

1 **..Title**
 2 **Illicit Discharges and Connections - Stormwater** – For the purpose of regulating the contribution
 3 of pollutants to the City separate storm sewer system (MS4) by stormwater discharges by any user;
 4 prohibiting illicit connections and discharges to the City separate storm sewer system (MS4);
 5 establishing legal authority for the City to carry out all inspection, surveillance and monitoring
 6 procedures; providing definitions; providing for enforcement of violations; providing an appeal
 7 process; and generally relating to illicit discharge and connections.

8 **..Body**

9
 10 **CITY COUNCIL OF THE**
 11 **City of Annapolis**

12 **Ordinance 38-21**

13
 14 **Introduced by: Mayor Buckley**

15 **Co-sponsored by:**

16
 17 **Referred to**
 18 **Economic Matters Committee**
 19 **90 day Rule:** _____
 20

21 **AN ORDINANCE** concerning

22
 23 **Illicit Discharges and Connections - Stormwater**

24
 25 **FOR** the purpose regulating the contribution of pollutants to the City separate storm sewer
 26 system (MS4) by stormwater discharges by any user; prohibiting illicit connections and
 27 discharges to the City separate storm sewer system (MS4); establishing legal authority for
 28 the City to carry out all inspection, surveillance and monitoring procedures; providing
 29 definitions; providing for enforcement of violations; providing an appeal process; and
 30 generally relating to illicit discharge and connections.

31
 32 **BY** adding the following portions to the Code of the City of Annapolis, 2022 Edition

- 33 17.07.010
- 34 17.07.020
- 35 17.07.030
- 36 17.07.040
- 37 17.07.050
- 38 17.07.060
- 39 17.07.070
- 40 17.07.080
- 41 17.07.090
- 42 17.07.100
- 43 17.07.110
- 44 17.07.120
- 45 17.07.130
- 46 17.07.140

1 17.07.150
2 17.07.160
3 17.07.170
4 17.07.180
5 17.07.190
6 17.07.200
7 17.07.210

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9

10 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
11 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

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14 **TITLE 17 – BUILDINGS AND CONSTRUCTION**
15 **CHAPTER 17.07 – ILLICIT DISCHARGE AND CONNECTION STORMWATER**

16
17

17 **SECTION 17.07.010 - PURPOSE - INTENT.**

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19 THE PURPOSE OF THIS CHAPTER IS TO PROVIDE FOR THE HEALTH, SAFETY,
20 AND GENERAL WELFARE OF THE CITIZENS OF ANNAPOLIS THROUGH THE
21 REGULATION OF NON-STORMWATER DISCHARGES TO THE CITY’S SEPARATE
22 STORM SEWER SYSTEM (MS4) TO THE MAXIMUM EXTENT PRACTICABLE AS
23 REQUIRED BY FEDERAL, STATE, AND LOCAL LAWS. THIS CHAPTER ESTABLISHES
24 METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE
25 CITY’S SEPARATE STORM SEWER SYSTEM (MS4) IN ORDER TO COMPLY WITH
26 REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION
27 SYSTEM (NPDES) PERMIT PROCESS. THE OBJECTIVES OF THIS CHAPTER ARE:

28
29

- 29 A. TO REGULATE THE CONTRIBUTION OF POLLUTANTS TO THE CITY SEPARATE
30 STORM SEWER SYSTEM (MS4) BY STORMWATER DISCHARGES BY ANY USER.
31 B. TO PROHIBIT ILLICIT CONNECTIONS AND DISCHARGES TO THE CITY SEPARATE
32 STORM SEWER SYSTEM (MS4).
33 C. TO ESTABLISH LEGAL AUTHORITY FOR THE CITY OF ANNAPOLIS TO CARRY
34 OUT ALL INSPECTION, SURVEILLANCE AND MONITORING PROCEDURES
35 NECESSARY TO ENSURE COMPLIANCE WITH THIS CHAPTER.

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37

37 **SECTION 17.07.020 - DEFINITIONS.**

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39

39 FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING WORDS AND
40 PHRASES SHALL HAVE THE MEANINGS ASCRIBED TO THEM AS FOLLOW:

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42

- 42 A. “AUTHORIZED ENFORCEMENT AGENCY” MEANS EMPLOYEES OR DESIGNEES
43 OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS.
44 B. “BEST MANAGEMENT PRACTICES (BMPs)” MEANS SCHEDULES OF ACTIVITIES,
45 PROHIBITIONS OF PRACTICES, GENERAL GOOD HOUSEKEEPING PRACTICES,
46 POLLUTION PREVENTION AND EDUCATIONAL PRACTICES, MAINTENANCE

