

ORDINANCE NO. 80-781

AN ORDINANCE TO AMEND CHAPTER 41 OF THE CODE OF ORDINANCES
RELATING TO STORM SEWER DISCHARGES

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 1, Division 3, Section 1-16 of the Code of Ordinances
of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 1-16. - Penalties.

A finding of responsibility of a municipal civil infraction is punishable by a fine of up to
\$10,000 per violation, costs not exceeding \$500, and other sanctions as provided by
MCL 600.8727.

SECTION 2. That Chapter 41, Article 1, Section 41-1 of the Code of Ordinances
of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 41-1. - Penalty.

(a) Except as otherwise provided in subsection (b) of this section and section 41-169,
the violation of any provision of this Chapter is a municipal civil infraction punishable by
a fine of up to \$10,000 per violation, costs not exceeding \$500, and other sanctions as
provided by law.

SECTION 3. That Chapter 41, Article III, Division 1, Section 41-57 of the Code of
Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 41-57. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the
meanings described in this section unless the context in which they are used specifically
indicates otherwise:

- (68) *Storm water*: Includes storm water runoff, snow melt runoff, surface runoff and drainage. Storm water does not include industrial cooling water or process water.

SECTION 4. That Chapter 41, Article III, Division 2, Section 41-60 of the Code of Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 41-60. - Illicit discharges.

- (a) *Sanitary sewers*. A person shall not discharge any substance listed in Section 41-74 into a sanitary sewer.
- (b) *Storm sewers*.
- (i) Except as provided in subsection (ii) below, a person shall not discharge, dump, or dispose of any substance other than stormwater into a public storm sewer or a drain or pipe emptying into a public storm sewer.
- (ii) All of the following are exempt from the prohibition listed in subsection (i) above:
- (1) Discharges that comply with a NPDES permit;
 - (2) Discharges from firefighting activities that are not significant sources of pollutants to the waters of the State of Michigan;
 - (3) If they are not significant contributors to violations of the Water Quality Standards as defined by Mich Admin Code, R 323.1041 – R 323.1117 discharges from the following sources: waterline flushing, potable water, landscape irrigation run off, lawn watering runoff, irrigation water, diverted stream flows, flow from riparian habitats and wetlands, rising or pumped ground water, springs, foundation and footing drains, air conditioning condensation, crawlspace pumps, non-commercial car washing, dechlorinated residential swimming pool discharges, other NPDES permit-compliant dechlorinated swimming pool discharges, and street wash water.
- (c) *Permit Compliance*. Except as provided for in subsection (b)(ii)(1), compliance with a permit is not a defense to a prohibited discharge under this Section.

SECTION 5. That Chapter 41, Article III, Division 4, Section 41-140 of the Code of Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 41-140. - Discharge into storm sewers.

- (a) A person shall discharge only storm water and other unpolluted drainage into storm sewers or to a natural outlet approved by the Michigan Department of Natural Resources.
- (b) A person shall not discharge, dispose of, or dump any substance into storm sewers, except as permitted by Section 41-60 of this Chapter.
- (b) A person shall obtain prior approval from the Director of Public Service to connect or cause a connection to a public storm sewer. The application shall include all of the following:
 - (i) the location of the proposed connection;
 - (ii) the name and address of the owner and occupant of the premises where the connection is to be located; and
 - (iii) plans and specifications with sufficient detail to show that the connection will be done in accordance with standard practices and will not contribute pollutants to the public storm sewer or endanger the public health, safety, or welfare.

SECTION 6. That Chapter 41, Article III, Division 5, Section 41-169 of the Code of Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 41-169. - Penalty.

- (a) The violation of any provision of Chapter 41, except as otherwise provided in subsection (b), is a municipal civil infraction punishable by a fine of up to \$10,000 per violation, plus costs not exceeding \$500 and other sanctions.
- (b) The following violations of this Chapter are a misdemeanor which shall, upon conviction, be punished by a fine not exceeding \$500 or imprisonment for a term not exceeding 90 days, or both, plus costs and other sanctions:
 - (1) Any person who at the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of this Chapter, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the POTW under this Chapter;
 - (2) Any person who intentionally makes a false statement, representation, or certification on an application for, or form pertaining to a permit, or in a notice, report, or record required by this Chapter, or in any other correspondence or communication, written or oral, with the POTW regarding matters regulated by this Chapter; or

- (3) Any person who falsifies, tampers with, or intentionally renders inaccurate any sampling or monitoring device or record required by this Chapter.

SECTION 7. This Ordinance shall take effect on February 12, 2020

I HEREBY CERTIFY that the foregoing Emergency Ordinance No. 80- 781 was adopted by the Council of the City of Warren at its meeting held on January 28, 2020.

SONJA BUFFA
City Clerk

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