

CHAPTER 927

Storm Sewers

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CROSS REFERENCES

- Untreated sewage - see Ohio R.C. 3701.59
- Interference with sewage flow - see Ohio R.C. 4933.24
- Sewer connections and rental rates - see S. & P. S. Ch. 921
- Surface water discharge - see S.U. & P.S. Ch. 925

927.01 APPROVAL OF PLANS; INSPECTION.

No storm sewer shall be constructed within the corporate limits of the Municipality and connected to the public storm sewer system of such Municipality, unless and until the City Engineer or his designee has approved the plans, specifications and profiles for the same, and not until the builder has arranged for inspection of the construction of the same by the City Engineer or his designee. (Ord. 0260-2004. Passed 12-6-04.)

927.02 GENERAL.

The purpose of the stormwater management provision contained in this chapter and other related provisions contained elsewhere in the Code is to provide for effective management and financing of a stormwater system within the City.

- (a) In order to accomplish the purpose of the effective administration of a stormwater system within the City, the chapter shall:
 - (1) Establish and maintain fair and reasonable stormwater management service charges for each lot or parcel in the City which bears a substantial relationship to the cost of providing stormwater management services and facilities. Such service charges shall be charged because each property contributes to stormwater runoff and benefits from effective management of stormwater by the City.

- (2) Ensure that similar properties pay similar stormwater management service charges which reflect the area of each property and its intensity of development, since these factors bear directly on the peak rate of stormwater runoff.
Charges for residential properties (one dwelling unit) shall reflect the relatively uniform effect that such development has on runoff. Charges for all other properties shall be in proportion to residential properties, utilizing both relative area and intensity of development in setting rates.
 - (3) Provide a mechanism for consideration of specific or unusual service requirements of some properties, and special and general benefits accruing to or from properties as a result of providing their own stormwater management facilities.
 - (4) Provide for a service charge adjustment process to review stormwater charges when unusual circumstances exist which alter runoff characteristics, when either service or benefit varies from a normal condition or is of greater significance than contribution to runoff or to periodically ensure that rates reflect the current costs of effective stormwater management; and
 - (5) Utilize stormwater management funds throughout the City, except where activities or facilities are clearly unusual and in excess of the normal level of service Citywide and where developers are responsible for providing any new stormwater facilities required for their project.
- (b) In order to maintain its effectiveness, this chapter shall:
- (1) Establish a mechanism for appeals and amendments to its provisions.
 - (2) Provide a procedure for abatement of conditions or activities which are not in the interest of public health, safety or welfare.
 - (3) Provide for its continuous validity through severability of its various portions; and
 - (4) Provide penalties for violations of its provisions.
- (Ord. 0260-2004. Passed 12-6-04.)

927.03 DEFINITIONS.

For the purpose of this chapter, the words and phrases shall be defined as follows, unless the context clearly indicates or requires a different meaning:

- (a) "Abatement" means any action taken to remedy, correct, or eliminate a condition within, associated with or impacting a drainage system.
- (b) "Appeals Board". The Water and Sewer Internal Review Board shall be the Appeals Board.
- (c) "City" means the City of Gahanna, Ohio.
- (d) "City Engineer" means a professional engineer designated by and representing the City of Gahanna.
- (e) "Council" means the Council of the City of Gahanna, Ohio.
- (f) "Credit" means an on-going (as long as the various circumstances which produced the credit have not changed) reduction in a utility service charge given for certain qualifying activities which reduce either the impact of increased stormwater runoff or reduces the City's costs of providing stormwater facilities.
- (g) "Detention facility" means a facility which, by means of a single control point, provides temporary storage of stormwater runoff in ponds, parking lots, depressed areas, rooftops, buried underground vaults or tanks, etc., for future release, and is used to delay and attenuate flow.
- (h) "Developer" means a person, firm, partnership or corporation, which otherwise improves a specific parcel or tract of land, performs construction work of any kind in the "project area" as defined in this section or holds or is required to obtain a "permit" as defined in this section.
- (i) "Director". The "Director" shall be the Director of Public Service.