- 1 PROCEDURES, AND OTHER MANAGEMENT PRACTICES TO PREVENT OR
2 REDUCE THE DISCHARGE OF POLLUTANTS DIRECTLY OR INDIRECTLY TO
3 STORMWATER, RECEIVING WATERS, OR STORMWATER CONVEYANCE
4 SYSTEMS. BMPS ALSO INCLUDE TREATMENT PRACTICES, OPERATING
5 PROCEDURES, AND PRACTICES TO CONTROL SITE RUNOFF, SPILLAGE OR
6 LEAKS, SLUDGE OR WATER DISPOSAL, OR DRAINAGE FROM RAW MATERIALS
7 STORAGE.
- 8 C. "CLEAN WATER ACT" MEANS THE FEDERAL WATER POLLUTION CONTROL
9 ACT (33 U.S.C. § 1251 ET SEQ.), AND ANY SUBSEQUENT AMENDMENTS
10 THERETO.
- 11 D. "CONSTRUCTION" MEANS ANY ACTIVITY ON A SITE WHICH IN ANY WAY
12 ALTERS ITS PHYSICAL CHARACTER AND THAT IS SUBJECT TO NPDES
13 CONSTRUCTION PERMITS. NPDES STORMWATER PHASE II PERMITS WILL BE
14 REQUIRED FOR CONSTRUCTION PROJECTS RESULTING IN LAND
15 DISTURBANCE OF 1 ACRE OR MORE. SUCH ACTIVITY INCLUDES BUT IS NOT
16 LIMITED TO CLEARING AND GRUBBING, GRADING, EXCAVATING, AND
17 DEMOLITION.
- 18 E. "CONVEYANCE" MEANS ANY STRUCTURAL PROCESS FOR TRANSFERRING
19 STORMWATER BETWEEN AT LEAST TWO (2) POINTS, INCLUDING PIPING,
20 DITCHES, SWALES, CURBS, GUTTERS, CATCH BASINS, CHANNELS, STORM
21 DRAINS, AND ROADWAYS.
- 22 F. "DIRECT ILLEGAL DISCHARGE" INCLUDES WASTEWATER, PIPING DIRECTLY
23 CONNECTED FROM A PREMISES TO THE STORM DRAINAGE SYSTEM,
24 MATERIALS (E.G. USED MOTOR OIL) THAT HAVE BEEN DUMPED ILLEGALLY
25 INTO A CATCH BASIN FOR THE STORM DRAINAGE SYSTEM; OR A CROSS
26 CONNECTION BETWEEN THE CITY SANITARY SEWER AND STORM DRAINAGE
27 SYSTEM.
- 28 G. "FIELD CORRECTION NOTICE" MEANS A CITY ISSUED NOTICE IDENTIFYING
29 AREAS OF A CONSTRUCTION SITE OR A PREMISES REQUIRING CORRECTIVE
30 ACTION. THIS NOTICE WILL EXPLICITLY STATE THE ISSUES IN NEED OF
31 REMEDY AND THE ALLOTTED TIME THE PREMISES MUST CORRECT THOSE
32 IDENTIFIED ISSUES.
- 33 H. "EPA" MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.
- 34 I. "HAZARDOUS MATERIALS" MEANS ANY MATERIAL, INCLUDING ANY
35 SUBSTANCE, WASTE, OR COMBINATION THEREOF, WHICH BECAUSE OF ITS
36 QUANTITY, CONCENTRATION, OR PHYSICAL, CHEMICAL, OR INFECTIOUS
37 CHARACTERISTICS MAY CAUSE, OR SIGNIFICANTLY CONTRIBUTE TO, A
38 SUBSTANTIAL PRESENT OR POTENTIAL HAZARD TO HUMAN HEALTH, SAFETY,
39 PROPERTY, OR THE ENVIRONMENT WHEN IMPROPERLY TREATED, STORED,
40 TRANSPORTED, DISPOSED OF, OR OTHERWISE MANAGED.
- 41 J. "ILLEGAL DISCHARGE" MEANS ANY DIRECT OR INDIRECT NON-STORMWATER
42 DISCHARGE TO THE STORM DRAINAGE SYSTEM, EXCEPT AS EXEMPTED IN
43 SECTION 17.07.060 OF THIS CHAPTER.
- 44 K. "ILLICIT CONNECTION" MEANS EITHER OF THE FOLLOWING:
45 1. ANY DRAIN OR CONVEYANCE, WHETHER ON THE SURFACE OR
46 SUBSURFACE, WHICH ALLOWS AN ILLEGAL DISCHARGE TO ENTER THE

- 1 STORM DRAIN SYSTEM INCLUDING BUT NOT LIMITED TO ANY
2 CONVEYANCES WHICH ALLOW ANY NON-STORMWATER DISCHARGE
3 INCLUDING SEWAGE, PROCESS WASTEWATER, AND WASH WATER
4 (EXCEPT AS PERMITTED IN SECTION 17.07.060) TO ENTER THE STORM
5 DRAIN SYSTEM AND ANY CONNECTIONS TO THE STORM DRAIN SYSTEM
6 FROM INDOOR DRAINS AND SINKS, REGARDLESS OF WHETHER SAID
7 DRAIN OR CONNECTION HAD BEEN PREVIOUSLY ALLOWED, PERMITTED,
8 OR APPROVED BY THE AUTHORIZED ENFORCEMENT AGENCY OR,
- 9 2. ANY DRAIN OR CONVEYANCE CONNECTED FROM A COMMERCIAL OR
10 INDUSTRIAL LAND USE TO THE STORM DRAIN SYSTEM WHICH HAS NOT
11 BEEN DOCUMENTED IN PLANS, MAPS, OR EQUIVALENT RECORDS AND
12 APPROVED BY THE AUTHORIZED ENFORCEMENT AGENCY.
- 13 L. "INDIRECT ILLEGAL DISCHARGE" INCLUDES A DAMAGED SANITARY SEWER
14 LINE LEAKING INTO THE STORM DRAINAGE SYSTEM, OR A FAILING SEPTIC
15 SYSTEM THAT IS EITHER LEAKING INTO THE STORM DRAINAGE SYSTEM OR
16 CAUSING SURFACE DISCHARGE INTO THE STORM DRAINAGE SYSTEM.
- 17 M. "INDUSTRIAL ACTIVITY" MEANS ACTIVITIES SUBJECT TO NPDES INDUSTRIAL
18 PERMITS AS DEFINED IN 40 C.F.R., SECTION 122.26 (B)(14), AS MAY BE
19 AMENDED.
- 20 N. "NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
21 STORMWATER DISCHARGE PERMIT" MEANS A PERMIT ISSUED BY THE EPA, OR
22 BY A STATE UNDER AUTHORITY DELEGATED PURSUANT TO 33 USC § 1342(B),
23 AS MAY BE AMENDED, THAT AUTHORIZES THE DISCHARGE OF POLLUTANTS
24 TO WATERS OF THE UNITED STATES, WHETHER THE PERMIT IS APPLICABLE
25 ON AN INDIVIDUAL, GROUP, OR GENERAL AREA-WIDE BASIS.
- 26 O. "NON-STORMWATER DISCHARGE" MEANS ANY DISCHARGE TO THE STORM
27 DRAIN SYSTEM THAT IS NOT COMPOSED ENTIRELY OF STORMWATER.
- 28 P. "OUTFALL" MEANS A POINT SOURCE WHERE THE STORM DRAINAGE SYSTEM
29 COLLECTION DISCHARGES FROM A PIPE, DITCH, OR OTHER DISCRETE
30 CONVEYANCE DIRECTLY OR INDIRECTLY TO WATERS OF THE STATE OF
31 MARYLAND OR TO ANOTHER NON-CITY STORM DRAINAGE SYSTEM.
- 32 Q. "PERSON" MEANS ANY INDIVIDUAL, ASSOCIATION, ORGANIZATION,
33 PARTNERSHIP, FIRM, CORPORATION OR OTHER ENTITY RECOGNIZED BY LAW
34 AND ACTING AS EITHER THE OWNER OF THE PREMISES OR AS THE OWNER'S
35 AGENT.
- 36 R. "POLLUTANT" MEANS ANYTHING THAT CAUSES OR CONTRIBUTES TO
37 POLLUTION. POLLUTANTS MAY INCLUDE, BUT ARE NOT LIMITED TO: PAINTS,
38 VARNISHES, AND SOLVENTS; OIL AND OTHER AUTOMOTIVE FLUIDS; NON-
39 HAZARDOUS LIQUID AND SOLID WASTES AND YARD WASTES; REFUSE,
40 RUBBISH, GARBAGE, LITTER, OR OTHER DISCARDED OR ABANDONED
41 OBJECTS, ORDINANCES, AND ACCUMULATIONS, SO THAT SAME MAY CAUSE
42 OR CONTRIBUTE TO POLLUTION; FLOATABLES; PESTICIDES, HERBICIDES, AND
43 FERTILIZERS; HAZARDOUS SUBSTANCES AND WASTES; SEWAGE, FECAL
44 COLIFORM AND PATHOGENS; DISSOLVED AND PARTICULATE METALS;
45 ANIMAL WASTES; WASTES AND RESIDUES THAT RESULT FROM
46 CONSTRUCTING A BUILDING OR STRUCTURE; AND NOXIOUS OR OFFENSIVE

