

Chapter 21.10 STORMWATER MANAGEMENT

Sections:

Article I. General Provisions

- [21.10.010](#) Title.
- [21.10.020](#) Purpose and scope.
- [21.10.030](#) Definitions.
- [21.10.040](#) Adoption of the 2005 Stormwater Manual.

Article II. Permit Application Procedures

- [21.10.050](#) Stormwater management required.
- [21.10.060](#) Stormwater site plans.
- [21.10.070](#) Contents of the stormwater site plan.
- [21.10.080](#) Exemptions.
- [21.10.090](#) Adjustments, exceptions and variances.
- [21.10.100](#) Permit required.
- [21.10.110](#) Permit fees.
- [21.10.120](#) Connection charges.
- [21.10.130](#) Latecomer's agreement.
- [21.10.140](#) Permit suspension and revocation.
- [21.10.150](#) Permit conditions.
- [21.10.160](#) Performance bond.
- [21.10.165](#) Twelve-month maintenance bond for public stormwater facilities.
- [21.10.170](#) Liability insurance.

Article III. Stormwater Management Criteria

- [21.10.180](#) Management requirements.
- [21.10.190](#) Specific design criteria.
- [21.10.200](#) Basin plans.
- [21.10.210](#) Low impact development.
- [21.10.220](#) Oversizing.

Article IV. Inspections

- [21.10.230](#) Inspections and notice.
- [21.10.240](#) Inspection requirements during construction.
- [21.10.250](#) Final inspection reports.
- [21.10.260](#) Inspection for preventive maintenance.

Article V. Maintenance

- [21.10.270](#) Maintenance agreement.
- [21.10.280](#) Maintenance responsibility.

Article VI. Enforcement and System Protection

- [21.10.290](#) Violation – Penalty.
- [21.10.300](#) Cross-connections prohibited.
- [21.10.310](#) Water quality.
- [21.10.320](#) Easements.
- [21.10.330](#) Work in city right-of-way.
- [21.10.340](#) Appeals.

Article I. General Provisions

21.10.010 Title.

This chapter shall be known as the “city of Puyallup stormwater management regulations” and may be so cited. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.020 Purpose and scope.

(1) The purpose of this chapter is to ensure water quality standards and help protect receiving waters, and their beneficial uses, by establishing minimum requirements for measures that must be implemented to control the quantity and quality of stormwater that is produced or affected by development, redevelopment or construction site activity. The water quality standards include: Chapter 173-200 WAC, Water Quality Standards for Ground Waters of the State of Washington; Chapter 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington; and Chapter 173-204 WAC, Sediment Management Standards.

(2) The provisions of this chapter shall apply to all development, redevelopment and construction site activity that occurs within the incorporated area of the city of Puyallup. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.030 Definitions.

For the purposes of this chapter the following definitions describe the meaning of the terms used in this chapter:

- (1) “Drainage manual administrator” means the plan approval authority.
- (2) “Developer” means a person or entity that engages, or plans to engage, in development, redevelopment or construction site activity.
- (3) “Local government(s)” shall mean or include the city of Puyallup.

(4) “Low impact development (LID)” is a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineering, small-scale hydrological controls to more closely mimic pre-development hydrologic functions. LID techniques store, infiltrate and evaporate stormwater where it falls rather than collect and convey it to the surface water off site. LID techniques include, but are not limited to: maintenance of native soil and vegetation on site; protection of natural drainage patterns; reduction of impervious surfaces; restoration of disturbed top soil; and use of bioretention areas (i.e., rain gardens), permeable surfaces, and green roofs.

(5) “NPDES Permit,” or the “National Pollutant Discharge Elimination System and state waste discharge general permit for discharges from small municipal separate storm sewers in western Washington” means the Phase II Western Washington Municipal Stormwater Permit administered by the Washington Department of Ecology under authority for the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 306, 402, 318 and 405 of the federal Clean Water Act, for the discharge of pollutants to surface waters of the state.

(6) “Plan approval authority” is the development services administrator or director, or his or her designee.

