

ORDINANCE NO. 80-734

AN ORDINANCE TO AMEND CHAPTER 41, WATER AND SEWERS, SECTION 41-155 OF THE CODE OF ORDINANCES RELATING TO POST-CONSTRUCTION STORM WATER RUNOFF FOR NEW AND REDEVELOPED PROJECTS.

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 41, Article III, Division 4, Section 41-155 of the Code of Ordinances of the City of Warren, Michigan,

WHICH PRESENTLY READS AS FOLLOWS:

Sec. 41-155. - Reserved.

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 41-155. –Post-Construction Storm Water Runoff.

(a) **Purpose.** The purpose of this Section is to establish requirements and standards for discharging and treating storm water runoff in the City of Warren that comply with the Federal National Pollutant Discharge System (NPDES) storm water regulations, administered by the State of Michigan, pursuant to MCL 324.3103, for all new development or redevelopment projects. The City of Warren holds a State of Michigan issued jurisdictional general permit for discharges from its Municipal Separate Storm Sewer System (MS4). The permit, incorporating State and Federal rules and regulations, requires the City to manage post-construction storm water runoff from new development and redevelopment projects throughout the City of Warren.

(b) **Definitions.**

- (1) Responsible Party is the legal or equitable owner(s) of the property; or person(s) or entities with legal or equitable rights to develop the property.
- (2) Post-Construction Storm Water Runoff is the storm water that flows from a Project Site after completion of a Development or Redevelopment Project.
- (3) The Project Site is any area on the Development or Redevelopment Project where there is Earth Disturbance.
- (4) The Minimum Treatment Volume is the first inch of the Post-Construction Storm Water Runoff. The Minimum Treatment Volume is calculated by the formula listed in the Michigan Department of Environmental Quality (MDEQ) Post-Construction Storm Water

Runoff Controls Program Compliance Assistance Document, as amended (SWCAD).

- (5) Water Quality Treatment Performance Standard is removal of a minimum of 80 percent of total suspended solids (TSS) as compared with uncontrolled runoff; or limiting TSS discharge concentrations to no more than 80 milligrams per liter.
- (6) Channel Protection Performance Standard is maintaining Post-Construction Storm Water Runoff and peak flow rate at or below the existing level for all storms up to the 2-year, 24-hour event.
- (7) Existing Level is the runoff volume and peak flow rate from the land use immediately preceding the Development or Redevelopment Project.
- (8) Earth Disturbance is any activity which removes ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. It includes, but is not limited to, excavation, surface grading, filling, landscaping, or removal of vegetative roots.
- (9) A Development or Redevelopment Project is a construction project involving a public or private property where there is either:
 - (i) an earth disturbance of one acre or more; or
 - (ii) an earth disturbance of less than one acre, but that is part of a larger common plan of development or sale that would disturb one acre or more.

(c) Applicability.

- (1) This Section applies to all Development or Redevelopment Projects where Post-Construction Storm Water Runoff flows into a MS4.

(d) Macomb County Public Works Office's Procedures and Design Standards for Storm Water Management (PDSSM).

- (1) Unless otherwise provided, for purposes of this Section, all measurements or calculations are determined by the methods and definitions provided in the most recent version of the PDSSM;

(e) Requirements. Unless the Engineering Department provides the Responsible Party a written exemption, the Responsible Party shall do all of the following:

- (1) Before beginning construction, apply for and receive a storm water runoff permit from the City of Warren.
 - (i) The permit application shall include a storm water management plan that complies with the storm water criteria, source controls, site controls, and storm water management practices listed in the most recent version of the PDSSM, including but not limited to:

(ii) Post-development, site-specific structural and vegetative Best Management Practices (BMPs) designed, installed, and maintained to:

- a. treat the Minimum Treatment Volume to the Water Quality Treatment Performance Standard; and
- b. achieve the Channel Protection Performance Standard;

(iii) If the TSS concentrations in the Minimum Treatment Volume do not exceed 80 milligrams per liter, the Responsible Party shall provide site-specific documentation attesting to the TSS concentrations; and

(iv) An operation and maintenance plan that ensures maximum design performance.

(2) Develop and maintain the property in conformity with the permit.

(f) Enforcement.

(1) Nonexclusive remedy.

(i) The City of Warren retains all remedies available to it through other sections of the Code of Ordinances, including but not limited to remedies available through public nuisance and blight proceedings.

(2) Permit Compliance. To ensure permit compliance, the City of Warren may do any one or more of the following:

(i) have the Director of Public Service stop construction on a project until the Responsible Party provides adequate assurances that the requirements of this Section will be implemented;

(ii) access the property for intermittent inspections by the Building, Engineering, Waste Water Treatment, or other city department;

(iii) require the Responsible Party to connect to the public storm sewer system;

(iv) perform any necessary BMP maintenance or corrective actions that the Responsible Party neglects to perform; or

(v) impose any other requirements necessary.

(3) Costs. The City of Warren may require the Responsible Party to reimburse it for costs associated with ensuring permit compliance.

(4) Penalty.

(i) A violation of this Section is a municipal civil infraction, punishable by a fine of not less than one hundred dollars (\$100.00) but not more than one thousand dollars (\$1,000.00) per violation; and/ or costs; assessments; and damages and expenses, as provided by MCL 600.8727(3).

(ii) The judge or magistrate may also order:

- a. corrective action to remedy the violation;

- b. reimbursement to the City for documented enforcement costs; and
- c. any other appropriate legal or equitable action.

Cross-reference – Municipal civil infraction imposition of costs § 1-17.

SECTION 2. This Ordinance shall take effect on December 11, 2015.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-734 was adopted by the Council of the City of Warren at its meeting held on November 24, 2015.

PAUL WOJNO
City Clerk

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