1 MATTER OF ANY KIND.

- 2 S. "PREMISES" MEANS ANY BUILDING, FACILITY, LOT, PARCEL OF LAND, OR
3 PORTION OF LAND WHETHER IMPROVED OR UNIMPROVED INCLUDING
4 ADJACENT SIDEWALKS AND PARKING STRIPS.
- 5 T. "STORM DRAINAGE SYSTEM" MEANS THE CITY-OWNED SEPARATE STORM
6 SEWER SYSTEM (MS4), AND RELATED FACILITIES, BY WHICH STORMWATER IS
7 COLLECTED OR CONVEYED, INCLUDING BUT NOT LIMITED TO ANY ROADS
8 WITH DRAINAGE SYSTEMS, CITY STREETS, GUTTERS, CURBS, INLETS, PIPED
9 STORM DRAINS, PUMPING FACILITIES, RETENTION AND DETENTION BASINS,
10 NATURAL AND HUMAN-MADE OR ALTERED DRAINAGE CHANNELS,
11 RESERVOIRS, AND OTHER DRAINAGE STRUCTURES.
- 12 U. "STORMWATER" MEANS ANY SURFACE FLOW, RUNOFF, AND DRAINAGE
13 CONSISTING ENTIRELY OF WATER FROM ANY FORM OF NATURAL
14 PRECIPITATION, AND RESULTING FROM SUCH PRECIPITATION.
- 15 V. "STORMWATER POLLUTION PREVENTION PLAN" MEANS A DOCUMENT THAT
16 DESCRIBES THE BEST MANAGEMENT PRACTICES AND ACTIVITIES TO BE
17 IMPLEMENTED BY A PERSON TO IDENTIFY SOURCES OF POLLUTION OR
18 CONTAMINATION AT A SITE AND THE ACTIONS TO ELIMINATE OR REDUCE
19 POLLUTANT DISCHARGES TO STORMWATER, STORMWATER CONVEYANCE
20 SYSTEMS, OR RECEIVING WATERS TO THE MAXIMUM EXTENT PRACTICABLE.
- 21 W. "WASTEWATER" MEANS ANY WATER OR OTHER LIQUID, OTHER THAN
22 UNCONTAMINATED STORMWATER, DISCHARGED FROM A PREMISES.

23
24 **SECTION 17.07.030 - APPLICABILITY.**

25
26 THIS CHAPTER SHALL APPLY TO ALL WATER ENTERING THE STORM DRAIN
27 SYSTEM GENERATED ON ANY DEVELOPED AND UNDEVELOPED LANDS UNLESS
28 EXPLICITLY EXEMPTED BY THE AUTHORIZED ENFORCEMENT AGENCY.

29
30 **SECTION 17.07.040 - RESPONSIBILITY FOR ADMINISTRATION.**

31
32 THE AUTHORIZED ENFORCEMENT AGENCY SHALL ADMINISTER,
33 IMPLEMENT, AND ENFORCE THE PROVISIONS OF THIS CHAPTER.

34
35 **SECTION 17.07.050 - ULTIMATE RESPONSIBILITY.**

36
37 THE STANDARDS SET FORTH HEREIN AND PROMULGATED PURSUANT TO
38 THIS CHAPTER ARE MINIMUM STANDARDS; THEREFORE THIS CHAPTER DOES NOT
39 INTEND NOR IMPLY THAT COMPLIANCE BY ANY PERSON WITH THIS CHAPTER
40 WILL ENSURE THAT THERE WILL BE NO CONTAMINATION, POLLUTION, NOR
41 UNAUTHORIZED DISCHARGE OF POLLUTANTS.