(7) “Should,” as used in the 2005 Stormwater Manual, means shall, unless the plan approval authority permits or allows otherwise. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.040 Adoption of the 2005 Stormwater Manual.

(1) The city of Puyallup adopts the 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington (hereinafter, the 2005 Ecology Manual), Volumes I through V, including, but not limited to, all definitions, thresholds, minimum requirements, adjustment and variance criteria, supplemental guidelines, optional guidance, and appendixes and glossaries thereto (Publication Numbers 05-10-029 through 05-10-033), and the amendments to the 2005 Ecology Manual, which are set forth in Appendix 1 (hereinafter, Appendix 1) of the City of Puyallup Phase II Western Washington Municipal Stormwater Permit (hereinafter, Phase II Permit), as part of these stormwater regulations. To the extent that Appendix 1 and the 2005 Ecology Manual are inconsistent, Appendix 1 shall control. Collectively, the 2005 Ecology Manual and Appendix 1 shall be known as the 2005 Stormwater Manual.

(2) Any exemptions (set forth in Minimum Requirement No. 7 of Appendix 1) for flow control requirements, including, but not limited to, those for projects that discharge directly to, or indirectly through an MS4 to, a water listed in Appendix I-E of the Stormwater Management Manual for Western Washington (2005) or the reach of the Puyallup River that is adjacent to the city, shall be suspended and unavailable until the city, to its satisfaction, completes its stormwater comprehensive plan update, which is scheduled to commence in 2010, and the development services administrator or director, or his or her designee, determines that the exemptions for flow control requirements are warranted for development, redevelopment or construction site activity. (Ord. 2951 § 1 (Exh. A), 2010).

Article II. Permit Application Procedures

21.10.050 Stormwater management required.

(1) Developers that engage in development, redevelopment or construction projects in the city of Puyallup shall use and comply with the 2005 Stormwater Manual, and pursuant thereto employ best management practices (BMPs) to control stormwater flows, provide treatment, and prevent erosion and sedimentation.

(2) In addition, developers that engage in projects that discharge stormwater off site shall perform an off-site analysis and employ mitigation measures pursuant to Chapter 2.6.2 of Volume I, Minimum Technical Requirements and Site Planning, of the 2005 Stormwater Manual. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.060 Stormwater site plans.

(1) The plan approval authority is authorized and entitled to fully review all development, redevelopment, or construction projects and stormwater site plans to ensure that stormwater control measures are adequate and consistent with the regulations in this chapter, and any other applicable law, regulation or rule.

(2) A developer shall submit a stormwater site plan to the plan approval authority for review and approval, unless otherwise exempted. The stormwater site plan shall comply with the thresholds, minimum requirements, adjustment and variance criteria, supplemental guidelines and optional guidance of the 2005 Stormwater Manual. In addition, the developer shall submit an accurate estimate of the cost to prepare and implement the stormwater site plan, and any other relevant information that the plan approval authority may require.

(3) The plan approval authority shall review the stormwater site plan to ensure that stormwater control measures are adequate and comply with the regulations in this chapter. The plan approval authority shall approve or deny the stormwater site plan based on the thresholds, minimum requirements, adjustment and variance criteria, supplemental guidelines and optional guidance of the 2005 Stormwater Manual.

(4) If the plan approval authority approves the stormwater site plan, then the developer shall properly implement the plan in its entirety. If the developer fails to satisfy the requirements of the stormwater site plan, in whole or in part, then the developer shall promptly comply with a demand to cure, correction notice, stop work order, or restoration order issued by the city. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.070 Contents of the stormwater site plan.

The stormwater site plan shall include the content, analysis and other information that is described in the 2005 Stormwater Manual, particularly Chapter 3 of Volume I. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.080 Exemptions.

The activities that are identified in Chapter 2.2 of Volume I of the 2005 Stormwater Manual and Section 1 of Appendix 1 of the Phase II Permit are exempt from compliance with the minimum requirements for development, redevelopment or construction activity in the 2005 Stormwater Manual. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.090 Adjustments, exceptions and variances.

