CHAPTER 12: STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL

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12.01 Intent

(A) *Intent.* It is the intent of this chapter to protect, maintain, and enhance the health, safety, and general welfare of the citizens of the City of Elm Springs by:

(1) Preventing increases in the magnitude and frequency of stormwater runoff to prevent increases in flood flows and associated hazards and costs.

(2) Controlling soil erosion and sedimentation to minimize soil deposition in streams and other receiving water bodies and storm drainage systems.

(3) Requiring surface and stormwater management practices that comply with requirements of this chapter.

(4) Promoting the development of stormwater facilities that are aesthetically desirable.

(B) *Findings of fact.* The City Council finds that uncontrolled stormwater runoff from developed land adversely affects the public health, safety, and welfare because:

(1) *Impervious surfaces / runoff.* Impervious surfaces increase the quantity and velocity of surface runoff, which reduces percolation of water through soil and increases erosion and flooding.

(2) *Collection and conveyance of stormwater.* Improper stormwater collection and conveyance adversely affects property and increases the incidence and severity of flooding, which can endanger property and human life.

(3) *Erosion.* Increased erosion leads to sedimentation in stormwater management systems, which decreases the system's capacity

(4) *Future problems.* Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

12.02 Adoption Of Drainage Criteria Manual

The City Council hereby adopts by reference the *Springdale Drainage Criteria Manual*, prepared for the City of Springdale, and as may be amended from time to time. All technical procedures and design standards contained therein shall have the same force and effect as if printed word for word in this chapter.

12.03 Permits Required

(A) *Applicability.* This chapter shall apply to all land within the corporate limits of the City of Elm Springs. No person may subdivide and develop, change to a more intensive land use, construct or reconstruct a structure, or change the size of a structure, or conduct grading, clearing, or filling activities without first obtaining a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") from the city, except as specified in §12.03(C) and §12.03 (D) below.

(B) *Permit application.* Any application for a drainage permit shall be submitted according to §12.05 below, and shall be submitted concurrently with the application for a grading permit, if such grading permit is required by § 10.03. The drainage permit applications shall include at the time of submission the calculations required by §12.05(B)(7). The application also shall state whether or not detention is required, and shall provide the basis for that conclusion, utilizing the performance criteria set forth in §12.07 below. The City shall make the final determination regarding detention.

(C) *Exceptions where no drainage permit is required.* Drainage permits are not required for the following:

(1) *Single-family/duplex.* One single-family residence or duplex. A drainage permit is not required. See Section 170.12 for building permit submittal requirements.

(2) *Existing commercial/industrial.* Existing commercial and industrial structure where additional structural improvements are less than 2,000 square feet.

(3) *Maintenance.* Maintenance or clearing activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.

(4) *Agriculture.* Bona fide agricultural pursuits, for which a soil conservation plan has been approved by the local Soil and Water Conservation District.

(5) *Emergency.* Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms, or other hazards.

(D) *Compliance with chapter provisions.* Although a specific permit is not required for these particular circumstances, this exception does not exempt the owner/developer/builder from complying with the pollution prevention and erosion and sediment control provisions of this chapter.

12.04 Drainage Permit Conditions

Each permit issued shall be subject to the following conditions.

(A) *Area.* The development, including associated construction, shall be conducted only within the area specified in the approved permit.

(B) *Execution.* Activities requiring a drainage permit shall not commence until the drainage permit is approved. The approved drainage permit shall be on file with the city and a copy on file with the contractor for review and inspection upon request.

(C) *Inspections.* A schedule of inspections to be carried out during the construction phase of permitting shall be established as conditions to the permit.

(D) *Duration.*

(1) Unless revoked or otherwise modified, the duration of a drainage permit issued pursuant to this chapter shall be one year.

(2) If the permitted project discharge structure is not completed prior to expiration, the drainage permit duration can be extended to cover the project duration, subject to approval of the City.

(E) *Maintenance.* Maintenance activities, as specified in the approved maintenance plan, shall be executed routinely, with scheduled reporting to the City.