42
43 **SECTION 17.07.060 - DISCHARGE PROHIBITIONS.**

- 44
45 A. **PROHIBITION OF ILLEGAL DISCHARGES.** A PERSON SHALL NOT DISCHARGE
46 OR CAUSE TO BE DISCHARGED INTO THE STORM DRAIN SYSTEM OR CITY

1 WATERCOURSES ANY MATERIALS, INCLUDING BUT NOT LIMITED TO
2 POLLUTANTS OR WATERS CONTAINING ANY POLLUTANTS THAT CAUSE OR
3 CONTRIBUTE TO A VIOLATION OF APPLICABLE WATER QUALITY STANDARDS,
4 OTHER THAN STORMWATER. THE COMMENCEMENT, CONDUCT, OR
5 CONTINUANCE OF ANY ILLEGAL DISCHARGE TO THE STORM DRAIN SYSTEM
6 IS PROHIBITED EXCEPT AS DESCRIBED AS FOLLOWS:
7

- 8 1. THE FOLLOWING DISCHARGES ARE EXEMPT FROM DISCHARGE
9 PROHIBITIONS ESTABLISHED BY THIS CHAPTER: WATER LINE FLUSHING
10 OR OTHER POTABLE WATER SOURCES, LANDSCAPE IRRIGATION OR LAWN
11 WATERING, DIVERTED STREAM FLOWS, RISING GROUND WATER, GROUND
12 WATER INFILTRATION TO STORM DRAINS, UNCONTAMINATED PUMPED
13 GROUND WATER, FOUNDATION OR FOOTING DRAINS (NOT INCLUDING
14 ACTIVE GROUNDWATER DEWATERING SYSTEMS), CRAWL SPACE PUMPS,
15 EPAWASHING OF VEHICLES, NATURAL RIPARIAN HABITAT OR WET-LAND
16 FLOWS, SWIMMING POOLS (IF DECHLORINATED - TYPICALLY LESS THAN
17 ONE PPM CHLORINE), FIRE FIGHTING ACTIVITIES, AND ANY OTHER WATER
18 SOURCE NOT CONTAINING POLLUTANTS.
- 19 2. DISCHARGES SPECIFIED IN WRITING BY THE AUTHORIZED ENFORCEMENT
20 AGENCY AS BEING NECESSARY TO PROTECT PUBLIC HEALTH AND
21 SAFETY.
- 22 3. DYE TESTING IS AN ALLOWABLE DISCHARGE, BUT REQUIRES PRIOR
23 WRITTEN PERMISSION FROM THE AUTHORIZED ENFORCEMENT AGENCY
24 PRIOR TO THE TIME OF THE TEST.
- 25 4. THE PROHIBITION SHALL NOT APPLY TO ANY NON-STORMWATER
26 DISCHARGE PERMITTED UNDER AN NPDES PERMIT, WAIVER, OR WASTE
27 DISCHARGE ORDER ISSUED TO THE DISCHARGER AND ADMINISTERED
28 UNDER THE AUTHORITY OF THE EPA, PROVIDED THAT THE DISCHARGER
29 IS IN FULL COMPLIANCE WITH ALL REQUIREMENTS OF THE PERMIT,
30 WAIVER, OR ORDER AND OTHER APPLICABLE LAWS AND REGULATIONS,
31 AND PROVIDED THAT WRITTEN APPROVAL HAS BEEN GRANTED BY THE
32 EPA FOR ANY DISCHARGE TO THE STORM DRAIN SYSTEM.
33

34 **B. PROHIBITION OF ILLICIT CONNECTIONS.**

- 35
- 36 1. THE CONSTRUCTION, USE, MAINTENANCE, OR CONTINUED EXISTENCE OF
37 ILLICIT CONNECTIONS TO THE STORM DRAIN SYSTEM IS PROHIBITED.
- 38 2. THIS PROHIBITION EXPRESSLY INCLUDES, WITHOUT LIMITATION, ILLICIT
39 CONNECTIONS MADE IN THE PAST, REGARDLESS OF WHETHER THE
40 CONNECTION WAS PERMISSIBLE UNDER LAW OR PRACTICES APPLICABLE
41 OR PREVAILING AT THE TIME OF CONNECTION.
- 42 3. A PERSON IS CONSIDERED TO BE IN VIOLATION OF THIS CHAPTER IF THE
43 PERSON CONNECTS A LINE CONVEYING SEWAGE TO THE STORM DRAIN
44 SYSTEM, OR ALLOWS SUCH A CONNECTION TO CONTINUE.
45

46 **SECTION 17.07.070 - SUSPENSION OF STORM DRAIN SYSTEM ACCESS.**

1
2 **A. SUSPENSION DUE TO ILLICIT DISCHARGES IN EMERGENCY SITUATIONS.**
3 THE AUTHORIZED ENFORCEMENT AGENCY MAY, WITHOUT PRIOR NOTICE,
4 SUSPEND STORM DRAIN SYSTEM DISCHARGE ACCESS TO A PERSON WHEN
5 SUCH SUSPENSION IS NECESSARY TO STOP AN ACTUAL OR THREATENED
6 DISCHARGE THAT PRESENTS OR MAY PRESENT IMMINENT AND SUBSTANTIAL
7 DANGER TO THE ENVIRONMENT, OR TO THE HEALTH OR WELFARE OF
8 PERSONS, OR TO THE STORM DRAIN SYSTEM OR WATERS OF THE UNITED
9 STATES. IF THE VIOLATOR FAILS TO COMPLY WITH A SUSPENSION ORDER
10 ISSUED IN AN EMERGENCY, THE AUTHORIZED ENFORCEMENT AGENCY MAY
11 TAKE SUCH STEPS AS DEEMED NECESSARY TO PREVENT OR MINIMIZE
12 DAMAGE TO THE STORM DRAIN SYSTEM OR WATERS OF THE UNITED STATES,
13 OR TO MINIMIZE DANGER TO PERSONS.

14
15 **B. SUSPENSION DUE TO THE DETECTION OF ILLICIT DISCHARGE.** A PERSON
16 DISCHARGING TO THE STORM DRAIN SYSTEM IN VIOLATION OF THIS
17 CHAPTER MAY HAVE THEIR STORM DRAIN SYSTEM ACCESS TERMINATED IF
18 SUCH TERMINATION WOULD ABATE OR REDUCE AN ILLICIT DISCHARGE, AND
19 SUCH TERMINATION WOULD NOT CAUSE OR HAVE THE SUBSTANTIAL
20 POTENTIAL TO CAUSE FLOODING OR FLOOD-RELATED EROSION, ALL AS
21 DETERMINED IN THE AUTHORIZED ENFORCEMENT AGENCY'S DISCRETION.
22 THE AUTHORIZED ENFORCEMENT AGENCY WILL NOTIFY A VIOLATOR OF THE
23 PROPOSED TERMINATION OF ITS STORM DRAIN SYSTEM ACCESS. THE
24 VIOLATOR MAY PETITION THE DIRECTOR OF THE AUTHORIZED
25 ENFORCEMENT AGENCY FOR A RECONSIDERATION AND HEARING.

