

TITLE II - UTILITIES AND SERVICES

Chapter 33 - STORMWATER SYSTEM

Chapter 33 - STORMWATER SYSTEM [\[1\]](#)

2:200. - Title.

This chapter shall be known as the "Stormwater System Ordinance" of the City of Ann Arbor.

(Ord. No. 17-07, § 2, 7-2-07)

2:201. - Purpose.

This Chapter establishes a stormwater utility for the purpose of conducting the city's stormwater management program to protect public health, safety, and welfare; provides for the proportional allocation to property owners of the necessary costs of the stormwater utility; permits the establishment and collection of just and equitable rates and charges to fund the stormwater utility; provides for credits, adjustments, exemptions and appeals; establishes regulations for the use of the stormwater system, and prescribes the powers and duties of certain municipal agencies, departments and officials.

(Ord. No. 17-07, § 2, 7-2-07)

2:202. - Findings.

The City Council finds all of the following:

- (1) The constitution and laws of the State of Michigan authorize local units of government to provide stormwater management services and systems that will contribute to the protection and preservation of the public health, safety and welfare, and to the protection of the state's natural resources.
- (2) Property owners influence the quantity, character and quality of stormwater from their property in relation to the nature of the alterations made to property.
- (3) Stormwater contributes to the diminution of water quality, adversely impacting the public health, safety and welfare, and endangering natural resources.
- (4) Control of the quantity and quality of stormwater from developed and undeveloped property is essential to protect and improve the quality of surface waters and groundwaters, thereby protecting natural resources and public health, safety and welfare.
- (5) The Federal Clean Water Act and rules and regulations promulgated thereunder place increased mandates on the city to develop, implement, conduct and make available to its citizens and property owners stormwater management services which address water quality, velocity, and volume impacts of stormwater.
- (6) Water quality is improved by stormwater management measures that control the quantity or quality, or both, of stormwater discharging directly or indirectly to receiving waters, that reduce the velocity of stormwater, or that divert stormwater from sanitary sewer systems.
- (7) The city, having a responsibility to protect the public health, safety, and welfare, has a major role in ensuring appropriate water quality related to stormwater flow.
- (8) Improper management of stormwater runoff causes erosion of lands, threatens businesses and residences and other facilities with water damage from flooding, adversely impact public health, safety, and welfare, and creates environmental damage to rivers, streams and other bodies of water in Michigan, including the Great Lakes.

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- (9) The public health, safety, and welfare is adversely affected by poor ambient water quality and flooding that results from inadequate management of both the quality and quantity of stormwater.
- (10) It is appropriate for the city to establish user charges, fees, or rates to offset entirely or in part the cost of its stormwater management program.
- (11) It is in the interest of protecting both the waters of the state from pollution and the public health, safety, and welfare for the city to fund stormwater management with a charge that allocates the costs of these services to property owners within the city based upon the extent to which each parcel of real property contributes to the need for stormwater management.

(Ord. No. 17-07, § 2, 7-2-07)

2:203. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section:

- (1) [*Reserved.*]
- (2) *Administrator* is the public services area administrator or such other person as the city administrator may designate.
- (3) *Customer charge* shall mean a monthly or quarterly base charge that recovers costs for billing, collection, customer service, and public involvement and public education activities.
- (4) *Discharge permit* is as set forth in [section 2:216](#) of this chapter.
- (5) *Footing drain* is a pipe or conduit which is placed around the perimeter of a building foundation for the purpose of admitting ground water.
- (6) *Impervious area* means a surface area which is compacted or covered with material that is resistant to or impedes permeation by water, including but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, or compacted surfaces.
- (7) *Industrial sites* are those sites that contain industrial activities which require NPDES stormwater permits as set forth in regulations promulgated by U.S. EPA and Michigan Department of Environmental Quality.
- (8) *Non-stormwater* is all flows to the stormwater system not defined as stormwater in paragraph [2:203\(16\)](#) of this chapter or as determined by the administrator. This includes, but is not limited to, cooling water, process water, ground water from a purge well and non-residential swimming pool discharge.
- (9) *NPDES* means National Pollutant Discharge Elimination System, a program to issue permits for discharges to receiving waters, established under the Federal Clean Water Act, and administered by the Michigan Department of Environmental Quality.
- (10) *Non-stormwater use charge* is the charge applicable to any non-stormwater use of the stormwater system, as defined by the Administrator.
- (11) *Operation and maintenance* includes any component of a stormwater system expenditure for materials, labor, utilities and other items for the management and uninterrupted operation of the stormwater system in a manner for which the stormwater system was designed and constructed.
- (12) *Operation and maintenance costs* include all costs, direct and indirect, of operation and maintenance of a stormwater system.