(F) *Modifications.* If the activity authorized by the permit is not completed according to the approved schedule and permit conditions, the City shall be notified. For revisions resulting in a schedule extension of more than 30 days, or if deviations from the permit conditions are expected to occur, approval of a permit modification is required by the City.

(H) *Special.* Any additional special conditions, as deemed appropriate by the City, shall be established to address specific project needs or circumstances.

12.05 Drainage Permit Application

A storm water management, drainage, and erosion control permit application shall be submitted to the City using appropriate forms as provided by the city. A permit application shall contain sufficient information and plans to allow the City to determine whether the project complies with the requirements of this chapter. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the *Drainage Criteria Manual* checklist. Submittal information and plans shall include, but not be limited to the following:

(A) *Applicant identification.* Applicant information, including the name, address, email, and telephone number of the owner and developer, and proof of ownership of the property to be permitted. In addition, the legal description of the property shall be provided, and its location with reference to such landmarks as major water bodies.

(B) *Plan.* Stormwater management, drainage and erosion control plan, shall include, but not be limited to the following:

(1) *Aerial photograph.* Aerial photograph of the project vicinity, covering the project area and the total lands that contribute runoff.

(2) *Topographic map.* Topographic map of the project area showing the location and elevation of benchmarks, including at least one benchmark for each control structure.

(3) *Land use map.* Land use map showing both current and proposed conditions for the drainage area that contributes runoff.

(4) *Soils and vegetation map.* Soils and vegetation map displaying the most recent U.S. Soil Conservation Service information and encompassing both the project area and the drainage area that contributes runoff.

(5) *Grading, drainage, paving, building drawings.* Proposed grading, drainage, paving, and building drawing(s) showing details of proposed grading, drainage, paving, and buildings.

(6) *Erosion and sediment drawings.* Erosion and sediment control drawing(s) and specifications identifying the type, location, and schedule for implementing erosion and sediment control measures, including appropriate provisions for maintenance and disposition of temporary measures.

(7) *Technical report.* Technical report, prepared by a registered professional engineer, describing the assumptions, calculations, and procedures used for determining compliance with the performance criteria established by this chapter.

(8) *Maintenance report.* Maintenance report (text and drawings), prepared by a registered professional engineer, describing the activities and schedule required to operate and maintain the permitted facilities until accepted by the city.

12.06 Submission, Review, And Approval Of Plans

(A) *General.* The stormwater management, drainage, and erosion control plans shall be prepared by the engineer of record, who is a licensed professional engineer of the State of Arkansas.

(B) *Preliminary stormwater and drainage plan.* Preliminary stormwater management, drainage, and erosion control plans and accompanying information as described in the *Drainage Criteria Manual* shall be submitted at the time of the preliminary plat, replat, lot split, building permit , site improvement plan, large scale development, and/or development improvements are submitted.

(C) *Final stormwater management, drainage, and erosion control plan.* Following the preliminary stormwater management, drainage, and erosion control plan review, the final stormwater management drainage, and erosion control plan shall be prepared for each phase of the proposed project as each phase is developed. The final plan shall constitute a refinement of the concepts approved in the preliminary stormwater, drainage, and erosion control plan, with preparation and submittal of detailed information as required in the *Drainage Criteria Manual.* This plan shall be submitted at the time construction drawings are submitted for approval.

(D) *Review and approval of final stormwater management, drainage, and erosion control plans.* Final stormwater management, drainage, and erosion control plans shall be reviewed by the City. If it is determined according to present engineering practice that the proposed development will provide control of stormwater runoff in accordance with the purposes, design criteria, and performance standards of these regulations and will not be detrimental to the public health, safety, and general welfare, the City shall approve the plan or conditionally approve the plan, setting forth the conditions thereof.