26
27 **C. OFFENSE.** A PERSON COMMITS AN OFFENSE UNDER THIS CHAPTER IF THE
28 PERSON REINSTATES STORM DRAIN SYSTEM ACCESS TO A PREMISES
29 TERMINATED PURSUANT TO THIS SECTION, WITHOUT THE PRIOR APPROVAL
30 OF THE AUTHORIZED ENFORCMENT AGENCY.

31
32 **SECTION 17.07.080 - INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

33
34 A PERSON SUBJECT TO AN INDUSTRIAL OR CONSTRUCTION ACTIVITY
35 NPDES STORMWATER DISCHARGE PERMIT SHALL COMPLY WITH ALL PROVISIONS
36 OF THE APPROVED PERMIT. PROOF OF COMPLIANCE WITH THE APPROVED PERMIT
37 MAY BE REQUIRED TO BE SUBMITTED TO THE CITY IN A FORM ACCEPTABLE TO
38 THE AUTHORIZED ENFORCEMENT AGENCY PRIOR TO THE ALLOWING OF
39 DISCHARGES TO THE STORM DRAIN SYSTEM.

40
41 **SECTION 17.07.090 - MONITORING OF DISCHARGES.**

42
43 **A. APPLICABILITY.** THIS SECTION APPLIES TO ALL FACILITIES THAT HAVE
44 STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY,
45 INCLUDING CONSTRUCTION ACTIVITY.

1 **B. ACCESS TO PREMISES.**

- 2
- 3 1. THE AUTHORIZED ENFORCEMENT AGENCY SHALL BE ALLOWED TO
4 ENTER AND INSPECT ANY PREMISES SUBJECT TO REGULATION UNDER
5 THIS CHAPTER AS OFTEN AS IT DEEMS NECESSARY TO DETERMINE
6 COMPLIANCE WITH THIS CHAPTER. IF A PERSON HAS SECURITY
7 MEASURES IN FORCE THAT REQUIRE PROPER IDENTIFICATION AND
8 CLEARANCE BEFORE ENTRY INTO ITS PREMISES, THAT PERSON SHALL
9 MAKE THE NECESSARY ARRANGEMENTS TO ALLOW ACCESS TO
10 REPRESENTATIVES OF THE AUTHORIZED ENFORCEMENT AGENCY IN
11 ACCORDANCE WITH THIS SECTION.
- 12 2. THE OWNER OF THE PREMISES, OR THE OWNER'S AGENT, SHALL ALLOW
13 THE AUTHORIZED ENFORCEMENT AGENCY READY ACCESS TO ALL PARTS
14 OF THE PREMISES FOR THE PURPOSES OF INSPECTION, SAMPLING,
15 EXAMINATION, AND COPYING OF RECORDS THAT MUST BE KEPT UNDER
16 THE CONDITIONS OF A NPDES PERMIT TO DISCHARGE STORMWATER, AND
17 THE PERFORMANCE OF ANY ADDITIONAL DUTIES AS DEFINED BY
18 FEDERAL, STATE, OR LOCAL LAW.
- 19 3. THE AUTHORIZED ENFORCEMENT AGENCY SHALL BE ALLOWED TO SET
20 UP ON ANY PERMITTED PREMISES SUCH DEVICES AS IT DEEMS
21 NECESSARY TO CONDUCT MONITORING AND SAMPLING OF THE
22 FACILITY'S STORMWATER DISCHARGE.
- 23 4. THE AUTHORIZED ENFORCMENT AGENCY HAS THE RIGHT TO REQUIRE
24 THE OWNER OF THE PREMISES TO INSTALL MONITORING EQUIPMENT AS
25 NECESSARY. THE OWNER, AT ITS OWN EXPENSE, SHALL MAINTAIN THE
26 SAMPLING AND MONITORING EQUIPMENT ON THE PREMISES AT ALL
27 TIMES IN A SAFE AND PROPER OPERATING CONDITION. THE OWNER IS
28 RESPONSIBLE FOR CALIBRATING ALL DEVICES USED TO MEASURE
29 STORMWATER FLOW AND QUALITY TO ENSURE THEIR ACCURACY AND
30 SHALL IMMEDIATELY PROVIDE ALL CALIBRATION REPORTS TO THE CITY.
- 31 5. ANY TEMPORARY OR PERMANENT OBSTRUCTION TO SAFE AND EASY
32 ACCESS TO A PREMISES TO BE INSPECTED OR SAMPLED SHALL BE
33 PROMPTLY REMOVED BY THE OWNER, OR THE OWNER'S AGENT, AT THE
34 WRITTEN OR ORAL REQUEST OF THE AUTHORIZED ENFORCMENT AGENCY
35 AND SHALL NOT BE REPLACED. THE COSTS OF CLEARING SUCH ACCESS
36 SHALL BE BORNE BY THE OWNER OF THE PREMISES.
- 37 6. UNREASONABLE DELAYS IN ALLOWING THE AUTHORIZED ENFORCMENT
38 AGENCY ACCESS TO A PERMITTED PREMISES IS A VIOLATION OF A NPDES
39 STORMWATER DISCHARGE PERMIT AND OF THIS CHAPTER. A PERSON
40 WHO IS THE OWNER OR OPERATOR OF A PREMISES WITH A NPDES PERMIT
41 TO DISCHARGE STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY
42 COMMITS AN OFFENSE IF THAT PERSON DENIES THE AUTHORIZED
43 ENFORCEMENT AGENCY REASONABLE ACCESS TO THE PERMITTED
44 PREMISES FOR THE PURPOSE OF CONDUCTING ANY ACTIVITY
45 AUTHORIZED OR REQUIRED BY THIS CHAPTER.
- 46 7. IF THE AUTHORIZED ENFORCEMENT AGENCY HAS BEEN REFUSED ACCESS

