



CITY OF PUYALLUP

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The following is an excerpt from the City of Puyallup Municipal Code (PMC). It is presented for informational purposes only. The full Municipal Code can be found at:

<http://www.codepublishing.com/wa/puyallup/>

Chapter 21.10 Stormwater Management

Article IV. Inspections

Article V. Maintenance

Article VI. Enforcement and System Protection

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).