(E) *Off-site improvements.* If it is determined that offsite drainage improvements are required, and that such specific off-site drainage improvements are consistent with the city's current and established priorities, then cost sharing will be in accordance with "Required Off-site Improvements." If the city is unable, or unwilling, to contribute its share of the off-site costs, the developer shall have the option of:

(1) *Developer's expense.* Building the off-site improvements at his/her own expense;

(2) *Detention.* Providing detention so as to match downstream capacities; or

(3) *Delay project.* Delaying the project until the city is able, or willing, to share in the off-site costs.

12.07 Performance Criteria

(A) *Storm water management, drainage, and erosion control plan.* Stormwater management, drainage, and erosion control plans shall be prepared in accordance with performance standards that have been structured to achieve the purposes and objectives of this chapter as well as to ensure that the quality and quantity of runoff after development is not substantially altered from predevelopment conditions.

(B) *Performance criteria.* Except as otherwise provided in this chapter, a development must be designed, constructed, operated, and maintained to comply with the following performance criteria:

(1) *Flood Damage Prevention Code.* Provisions for floodplain management criteria shall be consistent with those contained in Chapter 11, the Flood Damage Prevention Code.

(2) *Peak discharge.* The post-development peak rate of surface discharge must not exceed the existing discharge for the 100 year, 24 hour storm, the 10 year, 24 hour storm, and the 2 year, 24 hour storm, unless other discharge limits are deemed applicable for a specific site by the City .

(3) *Low Impact Development.* Use of Low Impact Development design strategies, to attenuate lesser storms and more closely mimic predevelopment hydrology is encouraged.

(4) *Direct Discharge.* Direct Discharge of a pipe into streams and/or floodways is not allowed. A stilling basin or other structure that will collect sediment, trash, etc and that will reduce the likelihood of erosion in the receiving stream due to discharge from the

pipe shall be installed at pipe discharges into streams and/or floodways.

(5) *Erosion and channel stability.* All stormwater management systems shall be evaluated based on their ability to prevent erosion and sedimentation of the receiving waters and adverse impacts on the site's natural systems. The design engineer shall consider the on-site and downstream effects of the peak discharges and shall design both the permanent and the construction phase of the stormwater management system in a manner that will not increase flooding, channel instability, or erosion downstream when considered in aggregate with other developed properties and downstream drainage capacities.

(6) *Drainage into wetlands and floodways.* Areas defined as "wetlands" and "floodways" by the appropriate federal agencies shall be protected from adverse changes in runoff quantity and quality from associated land development.

12.08 Maintenance Responsibility

(A) *Dedication.* Those stormwater management systems approved in compliance with this chapter that will function as a part of the stormwater management conveyance system shall be dedicated to the City. All areas and/or structures to be dedicated to the City must be dedicated by plat or separate instrument and accepted by the City.

(B) *Perpetual Inspections and Maintenance Agreements.* The City shall require a Stormwater Management Practices Maintenance Agreement, for systems not dedicated to the City, of all entities for stormwater management conveyance systems and structures in the stormwater management plan for their proposed development. The City shall require the following set of documents and agreements prior to stormwater systems and structures approval:

(1) *Agreement of Maintenance Responsibility.* The owner of the property on which the stormwater systems structures have been installed shall agree to undergo ongoing inspections, and document maintenance and repair needs.

(2) *Agreement to Maintain Stormwater Systems and Structures.* The owner of the property on which stormwater systems and structures have been installed shall agree to maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices.

(C) *Approved Entities for Perpetual Maintenance Agreements.* All stormwater management structures or systems approved in compliance with this chapter but not dedicated to the City shall have adequate easements to permit the city to inspect and, if necessary to take corrective action should the responsible entity fail to properly maintain the system. Maintenance of all other stormwater management structures and systems approved in compliance with this chapter and not dedicated to the City shall be accomplished by the legal entity responsible for maintenance, which may include an approved entity as identified in the following:

(1) *Special districts and public entities.* An active water control district, drainage district, public utility, or a special assessment district;

(2) *Developer or property owner.* A developer or property owner who provides a Stormwater Management Practices Maintenance Agreement with the City; or,

(3) *Property owner association.* Property owner associations able to comply with the following provisions:

(a) The association provides a Stormwater Management Practices Maintenance Agreement through which it assumes full responsibility for stormwater management systems operation and maintenance.