1 TO ANY PART OF THE PREMISES FROM WHICH STORMWATER IS
 2 DISCHARGED, AND THE AUTHORIZED ENFORCEMENT AGENCY IS ABLE TO
 3 DEMONSTRATE PROBABLE CAUSE TO BELIEVE THAT THERE MAY BE A
 4 VIOLATION OF THIS CHAPTER, OR THAT THERE IS A NEED TO INSPECT OR
 5 SAMPLE AS PART OF A ROUTINE INSPECTION AND SAMPLING PROGRAM
 6 DESIGNED TO VERIFY COMPLIANCE WITH THIS CHAPTER OR ANY ORDER
 7 ISSUED HEREUNDER, OR TO PROTECT THE OVERALL PUBLIC HEALTH,
 8 SAFETY, AND WELFARE OF THE COMMUNITY, THEN THE AUTHORIZED
 9 ENFORCEMENT AGENCY MAY SEEK ISSUANCE OF A SEARCH WARRANT
 10 FROM ANY COURT OF COMPETENT JURISDICTION.

11
 12 **SECTION 17.07.100 - REQUIREMENT TO PREVENT, CONTROL, AND REDUCE**
 13 **STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**
 14

15 THE AUTHORIZED ENFORCEMENT AGENCY WILL ADOPT REQUIREMENTS
 16 IDENTIFYING BEST MANAGEMENT PRACTICES FOR ANY ACTIVITY, OPERATION,
 17 OR PREMISES WHICH MAY CAUSE OR CONTRIBUTE TO POLLUTION OR
 18 CONTAMINATION OF STORMWATER, THE STORM DRAIN SYSTEM, OR WATERS OF
 19 THE UNITED STATES. THE OWNER OR OPERATOR OF A COMMERCIAL OR
 20 INDUSTRIAL PREMISES SHALL PROVIDE, AT THEIR OWN EXPENSE, REASONABLE
 21 PROTECTION FROM ACCIDENTAL DISCHARGE OF PROHIBITED MATERIALS OR
 22 OTHER WASTES INTO THE STORM DRAIN SYSTEM OR WATERCOURSES THROUGH
 23 THE USE OF THESE ADOPTED STRUCTURAL AND NON-STRUCTURAL BMPS.
 24 FURTHER, ANY PERSON RESPONSIBLE FOR A PREMISES, WHICH IS, OR MAY BE,
 25 THE SOURCE OF AN ILLICIT DISCHARGE, MAY BE REQUIRED TO IMPLEMENT, AT
 26 SAID PERSON'S EXPENSE, ADDITIONAL STRUCTURAL AND NON-STRUCTURAL
 27 BMPS TO PREVENT THE FURTHER DISCHARGE OF POLLUTANTS TO THE STORM
 28 DRAIN SYSTEM. COMPLIANCE WITH ALL TERMS AND CONDITIONS OF A VALID
 29 NPDES PERMIT AUTHORIZING THE DISCHARGE OF STORMWATER ASSOCIATED
 30 WITH INDUSTRIAL ACTIVITY, TO THE EXTENT PRACTICABLE, SHALL BE DEEMED
 31 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. THESE BMPS SHALL BE
 32 PART OF A STORMWATER POLLUTION PREVENTION PLAN AS NECESSARY FOR
 33 COMPLIANCE WITH REQUIREMENTS OF THE NPDES PERMIT.
 34

35 **SECTION 17.07.110. - WATERCOURSE PROTECTION.**
 36

37 EVERY PERSON OWNING A PREMISES THROUGH WHICH A WATERCOURSE
 38 PASSES, OR SUCH PERSON'S AGENT, TENANT, OR LESSEE, SHALL KEEP AND
 39 MAINTAIN THAT PART OF THE WATERCOURSE WITHIN THE PREMISES FREE OF
 40 TRASH, DEBRIS, EXCESSIVE VEGETATION, AND OTHER OBSTACLES THAT WOULD
 41 POLLUTE, CONTAMINATE, OR SIGNIFICANTLY RETARD THE FLOW OF WATER
 42 THROUGH THE WATERCOURSE. IN ADDITION, THE OWNER, OR SUCH OWNER'S
 43 AGENT, TENANT, OR LESSEE, SHALL MAINTAIN EXISTING PRIVATELY OWNED
 44 STRUCTURES WITHIN OR ADJACENT TO A WATERCOURSE, SO THAT SUCH
 45 STRUCTURES WILL NOT BECOME A HAZARD TO THE USE, FUNCTION, OR
 46 PHYSICAL INTEGRITY OF THE WATERCOURSE.