(1) Adjustments, exceptions and variances may be granted pursuant to the criteria set forth in the 2005 Stormwater Manual, particularly Chapters 2.7 and 2.8 of Volume I and Appendix 1 of the Phase II Permit.

(2) To apply for an adjustment, exception or variance, a developer shall submit a written request with supporting documentation to the plan approval authority.

(3) The plan approval authority may approve the adjustment, exception or variance if the developer can, pursuant to Section 1.6.3 of the 2005 Stormwater Manual, demonstrate that adjustment, exception or variance will not adversely impact water quality and satisfies state and federal water quality laws and the criteria identified in Chapter 2.2 of Volume I of the 2005 Stormwater Manual, and Section 1 of Appendix 1 of the Phase II Permit. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.100 Permit required.

The city shall not issue a land disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter, to a developer unless the requirements of this chapter are satisfied. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.110 Permit fees.

A developer shall pay a nonrefundable permit fee to the city of Puyallup at the time that the developer submits a stormwater site plan to the city. The permit fee will provide for the cost of stormwater site plan review, administration and management of the permitting process, and inspection of development or redevelopment projects. The fee amount shall be established by the development services director or designee. The development services director may establish a permit fee schedule that is based upon the relative complexity of a proposed project, and any other relevant factors, and may amend such schedule from time to time. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.120 Connection charges.

(1) The development services director is authorized and directed to compute and establish connection fees for all public stormwater drainage system improvements that have been constructed within the city upon completion of such improvements. All existing stormwater drainage facilities that have been constructed prior to the effective date of the ordinance codified in this chapter will not be subject to a charge in lieu of assessments, unless the stormwater drainage facility currently has an existing charge in lieu of assessment agreement in place. Such charge in lieu of assessment shall be based on the total area assessment basis or both, at the reasonable discretion of the development services director. Such project costs shall include all associated design and construction charges to the project.

(2) All connections made to a public stormwater drainage system from properties which have not been assessed or have not borne an equitable share of cost to such public system, shall be subject to a charge in lieu of assessment at the rate for the particular stormwater drainage system as stated in subsection (1) of this section. The assessment charge shall be based on the pro rata share of the public storm system at the rate predetermined by the development services director. Payment of the charge in lieu of

assessment shall be made in full, prior to connecting to the public stormwater drainage system. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.130 Latecomer's agreement.

(1) A "latecomer's agreement" shall be defined as an agreement between the city and a property owner for the sole purpose of reimbursing such owner for costs incurred by that owner for the installation of a public stormwater drainage system. Said system shall have a reasonable possibility of directly benefiting future development by other properties within the area.

(2) The latecomer's reimbursement charge shall be based on the total project cost and figured on either a front-foot or area assessment basis or both at the reasonable discretion of the development services director. The project costs shall include all associated design and construction charges of the project submitted by the property owner and approved by the city.

(3) The development services director is hereby authorized and directed to execute latecomer's agreements at the request of the property owner upon council approval. The agreement shall be executed in conformance with guidelines developed by the city. It shall be the owner's responsibility to keep a current address on record with the city at all times during the life of the payback agreement.

(4) All properties connecting to a public stormwater drainage system, for which a latecomer's agreement is in force and which property has not been assessed or has not borne an equitable share of this cost of such public system, shall be subject to a latecomer's connection charge. The connection charge shall be based on a pro rata share of the costs as stated in the latecomer's agreement, at the reasonable discretion of the development services director. Payment of the payback charge shall be made in full to the owner designated in the agreement and a release of acceptance of such payment shall be provided to the city prior to connecting to the public stormwater drainage system.

(5) It shall be the city's duty to collect all such appropriate connection charges and to remit such moneys to the developer designated in the agreement, for the entire life of the agreement. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.140 Permit suspension and revocation.

The city may suspend and revoke any land disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter, after providing written notice and an opportunity to cure, for any of the following:

(1) Any violation of the provisions of the approved stormwater site plan;

(2) Any violation of the provisions of the land disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter;

(3) Any noncompliance with a demand to cure, correction notice or stop work order issued with respect to the developer's development or redevelopment; and

(4) Any activity of the developer, or occurrence caused by the developer, on site or off site of the development project, that creates a material risk of harm to receiving waters, water quality, persons, property or public health, safety or welfare. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.150 Permit conditions.