(b) The association has sufficient powers to operate and maintain the stormwater management system, establish rules, assess members, contract for services, exist perpetually and, if dissolved, to provide alternative operation and maintenance services.

(D) *Right-of-Entry for Inspection.* The Stormwater Management Maintenance Agreement shall provide for the City to enter the property at reasonable times and in a reasonable manner for the purpose of inspecting stormwater systems and structures.

(E) *Failure to Maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement the City shall give written notice requesting corrective action. If the conditions described in the Failure to Maintain notice are not corrected within 10 days after such notice is given, the mayor, or his duly authorized representative, is hereby authorized to enter upon the property and do

whatever is necessary to correct or remove the conditions described, in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property and the city shall have a lien against such property for such costs.

(1) *Enforcement of the Lien.* The lien herein provided for may be enforced and collected in either one of the following manners:

(a) The lien may be enforced at any time within 18 months after work has been done, by an action in circuit court; or

(b) The amount of the lien herein provided may be determined at a hearing before the City Council held after 30 days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in Washington or Benton County for one insertion per week for four consecutive weeks; the determination of the City Council shall be subject to appeal by the property owner in circuit court; and the amount so determined at said hearing, plus ten percent penalty for collection, shall be by the City Council certified to the tax collector of the county, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent thereof, when so collected shall be paid to the city by the county tax collector.

(c) In case the owner of any lot or other real property is unknown or his whereabouts is not known or he is a nonresident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts or non-residence, and thereupon service of the publication as now provided for by law against nonresident defendants may be had, and an attorney ad litem may be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

(F) Removal and modification of Stormwater Systems and Structures. Stormwater systems and structures may only be modified or removed with the approval of the City, who shall determine whether the stormwater system or structure does not function as a part of the stormwater management system. The applicant may be required to provide supporting data and calculations that justify the removal of the stormwater systems or structures.

12.09 Drainage Permit Processing

(A) *Application.* Stormwater management, drainage, and erosion control permit applications shall be submitted to the city for review, processing, and approval. Applicants may schedule a pre-application conference with the city to discuss a proposed project before submitting the application.

(B) *Issuance.* If the City determines that the permit application submittal is in compliance with all provisions of this chapter, a permit may be issued. If the City determines that the permit submittal does not conform with all provisions of this chapter, permit issuance shall be denied and a written statement as to the reasons for the denial shall be provided to the applicant.

12.10 Stormwater Discharges From Construction Activities

(A) *General Requirements for Construction Sites.*

(1) *Construction Site.* A construction site is a site with activity that would result in the creation of a new stormwater management system, including the building, assembling, expansion, modification, or alteration of the existing contours of the property; the erection of buildings or other structures, any part thereof; or land clearing.

(2) *Owner Responsibility.* The owner of a site of construction activity shall be responsible for compliance with the requirements of this chapter.

(3) *Erosion And Sediment Control.* Best Management Practices (BMPs) shall be implemented to prevent the release of airborne dust and waterborne sediment from construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Streets and storm inlets must be kept clean at all times and free of loose rock, mud, debris and trash. Specific inlet protection measures may be necessary, as long as they do not interfere with vehicular traffic.

Mud on streets must be physically removed and not washed into inlets.

(4) *Construction Sites Requiring Storm Water Pollution Prevention Plans.* Erosion and sediment control systems must be installed and maintained per a state approved Storm Water Pollution Prevention Plan before the beginning of construction and until slope stabilization and/or vegetation is established.

(5) *Construction Exits.* A stabilized exit is required on construction sites. The exit shall be of sufficient size and material to prevent material from tracking onto the streets. If there is an existing curb, loose material such as fill dirt or gravel shall not be used to ramp up to it from the street. Temporary wooden ramps in front of curbs are acceptable.

(6) *Concrete Truck Wash Areas.* No washing of concrete trucks or chutes is allowed except in specific concrete wash pits located onsite. Proper runoff and erosion controls must be in place to retain all concrete wash water.