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- (13) *Pervious area* is all land area that is not impervious.
- (14) *Pretreated non-stormwater* is non-stormwater that requires, under an NPDES permit or the permit provided by this chapter, pre-treatment (mechanical, physical or chemical) prior to being discharged into the stormwater system.
- (15) *Property* means any land within the boundary of the City of Ann Arbor, both publicly and privately owned, including public and private rights of way, but excluding the Huron River.
- (16) *Stormwater* means stormwater runoff, snowmelt runoff, footing drain discharges, surface runoff and drainage, and other discharges allowed by Administrative Regulations.
- (17) *Stormwater discharge rate* means the portion of the stormwater utility charge proportionate to the quantity and representative of the quality of stormwater being discharged from a property, calculated based upon the impervious area of the property.
- (18) *Stormwater utility charge* means a charge to property pursuant to this chapter and [Chapter 29](#), intended to offset all or part of the cost incurred by city of preparing and conducting a stormwater management program, and operating and maintaining a stormwater system.
- (19) *Stormwater management* means 1 or more of the following:
- (a) The quantitative control achieved by the stormwater system of the increased volume and rate of surface runoff caused by alterations to the land;
 - (b) The qualitative control achieved by the stormwater system, pollution prevention activities, and ordinances to reduce, eliminate or treat pollutants that might otherwise be carried by stormwater; and
 - (c) Public education, information, and outreach programs designed to educate and inform the public on the potential impacts of stormwater.
- (20) *Stormwater management program* means 1 or more aspects of stormwater management undertaken for the purpose of complying with applicable federal, state and local law and regulation or the protection of the public health, safety, and welfare related to stormwater runoff.
- (21) *Stormwater system* means roads, streets, catch basins, curbs, gutters, ditches, storm sewers and appurtenant features, lakes, ponds, channels, swales, storm drains, canals, creeks, catch basins, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees, pumping stations, and other like facilities, and natural watercourses and features located within the geographic limits of the city which are designed or used for collecting, storing, treating or conveying stormwater or through which stormwater is collected, stored, treated or conveyed, or any other physical means by which stormwater management is achieved.
- (22) *User* is a firm, person or property that directly or indirectly contributes stormwater or non-stormwater to the stormwater system.

(Ord. No. 17-07, § 2, 7-2-07)

2.204. - Establishment of a Stormwater Utility.

A stormwater utility is hereby established under the direction of the administrator to conduct the stormwater management program of the city. The stormwater management program shall include those activities necessary to protect public health, safety, and welfare from stormwater and fulfill the requirements of the City of Ann Arbor's stormwater NPDES permit, and all successor permits, including but not limited to the following activities:

- (1) Planning, engineering, acquisition, construction, operation, maintenance, installation and debt service costs to acquire, construct, finance, operate and maintain a stormwater system.

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- (2) Administering the stormwater management program.
- (3) Acquiring, constructing, improving, enlarging, repairing, enhancing, replacing, financing, operating and maintaining the stormwater system, together with such indirect and overhead costs which are fairly chargeable to such activities pursuant to accepted accounting principles and practices applicable to the local unit government, including practices required under the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, MCL 141.421 through 141.440a, and rules and regulations promulgated thereunder.
- (4) Developing a stormwater management plan, as identified in [section 2:205](#) of this chapter.
- (5) Undertaking activities required in order to comply with federal and state law and regulations related to stormwater and permits issued thereunder.
- (6) Paying drain assessments which are the obligation of the city.
- (7) Providing public education, or information, or outreach related to the stormwater management program or required by federal or state regulations, or required by permits issued to the local unit of government by federal or state regulatory bodies.