As conditions of stormwater site plan approval, the plan approval authority may impose such provisions thereto as may be deemed necessary to ensure compliance with the provisions of this chapter and the preservation of the public health, safety and welfare. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.160 Performance bond.

Developers that engage in development and redevelopment projects in the city of Puyallup shall provide security to the city in accordance with Chapter 2.6.1 of Volume I, Minimum Technical Requirements and Site Planning, of the 2005 Stormwater Manual and this section. The developer shall post a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the city prior to the issuance of any land disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter. The amount of the security shall not be less than 125 percent of the total estimated cost, as reviewed and approved by the city, to fully implement the approved stormwater site plan. The security shall include provisions that enable forfeiture for any circumstances that would allow permit suspension or revocation, and for any failure to comply with the provisions of this chapter and other applicable laws and regulations. The security shall not be fully elapsed without a final inspection of completed work by the city, submission of as-built plans, certification by the city that the stormwater drainage system is in compliance with the approved stormwater site plan and the provisions of this chapter, and any other reasonable condition imposed by the city. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.165 Twelve-month maintenance bond for public stormwater facilities.

Developers that engage in development and redevelopment projects in the city of Puyallup shall provide security to the city in accordance with Chapter 2.6.1 of Volume I, Minimum Technical Requirements and Site Planning, of the 2005 Stormwater Manual and this section. The developer shall post a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the city upon approval of the final inspection report. The amount of this security shall not be less than 10 percent of total estimated construction cost, as reviewed and approved by the city, to fully implement the approved stormwater site plan. The security shall include provisions that enable forfeiture for any circumstances such as failure to repair the stormwater facility, and for any failure to comply with the provisions of this chapter and other applicable laws and regulations. The security shall not be fully elapsed without a final inspection of completed work by the city, and 12 months of satisfactory performance of the system. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.170 Liability insurance.

All persons performing work within any existing street right-of-way or any public easement or other city property shall have a valid permit covering the work and shall be currently licensed and bonded with the state of Washington and the city as a contractor during the course of the work. The contractor shall

procure and maintain insurance against claims for injuries to persons or damage to property which may arise from or are related to the work of the contractor.

(1) Minimum Amount of Insurance. The contractor shall maintain the following insurance limits: commercial general liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.

(2) Other Insurance Provisions. The insurance policy must contain, or be endorsed to contain, the following provisions:

(a) The contractor's insurance coverage shall be primary insurance as respects the city. Any insurance, self-insurance, or insurance pool coverage maintained by the city shall be excess of the contractor's insurance and shall not contribute with it.

(b) The contractor's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after delivery of 30 days' prior written notice by certified mail, return receipt requested, to the city.

(c) Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

(d) Verification of Coverage. The contractor shall furnish the city with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the contractor before commencement of the work. (Ord. 2951 § 1 (Exh. A), 2010).

Article III. Stormwater Management Criteria

21.10.180 Management requirements.

Except as set forth in PMC [21.10.190](#), the requirements for managing stormwater for any development, redevelopment or construction project shall be those that are set forth in the 2005 Stormwater Manual. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.190 Specific design criteria.

(1) Development, redevelopment and construction projects that disturb a land area of one acre or greater, and projects that disturb a land area of less than one acre, but are part of a larger common plan of development or sale that disturbs a land area of one acre or greater, shall comply with and be designed according to the 2005 Stormwater Manual, including all design criteria, thresholds, minimum requirements, adjustment and variance criteria, supplemental guidelines and optional guidance.

(2) Development, redevelopment and construction projects that disturb a land area of less than one acre, unless they are part of a larger common plan of development or sale that disturb a land area of one acre or greater, shall comply with and be designed according to the King County Surface Water Design

Manual, November 1995 revision of the January 1990 Edition, specifically excluding all subsequent updates and/or supplements.

(3) All private stormwater facilities arising from development, redevelopment and construction projects shall be segregated from public stormwater facilities. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.200 Basin plans.