- (j) "Embankment" means the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; a fill or the material used to make an embankment. This can be caused when earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface or cut and shall include the conditions resulting therefrom.
- (k) "Engineer, professional" means a person holding a certificate of registration under O.R.C. §§4733.14 or 4733.19.
- (l) "Equivalent Residential Unit (ERU)" means a value of measured impervious area and is equal to the average amount of impervious area of typical single family residential properties within the City.
- (m) "Excavation" means the difference between a point on the original ground and designated point of lower elevation on the final grade; cut or the material removed in excavation. This can be caused when earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.
- (n) "Facilities" means various drainage works that may include inlets, conduits, manholes, energy dissipation structures, public stormwater open channels, outlets, retention/detention basis, and other structural components.
- (o) "Grading" means any stripping, cutting, filling, stockpiling, or any combination thereof and shall include the land in its cut or filled condition.
- (p) "Impervious area" means land areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop, blacktop, and other materials, or artificially compacted so as to provide, in the judgment of the Director, a non-pervious surface.
- (q) "Municipal" means property or facilities owned by the City of Gahanna, Ohio.
- (r) "Notice" means a written or printed communication conveying information or warning.
- (s) "Order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) or any matter issued by the Director or person designated by them pursuant to any provisions of this chapter.
- (t) "Owner" means any person or other legal entity which has rightful or legal title to real property.
- (u) "Permit" means the "stormwater management permit" required by this chapter.
- (v) "Premises" means a lot or parcel and the buildings and improvements situated thereon.
- (w) "Private" means property or facilities owned by individuals, corporations, and other organizations and not by municipal, county, township, state or federal government.
- (x) "Project area" means the land lying within the geographical limits of the tract(s) or parcel(s) under consideration and on which the work is to be performed.
- (y) "Public stormwater open channel" means all open channels which convey, in part or in whole, stormwater, and are owned, operated or maintained by the City; or a stormwater open channel which has a permanent drainage/stormwater easement owned by the City and drains an area which includes City owned property or right of way. A public stormwater open channel does not include roadside ditches which convey only immediate right of way drainage.
- (z) "Public" means property or facilities owned by municipal, county, township, state, or federal governments.
- (aa) "Retention facility" means a facility which provides storage of stormwater runoff and is designed to eliminate subsequent surface discharges.
- (bb) "Storm, stormwater" means rainfall runoff, snow melt runoff and surface runoff and drainage. "Storm" and "stormwater" as used in this chapter are interchangeable terms.
- (cc) "Storm sewer, storm drain" means a sewer or drain which carries stormwaters, surface runoff, street wash waters, and drainage, but which excludes sanitary

sewage and industrial wastes, other than unpolluted cooling water. Storm sewers begin at the grating or opening where water enters the structure, through the sewer and conduits to the outlet structure where water enters a channel or natural watercourse.

- (dd) "Stormwater Management Code" means Chapter 1193 of the Codified Ordinances of the City.
- (ee) "Stormwater Management Design Manual" means the latest edition of the Handbook of Design Methods, Standards, and Requirements for the Design, Construction, Maintenance and Use of Stormwater Facilities published by the Mid-Ohio Regional Planning Commission.
- (ff) "Stormwater management system" means all man-made facilities, structures, and natural watercourses used for collecting, transporting, detaining, storing or disposing of stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to any and all of the following: inlets, conduits, and appurtenant features, canals, creeks, public stormwater open channels, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basis, dams, floodwalls, levees, and pumping stations.
- (gg) "Total area" means the square footage of a lot or parcel measured or estimated by using the outside boundary dimensions, in feet, converted to acres (one acre equals 43,560 square feet), to obtain the total enclosed area, without regard for topographic features of the enclosed surface, as used in Section 927.17 for the purpose of determining the rate class for lot(s) or parcel(s) of real property. The boundary dimensions in feet of the enclosed surface area may be established by either of the following methods selected by the utility for each lot or parcel:
 - (1) On-site or photogrammetric measurements of the apparent outside boundary dimensions of the lot or parcel of real property made by the City or on its behalf; or
 - (2) Computation of the area using dimensions of lot or parcel of real property and/or existing area measurements which are set forth and contained in the records of the office of the County Recorder or Auditor.
- (hh) "Utility" means the Stormwater Management Utility provided for by this chapter.
- (ii) "Watercourse" means a permanent or intermittent stream, river, brook, creek, public stormwater open channel, swale or ditch for water whether natural or manmade. (Ord. 0260-2004. Passed 12-6-04.)