(Ord. No. 17-07, § 2, 7-2-07)

2:205. - Stormwater Management Plan.

The Administrator may adopt, amend, or extend a stormwater management plan from time to time. Any such adoption, amendment, or extension shall be approved by resolution of the Council.

(Ord. No. 17-07, § 2, 7-2-07)

2:206. - Stormwater Utility Charges, General.

- (1) Subject to the provisions of this chapter, all owners of property in the City of Ann Arbor shall be charged stormwater utility charges for their use of the stormwater system. The stormwater utility charges shall be proportionate to the necessary cost of the stormwater management services provided to each property in the city. The basis for stormwater utility charges shall be computed by the Administrator.
- (2) The stormwater utility charges shall be a quarterly or a regular interval service charge, shall be determined by the provisions of this chapter, and may be changed from time to time by Council.
- (3) Revenue from the stormwater utility charge shall be used solely to defray the city's cost of conducting the stormwater management program defined in [Section 2.204](#) and described in the stormwater management plan prepared according to criteria in [Section 2:205](#).
- (4) Stormwater utility charges are in addition to any special assessment, single lot assessment or public improvement charge that might be or become due for capital improvements to the stormwater system. Special assessments, single lot assessments and public improvement charges for improvements to the stormwater system that are financed in whole or in part by special assessments, single lot assessments or public improvement charges will be calculated and imposed as provided in Chapters 12 and 13.

(Ord. No. 17-07, § 2, 7-2-07)

2:207. - Customer Charge.

Each property shall be charged a customer charge proportionate to the city's costs of administering the stormwater utility billing system, providing necessary public engagement services, and conducting

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other necessary services that are provided equitably to each customer, as defined by the stormwater management plan.

(Ord. No. 17-07, § 2, 7-2-07)

2:208. - Stormwater Discharge Rate.

- (1) Each property discharging stormwater into the city's stormwater system, either directly or indirectly, shall be charged an amount proportionate to the representative quantity of stormwater generated by that property. The principal stormwater generating characteristic of each property is its representative impervious area, which shall be used as the basis for the stormwater discharge rate. The stormwater discharge rate shall be used to fund those elements of the stormwater management program whose cost is directly related to the amount of stormwater managed.
- (2) The representative impervious area of a property shall be the measured impervious area of the property except for single-family and 2-family residential properties or properties considered residential for storm and sanitary, which may be grouped into 1 or more representative impervious area rate categories based upon a statistical evaluation of the measured impervious area of a sample of all properties. Each property within a category shall be billed the same stormwater utility charge if such statistical similarity is demonstrated.
- (3) The administrator may periodically change the representative impervious area of a property based upon information available to the city and/or provided by a property owner.

(Ord. No. 17-07, § 2, 7-2-07)

2:209. - Charges for Non-Stormwater Discharges.

The Administrator may impose fees for the use of the stormwater system for non-stormwater discharges permitted by the city under section 2.216 of this Chapter. Charges shall be proportionate to the capacity of the stormwater system that is used by the non-stormwater flow that would otherwise be available for stormwater, and any additional charges related to preparing, monitoring, and enforcing any permits related to non-stormwater discharges.

(Ord. No. 17-07, § 2, 7-2-07)

2:210. - Other Charges.

Charges for other services provided by the City shall be on a time and materials basis, including direct and indirect costs, as established by the Administrator. The Administrator may also set charges for the fair share recovery of the cost, including direct and indirect costs, from users for the implementation and operation of any of the following:

- (a) Monitoring, inspection and surveillance procedures;
- (b) Reviewing accidental discharge procedures and construction;
- (c) Discharge permit applications for stormwater and non-stormwater;
- (d) Annual charges for multi-year permits, and
- (e) Other charges as the Administrator may deem necessary to carry out the requirements of this chapter.

(Ord. No. 17-07, § 2, 7-2-07)

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2:211. - Credits.

