpaid assessments may be placed on the City’s delinquent tax roll and may be collected as unpaid taxes.

Sec. 86-121. – 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, including, but not limited to circuit court actions in law or equity.

Sec. 86-122 – Sec. 86-130 Reserved.

Section 3. Rights and Duties:

Rights and duties which have matured, penalties which have incurred, proceeding which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

Section 4. Severability:

The various parts, sections, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph, or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 5. Effective Date:

This ordinance shall be published per the requirements set forth in Chapter 7 of the City Charter, that being published by the tenth day following adoption and effective on the day following publication.

The foregoing ordinance amendment is a true and correct copy of the ordinance adopted at the regular meeting of the City Council of the City of Northville held on _____ at 7:00 p.m. in the City of Northville Municipal Building, 215 W. Main Street, Northville, Michigan 48167, Counties of Oakland and Wayne.

Ken Roth, Mayor
City of Northville

Dianne Massa, City Clerk
City of Northville

The undersigned certifies foregoing ordinance was:

Introduced:
Adopted: By a vote of:
Published:
Effective:

Dianne Massa, City Clerk
City of Northville