927.04 ORGANIZATION OF THE UTILITY.

(a) The Utility shall be administered by the Director who shall have the responsibility for planning, developing, and implementing stormwater management or sediment control plans; financing, constructing, maintaining, rehabilitating, inspecting, and managing existing and new stormwater facilities; collecting fees and charges for the utility; implementing and enforcing the provisions of this Code; and other related duties.

(b) The Utility may avail itself of the services of other City departments necessary for the discharge of its responsibilities. (Ord. 0260-2004. Passed 12-6-04.)

927.05 STORMWATER FACILITIES.

(a) The Utility shall monitor the design, operation, maintenance, inspection, construction and use of all storm sewers, storm drains, and stormwater facilities in the City. The Utility shall be responsible for the design and construction of public stormwater facilities in the City and shall inspect, operate and maintain them as prescribed in Section 927.10.

(b) The Utility may accept overriding responsibility for permanent maintenance of stormwater facilities designed to control erosion when the benefiting area involves two or more property owners. The Utility may require facilities to be designed to reduce maintenance costs and will require adequate easements.
(Ord. 0260-2004. Passed 12-6-04.)

927.06 MULTIPLE FUND PROJECTS.

Where a public improvement is funded by the City and other agencies or organizations, and storm drainage is not a primary part of that project, the Utility's responsibility for the storm drainage costs shall be in proportion to the City's share of the total cost of the project unless otherwise determined by Council. (Ord. 0260-2004. Passed 12-6-04.)

927.07 PRIVATE FACILITIES.

Any owner of private property upon which stormwater drainage facilities exist for the purpose of collecting, conveying, retaining or detaining stormwater within that property and which are not public facilities pursuant to Section 927.08, shall be responsible for the maintenance of these facilities as required to ensure proper operation, maintaining property in litter-free manner; and maintaining grass and weeds.

When the Utility accepts responsibility for design, construction, inspection, operation or maintenance of private facilities in accordance with Section 927.08, all expenses incurred therewith shall be the responsibility of the Utility.

The City reserves the right to cooperatively work with property owners in an area to fix a common problem related to stormwater. This means that financial arrangements may be agreed to between the City and property owners which result in an equitable arrangement that benefits all parties. (Ord. 0260-2004. Passed 12-6-04.)

927.08 PUBLIC FACILITIES.

The Utility shall be responsible for stormwater drainage facilities, and watercourses on all streets, boulevards, sidewalks, curbing, streets, and other municipal property and public easements, and highway structures and appurtenances belonging to the City.

Where public facilities and watercourses are located in easements on private property, the owner of the property is responsible for aesthetic maintenance such as lawn mowing, litter pick-up, and the like. The owner shall neither place nor allow structures or plantings that interfere with the operation and maintenance of such drainage facilities and watercourses. (Ord. 0260-2004. Passed 12-6-04.)

927.09 ANCILLARY IMPROVEMENTS.

The Utility may authorize the construction of curbs, pavements, public stormwater open channels, watercourses, conduits, culverts, or other structures on municipal property or public easements necessary to properly operate and maintain new and existing stormwater facilities. (Ord. 0260-2004. Passed 12-6-04.)

927.10 ROUTINE AND REMEDIAL MAINTENANCE.

The Utility shall provide for inspection and routine maintenance of facilities that may have been accepted for maintenance by the Utility. Maintenance may include catch basin cleaning, grating and casting repair, bridge surface drainage systems cleaning, public stormwater open channel clearing, erosion repair, and other incidentals. The Utility shall provide for remedial maintenance of facilities based upon the severity of stormwater problems and potential hazard to the public. Remedial maintenance of bridge surface drainage systems shall remain the responsibility of agencies other than the Utility. (Ord. 0260-2004. Passed 12-6-04.)

927.11 LAND AND FACILITIES AFFECTED BY LANDS OUTSIDE THE CITY.

Where stormwater drains from lands outside the City, facilities within the City shall be designed in accordance with this chapter as if the entire drainage area was within the City, as determined by the Director or his designee. (Ord. 0260-2004. Passed 12-6-04.)