1
2 **SECTION 17.07.120 - NOTIFICATION OF SPILLS.**
3

4 NOTWITHSTANDING ANY OTHER REQUIREMENTS OF LAW, AS SOON AS A
5 PERSON RESPONSIBLE FOR A PREMISES OR OPERATION, OR RESPONSIBLE FOR
6 EMERGENCY RESPONSE FOR A PREMISES OR OPERATION HAS INFORMATION OF
7 ANY KNOWN OR SUSPECTED RELEASE OF MATERIALS, WHICH ARE RESULTING OR
8 MAY RESULT IN ILLEGAL DISCHARGES OR POLLUTANTS DISCHARGING INTO
9 STORMWATER, THE STORM DRAIN SYSTEM, OR WATER OF THE UNITED STATES,
10 THAT PERSON SHALL TAKE ALL NECESSARY STEPS TO ENSURE THE DISCOVERY,
11 CONTAINMENT, AND CLEANUP OF SUCH RELEASE. IN THE EVENT OF SUCH A
12 RELEASE OF HAZARDOUS MATERIALS, THAT PERSON SHALL IMMEDIATELY
13 NOTIFY THE ANNAPOLIS FIRE DEPARTMENT OF THE OCCURRENCE VIA
14 EMERGENCY DISPATCH SERVICES. IN THE EVENT OF A RELEASE OF NON-
15 HAZARDOUS MATERIALS, THAT PERSON SHALL NOTIFY THE AUTHORIZED
16 ENFORCEMENT AGENCY IN PERSON, OR BY PHONE, OR FACSIMILE NO LATER
17 THAN THE NEXT BUSINESS DAY. NOTIFICATIONS IN PERSON OR BY PHONE SHALL
18 BE CONFIRMED BY WRITTEN NOTICE ADDRESSED AND MAILED TO THE
19 AUTHORIZED ENFORCEMENT AGENCY WITHIN THREE BUSINESS DAYS OF THE IN
20 PERSON OR PHONE NOTICE. IF THE DISCHARGE OF PROHIBITED MATERIALS
21 EMANATES FROM A COMMERCIAL OR INDUSTRIAL PREMISES, THE OWNER, OR
22 THE OWNER'S AGENT, SHALL ALSO RETAIN AN ON-SITE WRITTEN RECORD OF THE
23 DISCHARGE AND THE ACTIONS TAKEN TO PREVENT ITS RECURRENCE. SUCH
24 RECORDS SHALL BE RETAINED FOR AT LEAST THREE YEARS.
25

26 **SECTION 17.07.130 - ENFORCEMENT.**
27

28 A. **NOTICE OF VIOLATION.** WHENEVER THE AUTHORIZED ENFORCEMENT
29 AGENCY FINDS THAT A PERSON HAS VIOLATED A PROHIBITION OR FAILED TO
30 MEET A REQUIREMENT OF THIS CHAPTER, THE AUTHORIZED ENFORCEMENT
31 AGENCY MAY ORDER COMPLIANCE BY WRITTEN NOTICE OF VIOLATION TO
32 THE RESPONSIBLE PERSON. SUCH NOTICE MAY REQUIRE WITHOUT
33 LIMITATION:
34

- 35 1. THE PERFORMANCE OF MONITORING, ANALYSES, AND REPORTING;
- 36 2. THE ELIMINATION OF ILLICIT CONNECTIONS OR DISCHARGES;
- 37 3. THAT VIOLATING DISCHARGES, PRACTICES, OR OPERATIONS SHALL
38 CEASE AND DESIST;
- 39 4. THE ABATEMENT OR REMEDIATION OF STORMWATER POLLUTION OR
40 CONTAMINATION HAZARDS AND THE RESTORATION OF ANY
41 AFFECTED PROPERTY;
- 42 5. PAYMENT OF A FINE TO COVER ADMINISTRATIVE AND REMEDIATION
43 COSTS; AND
- 44 6. THE IMPLEMENTATION OF SOURCE CONTROL OR TREATMENT BMPS.
45

46 B. **ABATEMENT AND/OR RESTORATION.** IF ABATEMENT OF A VIOLATION

1 AND/OR RESTORATION OF AFFECTED PROPERTY IS REQUIRED, THE NOTICE
 2 SHALL SET FORTH A DEADLINE WITHIN WHICH SUCH ABATEMENT OR
 3 RESTORATION MUST BE COMPLETED. SAID NOTICE SHALL FURTHER ADVISE
 4 THAT, SHOULD THE VIOLATOR FAIL TO ABATE OR RESTORE WITHIN THE
 5 ESTABLISHED DEADLINE, THE WORK WILL BE DONE BY A DESIGNATED
 6 GOVERNMENTAL AGENCY OR A CONTRACTOR AND THE EXPENSE THEREOF
 7 SHALL BE CHARGED TO THE VIOLATOR.

8
 9 **SECTION 17.07.140 - APPEAL OF NOTICE OF VIOLATION.**

10
 11 ANY PERSON WHO RECEIVES A NOTICE OF VIOLATION MAY APPEAL THAT
 12 VIOLATION BY SUBMITTING A WRITTEN NOTICE OF APPEAL TO THE CITY
 13 MANAGER WITHIN 15 DAYS OF THE DATE OF THE NOTICE OF VIOLATION. A
 14 HEARING ON THE APPEAL BEFORE THE CITY MANAGER OR HIS OR HER DESIGNEE
 15 SHALL TAKE PLACE WITHIN 15 DAYS FROM THE DATE OF RECEIPT OF THE NOTICE
 16 OF APPEAL. THE DECISION OF THE CITY MANAGER OR HIS OR HER DESIGNEE
 17 SHALL BE FINAL.

18
 19 **SECTION 17.07.150 - ENFORCEMENT MEASURES AFTER APPEAL.**

20
 21 IF THE VIOLATION HAS NOT BEEN CORRECTED PURSUANT TO THE
 22 REQUIREMENTS SET FORTH IN THE NOTICE OF VIOLATION, OR, IN THE EVENT OF
 23 AN APPEAL, WITHIN 15 DAYS OF THE DECISION OF THE CITY MANAGER OR HIS OR
 24 HER DESIGNEE UPHOLDING THE DECISION OF THE AUTHORIZED ENFORCEMENT
 25 AGENCY, THEN REPRESENTATIVES OF THE AUTHORIZED ENFORCEMENT AGENCY
 26 SHALL ENTER UPON THE SUBJECT PRIVATE PREMISES AND ARE AUTHORIZED TO
 27 TAKE ANY AND ALL MEASURES NECESSARY TO ABATE THE VIOLATION AND
 28 RESTORE THE PREMISES. IT SHALL BE UNLAWFUL FOR A PERSON, OWNER,
 29 AGENT, OR PERSON IN POSSESSION OF A PREMISES TO REFUSE TO ALLOW THE
 30 AUTHORIZED ENFORCEMENT AGENCY OR ITS DESIGNATED CONTRACTOR TO
 31 ENTER UPON THE PREMISES FOR THE PURPOSES SET FORTH HEREIN.

