

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF WALLED LAKE

ORDINANCE NO. C-359-21

AN ORDINANCE TO AMEND CHAPTER 34
“ENVIRONMENT”, OF THE CITY OF WALLED LAKE
CODE OF ORDINANCES ARTICLE V “ILLICIT STORM
WATER DISCHARGES” TO ADOPT STORMWATER
MANAGEMENT STANDARDS AND REGULATE ILLICIT
DISCHARGES INTO THE CITY’S STORM WATER
DRAINAGE SYSTEM.

THE CITY OF WALLED LAKE ORDAINS:

Section 1 of Ordinance

Chapter 34 “Environment”, Article V, “Illicit Stormwater Discharges” of the Code of Ordinances, City of Walled Lake, Michigan, is hereby amended in its entirety to read as follows:

ARTICLE V. STORMWATER MANAGEMENT

DIVISION 1. IN GENERAL

Sec. 34-221. Purpose.

The purposes of this Article include the following:

- (1) Protect and enhance the water quality of local watercourses, waterbodies, and groundwater pursuant to and consistent with the Clean Water Act.
- (2) Control stormwater and non-stormwater discharges to stormwater conveyances and reduce pollutants in stormwater discharges.
- (3) Provide standards and stormwater system controls, including the adoption of county standards, for the design, construction, operation, utilization and maintenance of stormwater management best management practices (BMPs) for water quality treatment, channel erosion protection, and flood prevention.
- (4) Protect the health, safety and welfare of the public, persons and property from harm resulting from improper or unsafe stormwater runoff, flooding, and mitigation of public nuisances

Sec. 34-222. 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:

Best management practices (BMPs). BMPs include a broad range of physical structures, plantings, or management practices. The common denominator that makes them BMPs is that they either reduce stormwater runoff, reduce pollutants that could reach surface waters, or treat stormwater before it enters a natural waterbody. Examples of structural BMPs include sedimentation basins and wet ponds (or manufactured wetlands). Vegetated BMPs could include vegetated swales or rain gardens. Management practice BMPs including washing vehicles in commercial car washes (versus in an area where the soapy water could wash into a storm drain), and soil testing before applying fertilizers.

City means the City of Walled Lake.

Owner. The property owner or operator of any stormwater management system or activity subject to this article.

Stormwater management plan. Drawings and written information prepared by a registered engineer or other certified professional which describe the ways in which stormwater runoff is proposed to be controlled, having as its purpose to ensure that the objectives of this article are met.

Stormwater system. The system of public stormwater sewers, drains, ditches, conveyances and appurtenances which connects with and discharges into any sewer, facility or drain owned or operated by a governmental unit for the purpose of collecting or conveying stormwaters away from or within the city.

Sec. 34-223. Applicability.

- (a) The Oakland County "Engineering Design Standards for Stormwater Facilities" as amended from time to time, are hereby adopted by the City of Walled Lake in this article for the control and treatment of stormwater runoff with the exception that all developments subject to this article shall provide acceptable water quality treatment BMPs designed to achieve 80 percent removal efficiency of total suspended solids from the runoff produced by a water quality storm.
- (b) These standards are developed in conjunction with existing City of Walled Lake Engineering Design Standards. In the event of any conflict or inconsistency between county and city engineering standards, the more restrictive standard shall apply.
- (c) These standards shall apply to all new construction, redevelopment, infill, or site expansions in the city that include an area of disturbance and as further provided by this article or applicable county and/or city engineering standards.
- (d) All permanent and temporary stormwater management BMPs, constructed as part of the requirements of this section, are subject to this article.
- (e) This article also applies to any activities, events or conditions which may affect the quantity, capacity or quality of private stormwater facilities or storm water systems,

including existing facilities, or any waterway within the city. Any activities, properties, events or conditions, including natural events or conditions, that may result in excessive quantities or pollutants entering any stormwater conveyance systems or waterways, or otherwise cause or create flooding, nuisance or unsafe conditions, may be subject to the remedies for violation of this section. Examples of such pollutants, conditions or events may include, but is not limited to, depositing debris, concrete washings, de-icing materials, fertilizers, heavy metals, automobile fluids, topsoil, yard wastes, and commercial or light industrial wastes, flooding of neighboring properties, or unsafe or unsanitary conditions.