927.12 RULES AND REGULATIONS.

In order to accomplish the purpose of this chapter to protect the drainage facilities, improvements, and properties owned and maintained by the City, to secure the best results from

the construction, operation and maintenance thereof, and to prevent damage and misuse of any of the drainage facilities, improvements or properties within the City, the Utility shall utilize existing rules, regulations or codes and may make and enforce additional rules and regulations that are approved by Council. The purpose of the rules and regulations shall be:

- (a) To prescribe the manner in which storm sewers, watercourses, public stormwater open channels, and other stormwater facilities are to be designed, installed, adjusted, used, altered or otherwise changed;
 - (b) To recommend inspection and certain other fees permitted by this chapter;
 - (c) To prescribe the manner in which such facilities are operated;
 - (d) To facilitate the enforcement of this chapter;
 - (e) To prescribe the collection procedures and timing of service charge bills;
 - (f) To protect the municipal stormwater management system, improvements, and properties controlled by the Utility, and to prescribe the manner of their use by any public or private person;
 - (g) To protect the public health, safety and welfare.
- (Ord. 0260-2004. Passed 12-6-04.)

927.13 RIGHT OF ENTRY FOR SURVEY, EXAMINATION AND MAINTENANCE.

After presenting proper credentials and securing permission, the Director or his designees, including contractors and their employees or consultants and their employees, may enter upon lands within the City to make surveys and examinations to accomplish the necessary findings to establish a Master Plan, for detailed analysis to prepare final plans and specifications for proposed improvements or for inspection or maintenance of stormwater facilities. (Ord. 0260-2004. Passed 12-6-04.)

927.14 FUNDING.

Funding for the Utility shall include, but not be limited to:

- (a) Stormwater Management Service Charges;
- (b) Direct Charges. This charge will be collected from owners, developers and other responsible parties for the cost of designing and constructing stormwater facilities, and for administrative costs and related expenses where the utility designs and/or constructs or contracts for the construction of such facilities, including costs associated with abatement procedures undertaken by the Utility;
- (c) Direct Assessment. This charge will be collected from owners in localized areas that desire stormwater drainage facilities not considered a part of the regional development or where an improvement is desired ahead of the priority status;
- (d) Other income obtained from federal, state, local and private grants, or revolving funds. (Ord. 0260-2004. Passed 12-6-04.)

927.15 STORMWATER UTILITY FUND.

All revenues generated by or on behalf of the Utility including stormwater management service charges and direct charges shall be deposited in the Stormwater Management Fund and used exclusively for Utility purposes. (Ord. 0260-2004. Passed 12-6-04.)

927.16 STORMWATER MANAGEMENT SERVICE CHARGE.

A stormwater management service charge is imposed on each lot and/or parcel of land within the City, and the owner thereof, excepting only streets, boulevards, sidewalks, curbing, street crossings, grade separations, and other public ways and easements, and highway structures belonging to the City, state and federal government. If individual adjacent lot(s) or parcel(s) are all owned by the same owner, they shall be considered to be a single parcel for determination of service charges.

- (a) Public road and freeway rights-of-way shall be exempt from the stormwater management service charge because they function as part of the stormwater collection and conveyance system. Private rights-of-way will be charged as described herein.

- (b) Properties that have existing stormwater detention facilities may have their stormwater management service charges reduced as determined by the Utility, in accordance with generally accepted engineering standards and practices to more accurately reflect the contribution to runoff from the property and the level of service provided to such property. The detention facilities must be in accord with the hydrologic, hydraulic, and structural design requirements of the rules and regulations. Facilities of a temporary nature will not be allowed a decrease in their charges.
- (c) The Utility may reduce or waive requirements for an individual detention/retention basin if a common or regional basin of adequate design is available or if the Utility is reasonably certain one will be constructed and if the major drainage system from the project area to such common or regional basin is such that the public health, safety and welfare will not be in jeopardy.
(Ord. 0260-2004. Passed 12-6-04.)