Pursuant to Chapter 2.5.9 of Volume I of the 2005 Stormwater Manual, if the city chooses, or has chosen, to develop a watershed plan or basin plan, then projects shall be subject to the plan's equivalent or more stringent minimum requirements for erosion control, source control, treatment, and operation and maintenance, and alternative requirements for flow control and wetlands hydrologic control as identified in the applicable basin or watershed plans. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.210 Low impact development.

(1) Developers are encouraged to employ LID practices to meet the design criteria set forth in PMC 21.10.190 and reduce the size of the stormwater facilities consistent with the 2005 Stormwater Manual and subsequent updates to the manual or supplemental guidance related to LID credits issued by the Department of Ecology.

(2) Subject to the approval of the plan permit authority, developers that engage in development, redevelopment and construction projects may employ low impact development practices in accordance with Appendix C of Volume III of the 2005 Stormwater Manual.

(3) LID system designs shall be prepared by a registered professional engineer who is licensed in the state of Washington and experienced in LID design. Any such LID design shall be certified by the preparing engineer as feasible and safe for the intended application and sufficient to meet all state and federal requirements for such LID facilities. Such engineer shall further certify that the facility has been constructed as shown on the as-built plans and meets approved plans and specifications. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.220 Oversizing.

When the city requires a developer to install conveyance lines that are larger than necessary to serve adjacent properties, such development shall be eligible for a latecomer's agreement. The stormwater drainage utility may participate in the cost to construct the oversizing upon council approval. (Ord. 2951 § 1 (Exh. A), 2010).

Article IV. Inspections

21.10.230 Inspections and notice.

(1) Developers that apply for any land disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter, or developers that engage in development, redevelopment and construction projects implicitly consent that

the city has authority to enter the project site at any reasonable time and inspect the site to verify compliance with the approved stormwater site plan and any applicable law or regulation.

(2) The city shall have authority to enter and inspect all development, redevelopment and construction project sites to verify compliance with the approved stormwater site plan and any applicable law or regulation, and verify proper installation and maintenance of required erosion and sediment controls.

(3) If the city observes any violation of the approved stormwater site plan, the city shall notify the developer of the violation in writing, and require the developer to cure or correct the violation within a period of time as specified by the city.

(4) A developer shall notify the city of its intent to begin work before commencing any development, redevelopment or construction activity, or any activity that triggers application of this chapter, and shall notify the city once the project is substantially complete. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.240 Inspection requirements during construction.

While construction occurs on a known permitted development site, the city shall inspect the site to verify proper installation and maintenance of required erosion and sediment controls. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.250 Final inspection reports.

Upon completion of construction and prior to final approval or occupancy, the developer shall provide a written report to the plan approval authority, and therein certify that the developer has properly installed any permanent stormwater controls, and otherwise complied with the stormwater site plan. Thereafter, the city shall inspect the site to ensure proper installation of permanent stormwater controls such as stormwater facilities and structural BMPs.

Privately owned permanent stormwater treatment and flow control facilities are accepted upon review and approval of the final inspection report by the development services director or his/her designee.

Publicly owned permanent stormwater treatment and flow control facilities are accepted as city property upon review and approval of the final inspection report by the development services director or his/her designee and completion of the 12-month performance period. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.260 Inspection for preventive maintenance.

(1) Preventive maintenance shall be ensured through inspection of publicly owned permanent stormwater treatment and flow control facilities as per the NPDES Phase II Municipal Stormwater Permit by the public works department.

(2) Privately owned permanent stormwater treatment and flow control facilities preventative maintenance shall be ensured through inspection by the designated responsible party in the maintenance and operations plan. Original inspection records will be maintained at the location designated in the

maintenance and operations plan. A copy of all inspections reports for the calendar year will be submitted to the public works department no later than January 30th of the following year.