- (1) The purpose of this section is to provide for each property owner's control over contributions of storm flows to the stormwater utility system and the related stormwater utility charges and to advance protection of the public health, safety, and welfare.
- (2) The City shall offer credits that will enable any property owner, through voluntary action, to reduce the stormwater utility charges calculated for that property owner's property and will provide a meaningful reduction in the cost of service to the stormwater system, or that shall be reasonably related to a benefit to the stormwater system:
 - (a) Credits will only be applied if requirements outlined in this Code are met, including, but not limited to: completion of on-going maintenance, guaranteed right-of-entry for inspections, and submittal of annual self-certification reports.
 - (b) Credits will be defined as either set charge reduction or percent (%) reductions applied as a Credit adjustment to the Charge calculation equation.
 - (c) Credits are additive for each Credit category.
 - (d) As long as the stormwater facilities or management practices are functioning as approved, the Credit reduction will be applied to the Charge. If the approved practice is not functioning as approved or is terminated, the Credit reduction will be cancelled and the Charge will return to the baseline calculation. Once the Credit reduction has been cancelled, a customer may not reapply for Credit for a period of 12 months and only then if the deficiency has been corrected, as determined by City inspection.
 - (e) Credits will be applied to the next complete billing cycle after the application has been approved.
- (3) The administrator shall define a method for applying and granting credits, as well as criteria for determining the credits a property owner may receive. The administrator may by regulation establish credits for 1 or more of the following property owner actions:
 - (a) Installation and maintenance of a stormwater control facility meeting the design standards referenced in [Chapter 63](#)
 - (b) Installation and maintenance of rain barrels, rain gardens, cisterns, dry wells, bioswales, and other water quality controls in addition to those required of the property owner under [Chapter 63](#)
 - (c) Property owners that satisfy the requirements of the RiverSafe Homes or the Partners for Clean Streams programs administered by the Washtenaw County Drain Commissioner.
 - (d) Providing a school-based education or information program which has obtained MDEQ approval related to stormwater management and its impacts, and
 - (e) Other actions of the property owner that, in the judgment of the administrator, result in a measurable reduction in stormwater runoff or pollutant loadings.
- (4) The administrator shall define criteria for determining additional credits that lands dedicated for public use may receive. Such credits are appropriate because most of the City's drainage system lies within public rights of way, sharing that property with public roads and other public and private utility systems. Public roads and other impervious surfaces within these rights of way discharge stormwater to the stormwater system and are subject to stormwater utility charges like every other property within the City. Lands dedicated for public use are eligible for credits if they provide 1 or more of the following services to the stormwater utility:
 - (a) Use of the roadway for conveyance and storage of stormwater during major storm events that exceed the capacity of the underground storm drainage system.

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- (b) Use of right-of-way for retrofit of stormwater quality control systems required under NPDES permits issued to the City.
- (c) Access to the stormwater system for operation and maintenance activities, often restricting traffic on the roadway.
- (d) Reduced pavement life when stormwater system repairs require open cut excavation of the roadway.
- (e) Education provided by storm inlet labeling, stream crossing signage, and other educational signs placed within the right-of-way.

(Ord. No. 17-07, § 2, 7-2-07)

2:212. - Exemptions.

Except as provided in this section, no public or private property located in a stormwater district shall be exempt from stormwater utility charges.

- (1) Properties that do not utilize the public stormwater system shall be exempt from the portion of the charge for stormwater discharge if the property owner follows the procedure detailed by the administrator to qualify for such an exemption.

(Ord. No. 17-07, § 2, 7-2-07)

2:213. - Billing.

The City shall bill property owners and authorized tenants for stormwater systems on a periodic basis under procedures defined in [Chapter 29](#) and by regulations promulgated by the Administrator.

(Ord. No. 17-07, § 2, 7-2-07)

2:214. - Stormwater enterprise fund.

- (1) All revenues raised from stormwater utility rates, fees, and charges shall be placed in a stormwater enterprise fund together with such other revenues from any source or combinations of sources of revenues otherwise legally available which have been designated to be used for the stormwater management program.
- (2) No part of the funds held in the stormwater enterprise fund may be transferred to the general operating fund or used for any purpose other than undertaking the stormwater management program, and operating and maintaining a stormwater system.

(Ord. No. 17-07, § 2, 7-2-07)

2:215. - Use of stormwater system.