927.17 CLASSIFICATION OF PROPERTY AND ERU ASSIGNMENT AND RATE.

All properties having impervious area within the City shall be assigned an equivalent residential unit (ERU) or a multiple thereof, which will be at a minimum one ERU. There shall be two classifications of property for determination of the stormwater management service charge-variable charge:

- (a) Class R. Single family residential properties assigned one ERU. The annual stormwater management service charge for Class R lot(s) shall be in accordance with the following schedule:
~~2009 and~~ 2010: Class R: \$11.45 per quarter less any applicable credits.
2011: CLASS R: \$12.00 PER QUARTER LESS ANY APPLICABLE CREDITS.
- (b) Class C. All properties having an impervious area which are not single family residential properties assigned by the Director an ERU multiple based upon the properties estimated impervious area (in square feet) divided by 3064 square feet (one ERU) calculated to the second decimal place. The annual stormwater management charge for Class C lots and parcels shall be calculated as follows:
~~2009 and~~ 2010: Class C: \$11.45 per ERU per quarter less any applicable credits.
(Ord. 0271-2009. Passed 12-7-09.)
2011: CLASS C: \$12.00 PER ERU PER QUARTER LESS ANY APPLICABLE CREDITS.

927.18 COLLECTION OF STORMWATER MANAGEMENT SERVICE CHARGE.

The stormwater management service charge shall be paid, by the owner of each lot or parcel which is subject to this charge, on a periodic basis. Partial payments may be accepted. In accepting such partial payments, the amount owing shall be considered delinquent and the moneys paid shall be applied in the following order:

- (a) Refuse;
- (b) Penalty;
- (c) Stormwater management;
- (d) Sewer improvement;
- (e) Water improvement;
- (f) Sewer; and
- (g) Water.

(Ord. 0260-2004. Passed 12-6-04.)

927.19 ADJUSTMENT CHARGE; APPEAL.

Anytime the runoff situation on a parcel of property changes, the Stormwater Utility reserves the right to correspondingly adjust the stormwater management service charge.

Owners who consider the charges applicable to their lot or parcel to be unjust or inequitable may apply, within 30 days after receipt of the charge, to the Water and Sewer Internal Review Board for adjustment thereof, stating in writing the grounds of the complaint.

The Water and Sewer Internal Review Board shall cause appropriate investigation thereof and determine whether an adjustment of the charges for any such lot or parcel is necessary to provide for the just and equitable application of the stormwater management service charge, and adjust such charge if appropriate. (Ord. 0260-2004. Passed 12-6-04.)

927.20 DELINQUENT CHARGES.

(a) All delinquent fees shall be assessed as provided by the Utility, or as provided by the Utility's contract billing agent, if any.

(B) EACH STORMWATER SERVICE CHARGE RENDERED UNDER OR PURSUANT TO THIS CHAPTER IS HEREBY MADE A LIEN UPON THE CORRESPONDING LOTS, PARCELS OF LAND, BUILDINGS OR PREMISES THAT ARE TRIBUTARY DIRECTLY OR INDIRECTLY TO THE STORMWATER SYSTEM OF THE CITY. IF THE SAME IS NOT PAID WITHIN SIXTY (60) DAYS AFTER SAID STORMWATER CHARGES BECOME DUE AND PAYABLE, IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE CITY, SAID STORMWATER CHARGES MAY BE CERTIFIED TO THE AUDITOR OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED, WHO SHALL PLACE THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE OF THE PROPERTY SERVED. CERTIFIED AMOUNT TO INCLUDE THE INTEREST AND PENALTIES ALLOWED BY LAW AND SHALL BE COLLECTED AS OTHER TAXES ARE COLLECTED.

~~(b) Unpaid charges shall constitute a lien upon the affected real property from the date charges are incurred.~~

~~(c) Charges which remain unpaid are subject to the filing of a suit by the City to collect the unpaid charges.~~

~~(d) For delinquent charges, a special assessment may be filed with the Auditor of Franklin County, Ohio, as a lien upon the real property.~~

(Ord. 0260-2004. Passed 12-6-04.)

IT SHALL BE A BUYER AND SELLER RESPONSIBILITY, WHERE PROPERTY IS SOLD, TO ASSURE THAT ALL STORM WATER UTILITY CHARGES HAVE BEEN PAID IN FULL OR PROVISIONS AGREED TO FOR PAYMENT; OTHERWISE, THE RESPONSIBILITY FOR PAYMENT FOR ANY STORM WATER CHARGES WHATSOEVER SHALL RESIDE WITH THE CURRENT OWNER OF SUCH PROPERTY.