- (f) Natural swales and channels should be preserved, whenever possible. If channel modification must occur, the physical characteristics of the modified channel will meet the existing channel in length, cross-section, slope, sinuosity, and carrying capacity. Streams and channels will be expected to withstand all events up to the two-year storm without increased erosion.

Sec. 34-224. Stormwater drainage/erosion control.

All stormwater drainage and erosion control plans shall meet the standards adopted by the city and Oakland County for design and construction and shall, to the maximum extent feasible, utilize nonstructural control techniques, including but not limited to:

- (1) Limitation of land disturbance and grading;
- (2) Installation and maintenance of vegetated buffers and natural vegetation;
- (3) Minimization of impervious surfaces;
- (4) Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales;
- (5) Use of infiltration devices.

Sec. 34-225. General. The following provisions generally apply to the administration and enforcement of this Article:

- (a) The city recognizes that, due to the specific requirements of any given development, inflexible application of the design standards may result in development with excessive paving, stormwater runoff, and a waste of space which could be left as an open space.
- (b) The city manager shall have the authority to grant waivers and variances from specific control provisions of the stormwater management standards due to site-specific conditions (see section 34-230).
- (c) Where low impact development, open space preservation, or other site design practices have been used to maintain the predevelopment site hydrology.
- (d) All requests for waivers or variances must be provided in writing along with jurisdictions. Alternatives that are consistent with the overall intent of stormwater quantity and quality management may be proposed, subject to the approval of both the city and, if applicable, the county.
- (e) The city may permit deviations from ordinance requirements during the site plan review process to reduce impervious surfaces. These deviations can be either prescribed by

ordinance or proposed through creative land development techniques that are permitted by the ordinance.

- (f) Right of Entry. Except private dwelling units, upon the City providing written notice of inspection to the property owner or occupant at least five business day prior to the date and time of the inspection stated in the notice, the City shall have a right of entry upon all exterior grounds, property, structures, common elements or areas where stormwater facilities, systems or appurtenances are located upon the inspection site. In the event an owner or occupant fails to serve the City with written objection to the City's inspection at least 24 hours prior to the time of inspection stated in the City's notice of inspection, the owner and/or occupant shall be deemed to have consented to the inspection and entry upon the inspection site as provided in this section. In the event an owner or occupant timely serves the City with written objection to an inspection, the City may apply to a court of competent jurisdiction for an administrative search warrant to conduct any inspection of stormwater facilities or otherwise enforce or administer any provision of this article.

Sec. 34-226. Stormwater management plan.

- (a) As part of the site plan submittals, three copies of a stormwater management plan shall be submitted to the city for every development subject to this article. The contents of the stormwater management plan shall include the information requirements as outlined in the Oakland County "Engineering Design Standards for Storm Water Facilities, Procedures for Submittal and Review, Parts 1 through 5", as amended from time to time, as applicable and further including any information required under applicable city standards or ordinances.
- (b) The city council shall establish certain fees and escrow requirements by resolution. Fees and escrow account payments shall be sufficient to cover administrative and technical review costs anticipated to be incurred by the city including the costs of on-site inspections.
- (c) An as-built certification for stormwater management controls and BMPs must be provided to the city prior to final approval of the development.
- (d) For sites that store or use chemicals, a spill response plan is required which clearly defines the emergency steps to be taken in the event of an accidental release of harmful substances that may migrate to the stormwater system. Plans shall be submitted and require approval by the city and may require additional county and/or state approval.

Sec. 34-227. Long-term maintenance and modification of stormwater facilities.

- (a) Purposes and Objectives. In addition to the generally applicable purposes and objectives of this article, the further purposes and objectives of this section include the following:
 - (1) Ensuring that existing or approved stormwater facilities are properly and routinely inspected, maintained, updated and repaired as needed to continue proper functioning as originally designed, approved and/or constructed and as required by this article.
 - (2) To protect the general health, safety and welfare of inhabitants and property from flooding, pollution, illicit discharges, unsafe or hazardous conditions, or public nuisances by providing for the modification and/or improvement of existing stormwater facilities, including previously approved stormwater facilities, where a re-occurrence or an

unreasonable risk of flooding, pollution, nuisance conditions or other unsafe or hazardous conditions arise out of existing or approved stormwater facilities.