(7) *Dewatering.* All rainwater pumped out of sumps and depressions on construction sites should be clear and free of sediment, and must discharge to a sedimentation pond, sediment bag, or settling tank in such a manner as to not cause additional erosion problems.

(8) *Storage of Materials.* Public streets and sidewalks shall not be used for temporary storage of any containers or construction materials, especially loose gravel and topsoil. In addition to on-street storage being a violation of this chapter, all liability for any accidents and/or damages due to such storage will be the responsibility of the owner of the stored materials.

(9) *Dirt and Topsoil Storage.* All storage piles of soil, dirt or other building materials (e.g. sand) shall be located more than 25 feet from a roadway, drainage channel or stream (from top of bank), wetland, and stormwater facility. The City may also require storage piles to be located up to fifty (50) feet from a drainage channel or stream, as measured from the top of the bank to the stockpile, for established TMDL water bodies; streams listed on the State 303(d) list; an Extraordinary Resource Water, Ecologically Sensitive Waterbody, and/or Natural and Scenic Waterbody, as defined by Arkansas Pollution Control and Ecology Commission Regulation No. 2; and/or any other uses at the discretion of the City.

Topsoil piles surfaces must be immediately stabilized with appropriate stabilization measures. Stabilization practices may include: temporary seeding (i.e. annual rye or other suitable grass), mulching, and other appropriate measures. Sediment control measures such as silt fence shall be provided immediately for stockpiles and remain in place until other stabilization is in place. Storm drain inlets must be protected from potential sedimentation from storage piles by silt fence or other appropriate barriers.

(10) *Franchise and Private Utilities.* The property owner or main contractor onsite will be responsible for restoring all erosion and sediment control systems and public infrastructure damaged or disturbed by underground private or franchise utility construction such as water and sewer service leads, telephone, gas, cable, etc. Erosion and sediment control systems must be immediately restored after each utility construction.

(11) *Post-Construction Compliance.* Upon completion of permitted construction activity on any site, the property owner and subsequent property owners will be responsible for continued compliance with the requirements of this chapter in the course of maintenance, reconstruction or any other construction activity on the site.

(B) *Construction Sites Requiring an Approved Stormwater Pollution Prevention Plan (SWPPP).* For all construction sites where construction on a site will disturb soil or remove vegetation on one (1) or more acres of land during the life of the construction project, a Stormwater Pollution Prevention Plan (SWPPP) for the project must be implemented by the construction site owner as follows:

(1) The site owner bears the responsibility for implementation of the SWPPP and notification of all contractors and utility agencies on the site.

(C) *Stormwater Pollution Prevention Plans.* Preparation and implementation of Stormwater Pollution Prevention Plans for construction activity shall comply with the following:

(1) Implementation

(a) *Installation and Maintenance.* BMPs shall be installed and maintained by qualified persons. The owner or their representative shall provide upon the

City's request a copy of the SWPPP on site and shall be prepared to respond to unforeseen maintenance requirements of specific BMPs.

(b) A qualified inspector (provided by the owner/developer/builder) shall inspect disturbed areas of the construction site and areas used for storage of materials that are exposed to precipitation that have been finally stabilized, and locations where vehicles enter or exit the site. BMPs must be observed to ensure proper operation. Inspectors must inspect for evidence of, or the potential for, pollutants entering the stormwater conveyance system. Discharge locations must be inspected to determine whether BMPs are effective in preventing significant impacts to waters of the State, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. The inspections must be conducted at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater as measured at the site or generally reported in the vicinity of the site. A rain gauge must be maintained on-site.

A report shall be prepared for each inspection summarizing the scope of the inspection; name(s), title(s) and qualifications of personnel making the inspection; the date of the inspection; amount of rainfall and days since last rain event, BMPs on-site; observations relating to whether BMPs are in working order and whether maintenance is required (when scheduled and completed); the locations and dates when major construction activities begin, occur, or cease; and the signature of the inspector. The reports shall be retained as part of the stormwater pollution prevention plan for at least three (3) years from the date the site is finally stabilized and shall be made available upon request to the City.