927.21 APPEALS BOARD.

The Water and Sewer Internal Review Board may serve as the Appeals Board to hear and determine any appeal filed under Section 927.23.

The Appeals Board shall, in harmony with the general purpose of this chapter and to secure the public health, safety and welfare, have the power to affirm, modify or revoke any notice or order and may grant an extension of time for the performance of any act required by this chapter where there is practical difficulty or undue hardship connected with the performance of such notice or order, and its decision shall be final.

(Ord. 0260-2004. Passed 12-6-04.)

927.22 APPEALS.

Any owner may appeal decisions or interpretations of the Director or his designee, issued in connection with the enforcement of any provisions of this chapter provided that such owner shall file in the office of the Director a written request to the Appeals Board as provided below.

- (a) The Director shall upon receipt of a request set a time and place for a public hearing and shall give the owner written notice thereof. At the hearing, the owner shall be given an opportunity to be heard and show cause why any decision, interpretation or any item appearing on a notice or order should be modified.

After a hearing, the Appeals Board shall sustain, modify or deny any item appealed by majority vote, depending on its findings as to whether the provisions of this chapter have been complied with, and the owner and the Director shall be notified in writing of such findings.

The proceedings at such hearings, including the findings and decision of the Appeals Board and reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the office of the Director. The record shall also include a copy of every notice or order issued in connection with the matter.

- (b) The failure of the owner or his representative to appear and state his case at any hearing shall constitute a denial of the appeal.
- (c) Filing fees as required shall be in addition to the payment of the permits and inspection fees and any other fee which thereafter may occur, and no portion of such filing fee shall be refunded whatever the outcome of the appeal.

(Ord. 0260-2004. Passed 12-6-04.)

927.23 CONTENTS OF APPEAL REQUEST.

The owner shall set forth in the request for appeal, the interpretation, ruling or order appealed from, and the related provisions of this chapter or related laws or ordinances, and shall state wherein the interpretation, ruling, or order is erroneous.

Requests to the Appeals Board, in appeals filed in accordance with Section 927.22(a), may only be based on whatever the interpretation, ruling or order is erroneous or constitutes an erroneous application of the particular provisions of this chapter or other related laws or ordinances pertaining to stormwater management and finance, or is otherwise contrary to law.

(Ord. 0260-2004. Passed 12-6-04.)

927.24 ILLICIT DISCHARGE TO THE STORM SEWER SYSTEM.

Prohibited discharge to separate storm sewers and watercourses:

- (a) No person shall discharge any wastewater treatment plant effluent, cooling water, or unpolluted water into any separate storm sewer or watercourse unless such discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit or is exempt from NPDES permit regulations and is not otherwise prohibited by this section.
- (b) No person shall discharge or cause to be discharged into any separate storm sewer any stormwater associated with industrial activity as defined in 40 CFR 122.26(b) (Code of Federal Regulations associated with the NPDES program) unless the discharge is in compliance with all applicable provisions of the NPDES stormwater regulations in 40 CFR 122.26 and any applicable state regulations and is in compliance with the terms and conditions of any system-wide stormwater discharge permit issued to the district pursuant to those regulations. (Ord. 0260-2004. Passed 12-6-04.)

927.25 FLOODING; LIABILITY.

Floods from stormwater runoff may occasionally occur which exceed the capacity of storm drainage facilities constructed, operated, or maintained by funds made available under this chapter. This chapter does not imply that property subject to the fees and charges established herein will always be free from stormwater flooding or flood damage, or that stormwater systems capable of handling all storm events can be cost effectively constructed, operated or maintained.

Nor shall this chapter create a liability on the part of, or cause of action against, the City or any officer or employee thereof for any flood damage that may result from such storms or the runoff thereof. Nor does this chapter purport to reduce the need or the necessity for obtaining flood insurance. (Ord. 0260-2004. Passed 12-6-04.)

927.99 PENALTY.

~~Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a minor misdemeanor and subject to a fine of \$100 per day. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 0260-2004. Passed 12-6-04.)~~

ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE CHARGED WITH A MINOR MISDEMEANOR ON THE FIRST OFFENSE AND FOR EACH SUBSEQUENT OFFENSE SHALL BE CHARGED WITH A MISDEMEANOR OF THE FOURTH DEGREE.