(3) To mitigate the adverse effects of stormwater facilities designed, approved or constructed under outdated or faulty engineering, design and/or construction standards where the city has determined in the exercise of reasonable discretion that any existing or approved stormwater facility has proven inadequate or presents an unreasonable risk of flooding, pollution, illicit discharges, unsafe or hazardous conditions or public nuisance conditions.

(4) To mitigate the adverse effects of increasingly frequent and severe precipitation and stormwater events and/or climate change that may not have been adequately incorporated into applicable engineering, design and construction standards in effect when an existing stormwater facility was originally approved.

(b) Maintenance Requirements:

(1) A long-term maintenance plan shall be submitted to the city for review and shall require approval by the City. A maintenance agreement approved by the city shall be executed by the owner or operator and shall be included as an obligation in the master deed, easement document, or in another recordable form and recorded with Oakland County Register of Deeds.

(2) Stormwater facilities shall be routinely inspected and maintained by the owner and shall be repaired, updated and/or replaced by such person when such facilities are no longer functioning as designed or as required by this article. Disposal of waste from maintenance of facilities shall be conducted in accordance with applicable federal, state and local laws and regulations.

(3) Records of inspection, installation and maintenance and repair shall be retained by the owner and shall be made available to the city upon request.

(c) Modification and Improvement Requirements:

(1) An owner shall modify, improve or update an existing or approved stormwater facility as required by the provisions of this article or section. All improvements, modifications or updates to an existing or approved stormwater facility shall require submission of sealed engineering plans subject to review and approval by the City Engineer. Construction or installation of all improvements, modifications or updates to an existing or approved stormwater facility shall require inspection by the City as required by the City Engineer.

(2) An owner shall modify, improve or update an existing or approved stormwater facility where: (i) a facility has proven inadequate to effectively control site stormwater, or (ii) presents an unreasonable risk of flooding, pollution, illicit discharges, unsafe or hazardous conditions or public nuisance conditions, or (iii) a re-occurrence of flooding, pollution, illicit discharges, nuisance conditions or other unsafe or hazardous conditions arise out of an existing or approved stormwater facility, or (iv) the City has determined in the exercise of reasonable discretion that any of the three preceding factors in this subsection apply to an existing or approved stormwater facility.

(3) Modifications, improvements or updates required by this section shall be designed and constructed in a manner to reasonably and effectively mitigate, address or remedy any condition, event, deficiency or inadequacy giving rise to the need for the modification, improvement or update provided the City shall not require compliance with standards that exceed then current standards that would apply to new construction. The City may require compliance with current standards that would apply to new construction where the City reasonably determines compliance with then current standards is reasonably required to effectively mitigate, address or remedy any condition, event, deficiency or inadequacy giving rise to the need for the modification, improvement or update of an existing or approved stormwater facility.

Sec. 34-228. Maintenance and guarantee bond.

The owner shall provide a maintenance and guarantee bond to the city for inspection and emergency maintenance of stormwater management BMPs for a period of at least five years following final acceptance. The bond amount shall be determined as ten percent of the total cost of construction of each stormwater management BMP and drainage facility listed or as determined by the city. The city reserves the right to periodically modify the bonding amounts and requirements by resolution.

Sec. 34-229. Easements.

- (a) Stormwater management easements shall be provided as necessary and recorded as directed by the city to ensure access for inspections, maintenance, and preservation of primary and secondary drainage ways needed to serve other properties.
- (b) The location and purpose of easements for stormwater management and drainage shall be clearly described in development deed restrictions or condominium master deeds. Easements shall be recorded with the Oakland County Register of Deeds according to city and/or Oakland County requirements.

Sec. 34-230. Superintendent; variances.

- (a) The city manager shall act as superintendent of the stormwater system, and he/she may appoint such qualified employees or other agents and specify their duties as he/she may require for the proper construction, operation and maintenance of the stormwater system. The city manager, and/or his/her duly appointed designee, shall have administrative control of the stormwater system and shall be charged with the enforcement and administration of this article.
- (b) The city manager, and/or his/her duly appointed designee, shall have administrative discretion to approve, allow, and require minor variances from this article when he/she determines such to be appropriate under the following criteria:
 - (1) Because of unusual topographical or field conditions, there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article.
 - (2) The proposed variance will not adversely affect the purpose or objectives of this article or otherwise impair the public health, safety, comfort and welfare.