- (1) The primary use of the stormwater collection system shall be the collection and transportation of stormwater. Non-stormwater use shall be considered a secondary use of the stormwater system.
- (2) The discharge of non-stormwater to the stormwater system is prohibited except as allowed under this section. No person shall place or cause to be placed any substance into the stormwater system other than stormwater (except for placement of recreational equipment in the Huron River or its impoundments), except when authorized by a permit granted by the Administrator. The Administrator may refuse to permit the discharge of non-stormwater into the stormwater system for any reason or combination of reasons that is reasonable.

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- (3) The following non-stormwater discharges are exempt from discharge prohibitions established in paragraph [2:215\(2\)](#): water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater (permitted after demonstration of acceptability), groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, residual street washing waters, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, non-residential swimming pools (if de-chlorinated/typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
- (4) Except for natural runoff water or pursuant to agreement approved by the City Council, the City shall not furnish use of the stormwater system to users outside city limits.
- (5) Generally, no person, property, or firm shall cause or permit the introduction of any substance into the stormwater system, whether solid, liquid or gaseous, that will cause:
 - (a) Chemical reaction, either directly or indirectly with the materials of construction used in the stormwater system or that will impair the strength or durability of sewers or structures;
 - (b) Mechanical action that will destroy or damage sewers or structures;
 - (c) Restriction of the normal maintenance and inspection of sewers;
 - (d) Danger to public health and safety or to the environment;
 - (e) Conditions that create a public nuisance;
 - (f) An oil sheen or unusual color;
 - (g) Abnormal demand on the stormwater system capacity; or
 - (h) The stormwater system to violate its NPDES permit or applicable receiving water standards and all other federal, state, and local regulations.
- (6) No person shall discharge into the stormwater system any treated non-stormwater that is subject to a discharge prohibition unless the discharge is authorized under permits issued by MDEQ and the City.
- (7) No person shall use the storm water system for discharge from any environmental cleanup that is regulated under the Natural Resources and Environmental Protection Act, [Chapter 7](#), Part 201 of Act 451, P.A. 1994, unless approved by city council. Approval by city council must be conditioned upon the discharge meeting all criteria for discharge under this chapter. Approval conditions may provide for measures appropriate to preventing harm due to possible exfiltration into the ground adjacent to the system or failure of any pretreatment system for the discharge.

(Ord. No. 17-07, § 2, 7-2-07)

2:216. - Discharge permits.

- (1) A permit is required from the Administrator to discharge treated non-stormwater otherwise subject to a discharge prohibition under this Chapter into the stormwater system. The Administrator may require each person or firm that applies for use or uses of the stormwater system for non-stormwater purposes to obtain a discharge permit on the form prescribed by the administrator, to be subject to all provisions of this chapter. A permit may be issued for a period not to exceed 5 years. The permit shall be subject to modification or revocation for failure to comply or provide safe access or provide accurate reports of the discharge constituents and characteristics. Permits are issued to specific persons or firms for specific operations and are not assignable to another person or firm without the prior written approval of the Administrator. Permits are not transferable to another location. Anyone seeking a permit to discharge treated non-stormwater otherwise subject to a discharge prohibition into the stormwater system must do the following:

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- (a) File a written statement with the Administrator setting forth the nature of the enterprise, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics;
 - (b) Provide a plan map of the building, works or complex with each outfall to the surface waters, sanitary system, storm sewer, natural watercourse or ground waters noted, described and the discharge stream identified; and
 - (c) Sample, test and file reports with the Administrator and the appropriate federal, state, and county agencies on appropriate characteristics of discharges on a schedule, at locations, and according to methods approved by the Administrator.
- (2) Every permit to discharge into the stormwater system shall be conditioned upon the permittee providing insurance, security and/or indemnification satisfactory to the administrator protecting the City, City property and persons in the City from loss or damages associated with the permit or permit activities.
 - (3) The Administrator or other authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of the discharge to the stormwater system. The industrial user may withhold or restrict information if it can establish to the satisfaction of the administrator that release of the information would reveal trade secrets or would otherwise provide an advantage to competitors, except discharge constituents will not be recognized as confidential information.
 - (4) At the permittee's expense, the Administrator shall carry out independent surveillance and field monitoring, in addition to the self-monitoring required of certain users to ascertain whether the purpose of this chapter is being met and all requirements are being satisfied.
 - (5) The method of determining flow of discharge to the stormwater system shall be approved by the Administrator.
 - (6) The user shall acquire and be in full compliance with applicable federal (NPDES), state and county permits for discharge prior to being granted a permit from the Administrator.