(3) Inspection reports shall be maintained by the city on all publicly and privately owned retention and detention structures and shall include, for example, when applicable, but shall not be limited to, the following:

- (a) The date of inspection;
- (b) Name of inspector;
- (c) The condition of:
 - (i) Vegetation;
 - (ii) Fences;
 - (iii) Spillways;
 - (iv) Embankments;
 - (v) Reservoir area;
 - (vi) Outlet channels;
 - (vii) Underground drainage;
 - (viii) Sediment load; or
 - (ix) Any other item that could affect the proper function of stormwater facilities;
- (d) Description of needed maintenance.

(3) If, after an inspection by the city, the condition of an element of the privately owned stormwater drainage system presents an imminent and material risk of danger to the public health, safety or welfare, the city may take such action as may be necessary to protect the public and make the facility safe. The city may assess any cost incurred by the city against the entity that is responsible for, or benefits from, the operation and maintenance of the privately owned stormwater drainage system. (Ord. 2951 § 1 (Exh. A), 2010).

Article V. Maintenance

21.10.270 Maintenance agreement.

(1) Prior to the issuance of any land disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter, the city

shall require the developer to execute an inspection and maintenance agreement that is binding on all subsequent owners of land served by the private stormwater facility. Such agreement shall provide for access to the system at reasonable times for regular inspection by the city and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provisions established.

(2) The agreement shall be recorded by the developer and/or owner in the land records of Pierce County.

(3) The agreement shall also provide that, if after notice by the city to correct a violation requiring maintenance work and satisfactory corrections are not made by the responsible entities within a reasonable period of time as determined by the city, the city may perform all necessary work to place the facility in proper working condition. The city may assess the cost of the work and any penalties against the entity that is responsible for, or benefits from, the operation and maintenance of the facility, and there shall be a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the city. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.280 Maintenance responsibility.

(1) The owner of the property on which work has been done pursuant to this chapter for private stormwater drainage systems, or any other person, home owners or condominium association or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations, and maintenance shall be in accordance with the approved stormwater site plan.

(2) Pursuant to the 2005 Stormwater Manual, especially Chapter 2.5.10, the developer shall provide to the city an operations and maintenance manual that is consistent with the provisions in Volume V of the 2005 Stormwater Manual for all proposed stormwater facilities and BMPs, and the party (or parties) responsible for maintenance and operation shall be identified. At private facilities, a copy of the manual shall be retained on site or within reasonable access to the site, and shall be transferred with the property to the new owner. For public facilities, a copy of the manual shall be retained in the appropriate department in public works. A log of maintenance activity that indicates what actions were taken shall be kept and be available for inspection by the city.

(3) The maintenance and operation of a private stormwater drainage system shall be the responsibility of the property owner(s). Furthermore, the property owner(s) shall, in accordance with the operation and maintenance schedule, record and log maintenance performed and date. Operation and maintenance records shall be retained by the property owner for a minimum of three years and shall be filed with the city public works department annually no later than January 30th for the preceding year's report and be available to the city for inspection at all reasonable times.

(4) Revisions to maintenance and operations plans for privately owned stormwater facilities must have prior approval of the public works director or his/her designee.

(5) The city shall be responsible for the maintenance and operation of all public stormwater drainage facilities located within public easements and rights-of-way following the completion of the successful maintenance period and the acceptance of such facilities by the city. (Ord. 2951 § 1 (Exh. A), 2010).

Article VI. Enforcement and System Protection

21.10.290 Violation – Penalty.

(1) Any person convicted of violating the provisions of this chapter is guilty of a gross misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$5,000 or imprisonment not exceeding one year or both for each and every violation with costs imposed at the discretion of the court. Each day that the violation continues shall be a separate offense. In addition, the city may institute injunctive, mandamus or other appropriate action or proceedings at law or equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent, injunctions or mandamus or other appropriate forms of remedy or relief.

(2) In addition to, or in lieu of the provisions of subsection (1) of this section, the city shall reserve the right to recover all reasonable costs incurred abating, cleaning, replacing or repairing adverse impacts to the stormwater system, appurtenances, surface waters, aquifers, wetlands or watercourses resulting from a deleterious discharge from a determinable source or sources. Failure to pay appropriate charges or delinquencies in payment shall result in a property lien. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.300 Cross-connections prohibited.

