

ORDINANCE NO. 80-796

AN ORDINANCE TO AMEND CHAPTER 41 - POST CONSTRUCTION STORM WATER RUNOFF TO INCORPORATE ADDITIONAL REQUIREMENTS FOR THE CITY'S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 41-155 of the Code of Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 41-155. Post-construction storm water runoff.¹

(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 a city 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.*

Channel protection control performance standard (CPC) is maintaining post-construction storm water runoff and peak flow rate at or below the existing level based on the following controls: (i) Channel Protection Rate Control (CPRC) – retain onsite post-development runoff volume from a 1.2-inch rainfall event; and (ii) Channel Protection Rate Control (CPRC) – provide extended detention for the post-development runoff volume from a 1.9-inch rainfall event.

Development or redevelopment project is a construction project involving a public or private property where there is either: (i) an earth disturbance of one (1) acre or more; or (ii) an earth disturbance of less than one (1) acre, but that is part of a larger common plan of development or sale that would disturb one (1) acre or more.

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.

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

It includes, but is not limited to, excavation, surface grading, filling, landscaping, or removal of vegetative roots.

Existing level is the runoff volume and peak flow rate from the land use immediately preceding the development or redevelopment project.

Post-construction storm water runoff is the storm water that flows from a project site after completion of a development or redevelopment project.

Project site is any area on the development or redevelopment project where there is earth disturbance.

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.

Water quality control (WQC) performance standard is treating the post-development runoff volume generated from a 1.0-inch rainfall event; and designing best management practices (BMPs) on a site-specific basis to achieve a minimum of eighty (80) percent removal of total suspended solids (TSS) as compared with uncontrolled runoff; or limiting TSS discharge concentrations to not more than eighty (80) milligrams per liter.

Water quality volume is the runoff volume from a site, based on post-development site conditions of a 1.0-inch rainfall event.

- (c) *Applicability.* 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.
 - (2) The most recent version of the PDSSM is available to be viewed in the City of Warren Clerk's Office.
- (e) *Requirements.* Unless the City of Warren Engineering Division 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 construction permit from the City of Warren.
 - (2) The permit application shall include a site-specific tentative 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 all of the following:
 - (i) Post-development, site-specific structural and vegetative best management practices (BMPs) designed, installed, and maintained to: treat the minimum treatment volume to the *water quality control performance standard (WQC)*;

and achieve the *channel protection control performance standard (CPC)*;
and

- (ii) If the TSS concentrations in the minimum treatment volume do not exceed eighty (80) milligrams per liter, the responsible party shall provide site-specific documentation attesting to the TSS concentrations;

(3) Develop or redevelop in accordance to the approved storm water tentative management plan.

(4) After development or redevelopment, submit and receive approval for the final operation and maintenance plan that ensures maximum design performance.

(5) Develop and maintain the property in conformity with the final operation and maintenance plan including annual storm water maintenance reports.

(f) *Enforcement.*

(1) *Final operation and maintenance plan compliance.* To ensure final operation and maintenance plan compliance, the City of Warren may do any one (1) or more of the following:

- (i) Have the city engineer 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.

(2) *Cost reimbursement.* The City of Warren may require the responsible party to reimburse the city for costs associated with ensuring compliance with this section.

(3) *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) A 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.

SECTION 2. This Ordinance shall take effect on December 1, 2021.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-796 was adopted by the Council of the City of Warren at its meeting held on November 23, 2021.

SONJA BUFFA
City Clerk

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