-
- (3) Reasonable and appropriate conditions may be attached to a grant of a variance to ensure that the stormwater system improvements will continue to meet the criteria in the future.

Sec. 34-231. Appeals.

Any person deeming himself to be aggrieved by an administrative decision under this article may appeal to the council. The council shall have all of the powers and authority of a construction board of appeals to review such administrative decisions, in addition to its general powers to control streets, alleys, and other public places within the city.

Sec. 34-232. Permit to connect private drains to public systems.

No private stormwater drain, facility or pipe shall be installed or connected to either roadside ditches, stormwater system pipes or facilities without a permit having been issued by the city and all other jurisdictions requiring a permit for the proposed installation, construction or improvement. The fee for any required city permit shall be as provided by resolution of Council. Permit applications shall require submission of a stormwater management and system connection plan that meets applicable City requirements and standards. A permit shall not be issued until the City approves the plan and the applicant pays all required fees, escrows and bonds. Any required City consultant review or inspection costs and legal costs shall be paid by the applicant and withheld from any bond or escrow funds posted by the applicant. Opportunity for inspection shall be provided after all pipe is in place and before it is covered, and also at the time that any tap is made into the stormwater system pipes or facilities. All fees for the permit for such installation shall be paid by the party performing such work before construction is started.

Sec. 34-233. Specifications for connections of private underground drains.

Except as otherwise provided in this article, private connections or discharges to any publicly owned or operated stormwater system shall comply with applicable requirements of the governmental unit having jurisdiction or operational control over the stormwater system. The underground lines of any private stormwater drain on private or public property connected to the stormwater system shall comply with applicable standards and controls including required pipe material, sizes, couplings, wrapping and backfill so as to effectively exclude sand/soil from entering the system. At the point of tap to the stormwater system pipeline, the pipe shall be tapped using a tight-fitting sleeve (insert tee or equal) to receive the private stormwater drain and shall be constructed in a manner meeting the approval and subject to the inspection of the city. The cost of all private stormwater drains on or in private property and continuing on or in public property and the cost of all connections to the stormwater system, including any consultant or legal costs incurred by the City, shall be paid by the party installing the private stormwater drain. If the underground stormwater drain from private property in the course of construction crosses a public sidewalk or street, the sidewalk or street shall be reconstructed to its original condition at the expense of the party installing the private stormwater drain.

Sec. 34-234. Prohibited Drainage.

- (a) No stormwater shall be drained or permitted to flow into the city sanitary sewer system. All stormwater not permitted to enter into the sanitary sewer system shall be drained into the city

stormwater system in accordance with sound engineering practice in such fashion as approved by the city so as not to overload any segment of the stormwater system or permit the accumulation of stormwaters so as to constitute a hazard or nuisance.

(b) Causing, creating or maintaining any condition, facility, structure or alteration of property that causes or creates an unnatural flow, diversion, acceleration or accumulation of stormwater or drainage onto the property of another is prohibited. Pre-existing conditions, structures or alterations upon single family residentially zoned property deemed lawful prior to the adoption of this section shall not constitute a violation of this section.

(c) In addition to any other remedy or enforcement measure provided under this article, violations of this section shall be deemed a nuisance per se subject to abatement by a court of competent jurisdiction.

Sec. 34-235. New buildings or land improvements.

(a) No new buildings or land improvements shall be constructed which increase or accelerate stormwater flows into the stormwater system unless and until the stormwater system is either: (i) already in place with sufficient capacity to accommodate such; or (ii) is constructed, modified, or enlarged to provide the ditches, sewers, drains and appurtenances necessary to service and accommodate the increased flows. All private and City system improvements made necessary by new building and improvements shall be made at the expense of the owner of the land being developed, by special assessment or otherwise. No building permit shall be issued unless all needed system improvements will be constructed as part of the project.

