

ORDINANCE NO. 801

AN ORDINANCE PROTECTING THE CITY OF TALENT'S STORM DRAIN SYSTEM

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. Title

Sections 1 through 6 below shall be known as the Storm Drain Protection Ordinance.

Section 2. Purpose and Intent

The purpose of the Storm Drain Protection Ordinance is to prevent pollution and sediment build-up in the City storm drain system, thereby reducing cleaning and maintenance of the storm drain system and reducing pollution of receiving bodies of water.

Section 3. Definitions

As used within this ordinance, the words and phrases below have the following definitions and meanings:

BEAR CREEK WATERSHED – Geographic region enclosing Bear Creek and its tributaries.

CONSTRUCTION – Includes, but is not limited to, constructing any of the following: buildings, addition to buildings, streets, parking lots sidewalks, driveways, trenches for utilities, or landscaping.

CONTAMINANT – Any substance or material such as, but not limited to, oil, gasoline, antifreeze, animal waste, lawn and yard fertilizers, defoliants, paint, wet concrete, herbicides, or pesticides, that could cause harm, or otherwise have an adverse effect on the City's storm drain system or waters (surface or ground) within the Bear Creek Watershed.

DEBRIS – Any foreign material such as, but not limited to, trackout, sediment from erosion, landscaping supplies, lawn clippings, leaves, brush, tree trimmings, household trash, litter, and concrete.

LANDSCAPING – The process of arranging soil, trees, shrubs, grass, irrigation systems, or other commonly used landscaping materials on a piece of property. For this ordinance, landscaping does not include routine lawn or yard maintenance such as grass mowing.

RESPONSIBLE PARTY – The property owner or his/her authorized representative (i.e. contractor, job superintendent, or foreman).

STORM EVENT – Any storm distributing rainfall such that accumulated waters are capable of carrying sediment.

STORM DRAIN SYSTEM – The system of pipes, manholes, curbs, gutters, curb inlets, catch basins, canals, ditches, detention basins, ponds and streams intended to convey storm water runoff.

TRACKOUT – The tracking of mud, soil, debris, or contaminant onto any street, alley, sidewalk, or public way.

Section 4. Prohibited Action

- A) No person shall, intentionally or unintentionally, wash, sweep, push, dump or otherwise allow any debris, water contaminant, or potential water contaminant to enter the City's storm drain system.
- B) Any person, company, or contractor performing construction in the City of Talent shall be responsible for the prevention of any debris, contaminant, or potential contaminant from entering the City's storm drain system, and shall adhere to and abide by the guidelines for Erosion Control and Sediment Prevention, as described in Section III of the City of Talent Storm Drainage Design Standards (Resolution No. 98-517-R, adopted January 7, 1999).
- C) No person, company, or contractor shall allow any debris, contaminant, or potential contaminant from accumulating on any city street, alley, sidewalk, or public way adjacent to his/her property, to an extent that said debris, contaminant, or potential contaminant, if allowed to enter the City's storm drain system, could cause a disruption to the proper functioning of the City Storm Drain System, necessitate cleaning of any portion of the City Storm Drain, or pose a threat to water quality in the Bear Creek Watershed.

Section 5. Enforcement

- A) The City Manager, or his/her designee, is appointed to administer and implement this ordinance and the requirements/restrictions thereof.
- B) Abatement
 - 1) Upon issuance of a building permit or encroachment permit, the responsible party shall obtain a Storm Drain Protection Permit, attached. The permit describes specific guidelines to help meet the purposes of this ordinance.

- 2) First Warning: In the case that an infraction(s) occurs, the City Manager, or his/her designee, shall contact the responsible party and verbally notify him/her of the infraction(s).
- 3) Second Warning: If the infraction(s) is not corrected within two days of the verbal warning, the City Manager, or his/her designee, shall send a written notice to the responsible party. The City Manager, or his/her designee, may issue a stop-work order at this time to ensure the infraction is corrected immediately.
- 4) Should the responsible party fail to correct the infraction(s) within five days after the written notice is sent or prior to a forecasted storm event, he/she will be subject to possible fine (according to Section 6 below), work stoppage, and/or reimbursement to the City of all costs associated with correcting the infraction.
- 5) If the responsible party cannot be reached, the City Manager, or his/her designee, shall make all necessary arrangements to correct the infraction(s) and bill the responsible party for all costs incurred related to abatement.

Section 6. Penalty

Violation of the policies of this ordinance shall be punishable, upon conviction, by a fine not exceeding \$500 per day for each day that the violation exists prior to abatement. In the case of contaminating receiving bodies of water, with substantial evidence that the cause of pollution is due to a particular construction activity, the violator/responsible party shall be subject to all regulations established by State or Federal Agencies.

Duly enacted by the City Council in open session on February 15, 2006 by the following vote:

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 0



Betty Wheeler, City Manager/Recorder and Custodian of City records