The installation or maintenance of any cross-connection pertaining to the connection between any stormwater drainage system and any sanitary sewer system is prohibited. Any such cross-connections existing as of the effective date of the ordinance codified in this chapter or thereafter installed are considered a nuisance and shall be abated immediately. If, after proper notice, the property owner does not abate the cross-connection as directed by the city, then the city shall have the authority to abate such connection(s) and bill the property owner for all reasonable costs. Any delinquent payments shall constitute a lien. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.310 Water quality.

(1) It is unlawful for any individual, firm or corporation to discharge into the public stormwater drainage system directly or indirectly any liquid or solid substances of which may cause or tend to cause water pollution in accordance with any applicable laws or regulations that govern illicit discharge, detection and elimination.

(2) Products of erosion shall be prevented from entering the public stormwater drainage system all the time, both during construction on the property and the subsequent operation of the facilities provided. All trash and debris shall be prohibited from entering the stormwater drainage system at any point within the property.

(3) Discharges from commercial or industrial vehicle washing facilities within the sanitary sewer service area shall discharge to the sanitary sewer following pretreatment for removal of large solids, oil and grease. Washing areas shall be covered, sloped or curbed to minimize entry of uncontaminated stormwater into the sanitary sewer system. Wash water containing detergents, degreasers or other cleaning compounds shall not be discharged to any surface water or watercourses, either directly or via the storm sewer system.

(a) In areas outside of the sanitary sewer service area, whenever feasible, vehicle wash systems shall be closed systems with recycling of wash water, and with treatment which includes oil/water separation followed by land disposal of any sludge or sediment.

(b) Where recycling is not feasible, the method of disposal shall be by land, following treatment which includes oil/water separation and controlled through the issuance of a state of Washington waste discharge permit and subject to the provisions of same or other applicable state requirements.

(c) Where recycling or land disposal is not feasible, wash water not contaminated with cleaning compounds may be discharged to surface waters controlled through the issuance of a state of Washington waste discharge permit and subject to the provisions of same.

(d) Only nontoxic materials may be discharged via land disposal, subsurface disposal or direct discharge and shall be subject to approval by the State of Washington Department of Ecology.

(4) Whenever a known discharge of any potentially deleterious material shall occur, the responsible party shall immediately notify the city of the existence of such discharge and the location thereof.

(a) The notification required by this section in Puyallup shall be given by telephoning 911 or other such emergency number as may be designated.

(b) The requirements of this section shall not be construed to forbid the responsible party from using all diligence necessary to control such discharge prior to notification especially if such efforts may result in the control or containment of the discharge or abatement of hazards or adverse impact.

(c) No statement contained in this section shall be construed to exempt or release any person from any other notification or reporting procedure required by the state of Washington or any federal agency. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.320 Easements.

All public stormwater drainage systems shall be required to be located within a recorded public stormwater drainage easement or public right-of-way. An unobstructed ingress/egress maintenance easement shall be provided for access to said stormwater drainage facilities. The minimum width of the

required drainage easement shall be adequate to encompass all facilities and include room for access and maintenance, as determined by the city. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.330 Work in city right-of-way.

(1) All work within the limits of any street right-of-way or any public easements must be pursued to completion with due diligence and if an excavation is left open beyond a reasonable length of time, the city shall cause the same to be backfilled and restored forthwith.

(2) Any costs incurred by the city in backfilling or restoring said excavation will be charged to the property owner and/or developer. Any delinquent payments shall constitute a lien. (Ord. 2951 § 1 (Exh. A), 2010).

21.10.340 Appeals.

Any person aggrieved by the action of any official charged with the enforcement of this chapter, as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce this chapter in regard to a specific application, shall have the right to appeal the action to the hearing examiner. The appeal shall be filed in writing with the office of the hearing examiner within 10 business days of the date of official transmittal of the final decision or determination to the developer, shall state clearly the grounds on which the appeal is based, and shall be processed in the manner prescribed for hearing administrative appeals under this code. (Ord. 2951 § 1 (Exh. A), 2010).