(b) All new buildings or land improvements shall be designed and constructed in accordance with this article, including the latest edition/revisions of the Oakland County Water Resources Commissioner's "Engineering Design Standards for Storm Water Facilities" and City Engineering design standards as amended from time to time. In the event of a conflict between City and County design standards, the more restrictive standards shall apply.

Sec. 34-236. Maintenance of ditches and culverts.

It shall be the duty of every property owner to maintain all stormwater ditches and culverts constructed or installed in the area between their property line and the centerline of any street or alley abutting upon their property in a condition free of waste, dirt, plant growth, and other obstructions which block or obstruct the designed flow of stormwater in the ditch or culvert. All ditches and culverts which are so obstructed as to allow the unreasonable accumulation or impounding of stormwaters are declared to be public nuisances in violation of this section and are subject to the abatement and special assessment provisions as provided in this Code.

Sec. 34-237. Building construction standards.

(a) Under this article, all machinery, trucks and equipment shall proceed to and all material shall be delivered to any building site by means of a completed temporary or permanent culvert and approach, and under no circumstances shall machinery, trucks or other equipment be driven, moved or transported through unprotected ditches to gain access to any new building construction site. However, if the earth is frozen or saturated with

moisture to such an extent that it is impractical or impossible to properly install permanent culverts, temporary timber bridges may be installed and utilized, but only in such manner as not to impair or interfere with the property runoff or drainage of water in such ditches and in such manner as not to disturb or destroy the depth or sides of the ditches. As soon as permanent culverts may be properly installed, such temporary bridges shall be removed.

- (b) In all cases ditches must be kept, during construction, and left, at completion of construction, in good condition, free of obstruction and at proper grade by the owners of the private property abutting the public right-of-way nearest to the ditch. No refuse from construction, materials used in construction, containers, yard trimmings, ashes or other debris shall be placed in or allowed to accumulate in the ditches.
- (c) No machinery, trucks, equipment or materials may be stored, stacked or piled on public sidewalks; streets, including the full width of the right-of-way, alleys, or other public property.

Sec. 34-238. General standards and requirements for culverts, drains and driveways.

In addition to any applicable county standards, the provisions, requirements and standards in Chapter 70, Article II, Division 4 of the City of Walled Lake Code of Ordinances, as amended, shall apply to culverts, ditches, drains and driveways. In the event of a conflict between applicable City and County standards, the more restrictive standard shall apply.

Sec. 34-239. Prohibited discharge; prohibited connections.

- (a) No liquid or waste of any kind shall be discharged or permitted to be discharged into the city stormwater system contrary to this Code or other article governing such. The unauthorized discharge of any liquid or waste into the city stormwater system is declared to be a public nuisance and/or illicit discharge and is subject to the abatement and special assessment provisions as provided in this Code.
- (b) No connection shall be made to the city stormwater system contrary to this Code or other article governing such. Any unauthorized connection to the city stormwater system is declared to be a public nuisance and is subject to the abatement and special assessment provisions as provided in this Code.

Sec. 34-240. Severability.

If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this article which can be given effect without the invalid provision or application, and to this end, the provisions of this article are hereby declared to be severable.

Sec. 34-241. Violations.

- (a) If the stormwater system, including stormwater management BMPs, have not been adequately maintained, the city may notify the owner(s) in writing and require the necessary maintenance or repairs within 90 days of the written notice. Should the owner fail to comply

with the provisions of this article, the city may, after giving reasonable notice and opportunity for compliance, have the necessary work done and the owner shall be obligated to promptly reimburse the city for all such costs incurred. If said costs are not paid by the owner, the city may pursue the collection of same through appropriate court actions or as lien on property taxes.

- (b) When emergency measures are necessary to mediate a nuisance, to protect public safety, health, welfare, and/or to prevent loss of life, injury or damage to property, the city is authorized to, but not required to, carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a violation of this article and shall promptly reimburse the city for all such costs. If said costs are not paid by the owner, the city may pursue the collection of same through appropriate court actions or as lien on property taxes.

Sec. 34-242. Exemptions and variances.