(Ord. No. 17-07, § 2, 7-2-07)

2:217. - Regulations.

- (1) The Administrator may adopt regulations implementing this chapter. These regulations may include, but not be limited to, the following topics:
 - (a) The design, operation, management, and maintenance of the stormwater system and for connections to that system.
 - (b) Control of the quality and quantity of stormwater from industrial sites by establishing management practices, design and operating criteria.
 - (c) Criteria used to determine whether the stormwater utility charge will be billed to the property owner or the occupant(s) of a property, including criteria that will be used to determine how to allocate the stormwater utility charge to multiple occupants of a single property.
 - (d) Procedures for updating billing data based upon changes in property boundaries, ownership, and stormwater runoff characteristics.
 - (e) Billing and payment procedures of the stormwater utility that define the billing period, and billing methodology.
 - (f) Policies establishing the type and manner of service delivery that will be provided by the utility.

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- (g) Regulations governing the resolution of stormwater management issues among several property owners within the district.
 - (h) Procedures for establishing, evaluating, and refining any credits granted according to criteria in [Section 2:211](#), and appeals as defined according to criteria in [Section 2:219](#)
 - (i) Enforcement policies and procedures.
- (2) These regulations shall take effect 30 days after being filed with the City Clerk unless modified or disapproved by the City Council. Regulations which are modified by City Council take effect 30 days after the modification.

(Ord. No. 17-07, § 2, 7-2-07)

2:218. - Stormwater taps.

- (1) Except for public services area employees, only City of Ann Arbor registered plumbers, licensed sewer installers and bona fide homeowners, after first obtaining all necessary permits including but not limited to a plumbing permit, street cut permit and sewer tap permit, are authorized to uncover the stormwater system so that existing tees or deep sewer risers installed during public stormwater system construction may be utilized. The connection shall be made only by the public services area employees only upon payment of the required connection fee which shall be fixed by the public services area and shall not be less than the cost of materials, installation and overhead attributable to the installation.
- (2) All costs and expense incidental to the installation, connection, and maintenance of the stormwater tap and lead shall be borne by the owner(s).
- (3) The public services area will furnish and install stormwater system taps of the size and at the location the applicant requests in writing, provided:
 - (a) The requests are reasonable;
 - (b) An adequate stormwater system fronts the premises;
 - (c) An adequate tee or deep stormwater system riser does not exist for required usage;
 - (d) A good and safe excavation is provided by the owner(s) or owner's agent for public services area tapping personnel;
 - (e) The maximum sized direct tapped connection shall not be larger than ½ the nominal diameter of the stormwater main (e.g., a 6-inch maximum tap into a 12-inch stormwater main). Connections greater than ½ the nominal diameter of the stormwater main shall be made in a minimum 3-foot diameter storm sewer structure or with a manufactured tee fitting.
 - (f) Existing tees and deep risers shall be utilized along with stormwater leads constructed (stubbed) to the property line at the time the stormwater system was constructed.

(Ord. No. 17-07, § 2, 7-2-07)

2:219. - Right of appeal.

The Administrator shall establish a procedure for the submission of appeals and the adjustment of the customer's stormwater utility charges. This procedure shall provide the following:

- (1) A property owner or occupant liable for a stormwater utility fee shall be provided the right to appeal the stormwater utility charge. Appeals shall be considered on the grounds that the stormwater generated by the property and discharged into the stormwater system is less than

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estimated by the Administrator. No appeal may be brought with respect to a stormwater utility charge more than 1 year after the rendering of the bill for which an appeal is sought.