(c) *Modifications.* Based on inspections performed by the owner or by authorized City personnel, modifications to the SWPPP will be necessary if at any time the specified BMPs do not meet the objectives of this chapter. In this case, the owner/developer/builder or authorized representative shall meet with authorized City personnel to determine the appropriate modifications. All modifications shall be completed within seven (7) days of the referenced inspection, except in circumstances necessitating more timely attention, and shall be recorded on the owner's copy of the SWPPP.

(D) *Requirements for Utility Construction*

(1) Utility agencies shall be responsible for compliance with the requirements this chapter.

(2) Utility agencies shall develop and implement Best Management Practices (BMPs) to prevent the discharge of pollutants on any site of utility construction within the City. In addition, the City may adopt and impose BMPs on utility construction activity.

(3) Utility agencies shall implement BMPs to prevent the release of sediment from utility construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Excessive sediment tracked onto public streets shall be removed immediately.

(4) Prior to entering a construction site or subdivision development, utility agencies shall have obtained from the owner a copy of any SWPPPs for the project. Any disturbance to BMPs resulting from utility construction shall be repaired immediately by the utility company in compliance with the SWPPP.

12.11 1 & 2 Family Residential Requirements

(A) 1*&2 Family Residential* All residential lots must maintain properly installed erosion and sediment control measures from the beginning of construction until slope stabilization and/or vegetation is established in order to prevent silt and sediment from going offsite or into the street.

(B) A building permit application shall contain sufficient site drainage information to determine whether the construction will provide positive drainage to an appropriate location (public right of way or drainage easement).

12.12 Stormwater Pollution Prevention

(A) *Prohibitions*

(1) Illicit discharges are prohibited. An illicit discharge is a storm drain that has measurable flow containing pollutants and/or pathogens. No person shall discharge anything but uncontaminated stormwater, into the storm drainage system. Common stormwater contaminants include trash, yard waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste and sediment.

(2) Illicit connections are prohibited. Illicit connections are any drain or conveyance which allows an illicit discharge to enter the storm drainage system. This prohibition includes illicit connections made in the past, regardless of whether the connection was permissible at the time of connection.

(3) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.

(B) *Exemptions.* The following non-stormwater discharges are acceptable and not a violation of this chapter:

(1) A discharge authorized by an NPDES permit other than the NPDES permit for discharges from the MS4;

(2) Uncontaminated waterline flushing and other infrequent discharges from potable water sources;

(3) Infrequent uncontaminated discharge from landscape irrigation or lawn watering;

(4) Discharge from the occasional non-commercial washing of vehicles within zoned residential areas;

(5) Uncontaminated discharge from foundation, footing or crawl space drains, sump pumps and air conditioning condensation drains;

(6) Uncontaminated groundwater;

(7) Diverted stream flows and natural riparian habitat or wetland flows;

(8) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials.

(9) Any other non-stormwater discharge determined by the City to meet the standards and objectives of this chapter.

(C) *Requirements Applicable to Certain Discharges*

(1) *Private Drainage System Maintenance.* The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

(2) *Minimization of Irrigation Runoff.* Concentrated flow of irrigation water to the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.

(3) *Cleaning of Paved Surfaces Required.* The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Code. Material shall not be swept or washed into the storm drainage system. This section does not apply to pollutants discharged from construction activities.

(4) *Maintenance of Equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.

(5) *Materials Storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.

(6) *Pesticides, Herbicides and Fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.

(7) *Open Drainage Channel Maintenance.* Every person owning or occupying property through which an open drainage channel passes shall prevent trash, debris, excessive

vegetation, and other obstacles from their property from entering the drainage channel.

(D) *Release Reporting and Cleanup.* Any person responsible for a release of materials which are or may result in illicit discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

(E) *Authorization to Adopt and Impose Best Management Practices.* The City may adopt and impose a Best Management Practices Manual and requirements identifying Best Management Practices for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.