- (a) Activities contained entirely within federal, state, or county lands and that do not impact City property, City right of way or adjacent property within the city are exempt from the requirements of this article.
- (b) Routine single-family landscaping and/or gardening that does not alter the existing stormwater management facilities or require a grading plan as determined by the city.
- (c) Any person performing construction work in the city shall maintain compliance with the county and state requirements for soil erosion and sediment control.
- (d) The prohibition of discharges shall not apply to any discharge regulated under a NPDES point source permit issued and administered by the state, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations. Compliance with an applicable NPDES permit governing discharges into a stormwater conveyance system shall be considered compliance with this article. NPDES permitted stormwater discharges are still subject to City and county design criteria.

Sec. 34-243. Disclaimer of liability.

The degree of protection required by this article is considered reasonable for regulatory purposes and is based on scientific, engineering, and other relevant technical considerations. The standards set forth herein are minimum standards and this article does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This article shall not create liability on the part of the city, any agent, consultant or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

DIVISION 2. ILLICIT DISCHARGE

Sec. 34-244. Title and purpose.

This Division 2 shall be known and cited as the illicit discharge elimination program (IDEP).

The purpose of this division 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 division 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 division 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. 34-245. Definitions.

The following words, terms and phrases, when used in this division, 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 engineer and his authorized representatives, which shall specifically include all inspectors and zoning enforcement, and any other individual designated by the city manager of the city to enforce this article. Where applicable the terms may also mean the director of the state department of environmental quality or his designated official. Where applicable the terms may also mean the director of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) 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 Walled Lake.

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

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.

County means the County of Oakland.

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 34-242 of this article.

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. 34-246. Applicability.

This division 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. 34-247. Enforcement, responsibility for administration.

This division shall be enforceable by the City Engineer or Superintendent or other authorized enforcement agency.

Sec. 34-248. Minimum standards.

The standards set forth herein and promulgated pursuant to this division are minimum standards; therefore, this division 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. 34-249. 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 services as being necessary to protect public health and safety.
 - (3) Dye testing, when there has been verbal notification to the director of public services 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 EGLE.

(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. 34-250. Right of entry.

The persons responsible for the enforcement of this Division 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 services, 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. 34-251. Suspension of storm sewer system access.

- (a) *Suspension due to illicit discharges in emergency situations.* The city or other authorized enforcement agency may seek immediate injunctive relief to suspend storm sewer system discharge access to a person or property 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, if such termination would abate or reduce an illicit discharge. The City Manager or his/her designee 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. 34-252. 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. 34-253. Monitoring of discharges.

The city may 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. 34-254. Requirements to prevent, control, and reduce storm water pollutants by the use of best management practices.

The City Engineer 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 premises, 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. 34-255. 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 services 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. 34-256. Enforcement.

- (a) *Notice of violation.* Whenever the City Engineer or his/her designee determines that a person has violated a prohibition or failed to meet a requirement of this division, the City 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. Abatement or remediation measures shall require inspection and approval by the City at the time of performance; 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 1-26 of this Code.

Sec. 34-257. 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. 34-258. Remedies not exclusive.

The remedies listed in this division 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.

Section 2 of Ordinance

Amended only as specified above and in this ordinance, the City of Walled Lake Code of Ordinances shall remain in full force and effect. In the event of a conflict between the *NPDES* and any provision of this ordinance, the applicable provisions of the *NPDES* shall apply.

Section 3 of Ordinance

If any provision of this ordinance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision.

Section 4 of Ordinance


All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5 of Ordinance

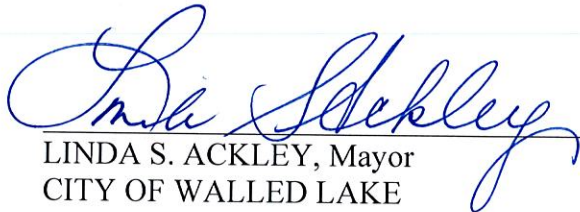
This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect upon publication in accordance with the applicable provisions of state law and City.

AYES:
NAYS:
ABSENTS:
ABSTENTIONS:

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)



JENNIFER A. STUART, City Clerk
CITY OF WALLED LAKE



LINDA S. ACKLEY, Mayor
CITY OF WALLED LAKE

Introduced: September 21, 2021
Adopted: October 19, 2021
Effective: November 18, 2021