- (2) For an appeal to be successful, the property owner or occupant shall demonstrate that the stormwater generated by the property is less than the amount used by the administrator in the calculation of that property's stormwater utility charge. Factors that will be considered by the administrator include the impervious area of the property, the activities of the property owner or features of the property that are available for credits, the amount of direct discharge to the stormwater system, or other factors defined by the Administrator.
- (3) A property owner or occupant must comply with all rules and procedures adopted by the administrator when submitting a request for appeal or adjustment of the stormwater utility charge and must provide all information necessary to make a determination.
- (4) Upon a finding that the stormwater generated by a property is less than the amount used by the Administrator in the calculation of that property's stormwater utility charge, the sole remedy to the property owner shall be re-calculation of the stormwater utility charge based on the corrected level of stormwater.
- (5) A finding that the stormwater generated by a property is not less than the amount used by the Administrator in the calculation of that property's stormwater utility charge shall be conclusive with respect to that property and shall remain effective for 7 years, unless the property owner changes the impervious area or the stormwater management practices of the property. The property owner shall remain eligible for credits and exemptions under this chapter.

(Ord. No. 17-07, § 2, 7-2-07)

2:220. - Landlord-tenant.

The property owner may request, subject to the approval of the Administrator, that the stormwater utility charge be billed to the owner's designated tenant. The Administrator may direct billing to the tenants of a property if the tenants are currently billed for water or sanitary sewer service. The property owner shall be liable for payment even if the stormwater utility charges are billed to the tenant of the property.

(Ord. No. 17-07, § 2, 7-2-07)

2:221. - Enforcement.

- (1) No person shall construct or maintain any property, residence or business not in compliance with the standards of this chapter.
- (2) The Administrator and other authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.
- (3) No person shall fail to provide any report or other information or perform any duty required by this chapter.
- (4) The City Attorney is authorized to take appropriate legal action to require compliance with this chapter.
- (5) If, after reasonable notice, a person fails to comply with this chapter, the city may cause the work to be done to obtain compliance and shall charge the cost of that work to the person responsible.
- (6) If any person fails to pay any fees or charges required by this chapter, the amount may be assessed against the property involved in accordance with [section 1:292](#) of [Chapter 13](#) of this Code.

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- (7) In addition to any other remedy, the administrator, after 5 calendar days notice posted on the affected property, is authorized to disconnect water service, sanitary sewer and stormwater sewer services to any property in violation of this chapter. The notice shall state that persons affected may, within 5 calendar days, provide the Administrator with any information or reasons as to why services should not be disconnected.
- (8) The Administrator is authorized to take all steps necessary to immediately halt any discharge of pollutants which reasonably appears to present an imminent danger to the health or welfare of persons or to the environment.
- (9) In case of an emergency involving private stormwater facilities, the Administrator may direct that immediate action be taken to correct or abate the condition causing the emergency. City personnel may perform the required work and charge the appropriate owner(s) all such related and provable costs. Such costs (if remaining unpaid for 30 days following a bill being sent for their reimbursement) shall constitute a lien on the real property.
- (9) Persons aggrieved by any determination of the Administrator in enforcing this chapter may appeal that determination pursuant to [section 1:16](#) of [Chapter 1](#) of this Code. Prosecution shall be stayed pending such an appeal.
- (10) A person who violates any provision of this Chapter shall be responsible for a civil infraction for which the court may impose a civil fine of not more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the City has incurred in connection with the violation, including but not limited to fines paid by the City. Each day a violation occurs is a separate violation.

(Ord. No. 17-07, § 2, 7-2-07)

2:222. - Conflict.

In the event of a conflict between a provision of this chapter and any other portion of the City Code, the provisions of this chapter shall prevail.

(Ord. No. 17-07, § 2, 7-2-07)

FOOTNOTE(S):

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Editor's note— Ord. No. 62-92, § 1, adopted Jan. 19, 1993, amended Ch. 33, in its entirety, to read as herein set out. Former Ch. 33 pertained to similar subject matter. Subsequently, Ord. No. 17-07, § 1, adopted July 2, 2007, effective July 18, 2007, repealed Ch. 33, §§ 2:200—2:214. Section 2 of said Ord. No. 17-07 enacted provisions designated as a new Ch. 33, §§ 2:200—2:222, to read as herein set out. See also the Code Comparative Table. [\(Back\)](#)

Cross reference— Soil erosion and sedimentation control, Ch. 63. [\(Back\)](#)