32
 33 **SECTION 17.07.160 - COST OF ABATEMENT OF THE VIOLATION.**

34
 35 WITHIN 30 DAYS AFTER ABATEMENT OF THE VIOLATION, THE OWNER OF
 36 THE PREMISES WILL RECEIVE WRITTEN NOTICE OF THE COST OF ABATEMENT,
 37 INCLUDING ADMINISTRATIVE COSTS. THE OWNER MAY FILE A WRITTEN PROTEST
 38 WITH THE CITY MANAGER OBJECTING TO THE AMOUNT OF THE ASSESSMENT
 39 WITHIN 15 DAYS OF THE DATE OF THE NOTICE. IF THE AMOUNT DUE IS NOT PAID
 40 WITHIN A TIMELY MANNER AS DETERMINED BY THE DECISION OF THE CITY
 41 MANAGER OR BY THE EXPIRATION OF THE TIME IN WHICH TO FILE A PROTEST,
 42 THE OUTSTANDING COSTS SHALL BECOME A SPECIAL ASSESSMENT AGAINST THE
 43 REAL PROPERTY OF THE PREMISES AND SHALL CONSTITUTE A LIEN ON THE
 44 PREMISES. A PERSON VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER
 45 SHALL BECOME LIABLE TO THE CITY BY REASON OF SUCH VIOLATION. THE
 46 LIABILITY SHALL BE PAID IN NOT MORE THAN 12 EQUAL PAYMENTS. INTEREST

1 AT THE RATE SPECIFIED IN THE FEES SCHEDULE SHALL BE ASSESSED ON THE
2 BALANCE BEGINNING ON THE FIRST DAY FOLLOWING DISCOVERY OF THE
3 VIOLATION.
4

5 **SECTION 17.07.170 - INJUNCTIVE RELIEF.**
6

7 IT SHALL BE UNLAWFUL FOR A PERSON TO VIOLATE ANY PROVISION OR
8 FAIL TO COMPLY WITH ANY OF THE REQUIREMENTS OF THIS CHAPTER. IF A
9 PERSON HAS VIOLATED OR CONTINUES TO VIOLATE THE PROVISIONS OF THIS
10 CHAPTER, THE CITY MAY PETITION FOR A PRELIMINARY OR PERMANENT
11 INJUNCTION RESTRAINING THE PERSON FROM ACTIVITIES THAT WOULD CREATE
12 FURTHER VIOLATIONS OR COMPELLING THE PERSON TO PERFORM ABATEMENT
13 OR REMEDIATION OF THE VIOLATION.
14

15 **SECTION 17.07.180 - COMPENSATORY ACTION.**
16

17 IN LIEU OF ENFORCEMENT PROCEEDINGS, PENALTIES, AND REMEDIES
18 AUTHORIZED BY THIS CHAPTER, THE ENFORCEMENT AGENCY MAY IMPOSE UPON
19 A VIOLATOR ALTERNATIVE COMPENSATORY ACTIONS, SUCH AS STORM DRAIN
20 STENCILING, ATTENDANCE AT COMPLIANCE WORKSHOPS, CREEK CLEANUP, OR
21 SIMILAR REMEDIAL ACTIVITIES.
22

23 **SECTION 17.07.190 - VIOLATIONS DEEMED A PUBLIC NUISANCE.**
24

25 IN ADDITION TO THE ENFORCEMENT PROCESSES AND PENALTIES
26 PROVIDED IN THIS CHAPTER, ANY CONDITION CAUSED OR PERMITTED TO EXIST
27 IN VIOLATION OF ANY OF THE PROVISIONS OF THIS CHAPTER IS A THREAT TO
28 PUBLIC HEALTH, SAFETY, AND WELFARE, AND IS DECLARED AND DEEMED A
29 NUISANCE, AND MAY BE SUMMARILY ABATED OR RESTORED AT THE VIOLATOR'S
30 EXPENSE, AND A CIVIL ACTION TO ABATE, ENJOIN, OR OTHERWISE COMPEL THE
31 CESSATION OF SUCH NUISANCE MAY BE TAKEN.
32

33 **SECTION 17.07.200 - CRIMINAL PROSECUTION.**
34

- 35 A. A PERSON THAT HAS VIOLATED OR CONTINUES TO VIOLATE THIS CHAPTER
36 SHALL BE LIABLE TO CRIMINAL PROSECUTION TO THE FULLEST EXTENT OF
37 THE LAW, AND SHALL BE SUBJECT TO PENALTIES AS ESTABLISHED BY
38 RESOLUTION OF THE CITY COUNCIL. THE CITY OF ANNAPOLIS MAY RECOVER
39 ALL ATTORNEYS' FEES, COURT COSTS, AND OTHER EXPENSES ASSOCIATED
40 WITH ENFORCEMENT OF THIS CHAPTER, INCLUDING SAMPLING AND
41 MONITORING EXPENSES.
42
- 43 B. A USER WHO KNOWINGLY OR WILFULLY MAKES A FALSE STATEMENT,
44 REPRESENTATION, OR CERTIFICATION IN AN APPLICATION, RECORD, PLAN,
45 OR OTHER DOCUMENT FILED OR REQUIRED TO BE MAINTAINED UNDER THE
46 PROVISIONS OF THIS CHAPTER, OR WHO FALSIFIES, TAMPERS WITH, OR

1 KNOWINGLY RENDERS INACCURATE ANY MONITORING DEVICE OR METHOD
2 REQUIRED UNDER THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND
3 SUBJECT TO PENALTIES AS ESTABLISHED BY RESOLUTION OF THE CITY
4 COUNCIL.

5
6 **SECTION 17.07.210 - REMEDIES NOT EXCLUSIVE.**

7
8 THE REMEDIES LISTED IN THIS CHAPTER ARE NOT EXCLUSIVE OF ANY
9 OTHER REMEDIES AVAILABLE UNDER ANY APPLICABLE FEDERAL, STATE, OR
10 LOCAL LAW AND IT IS WITHIN THE DISCRETION OF THE CITY OF ANNAPOLIS TO
11 SEEK CUMULATIVE REMEDIES.

12
13
14 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
15 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

16
17
18 **Explanation:**

19 UPPERCASE indicates matter added to existing law.

20 ~~Strikethrough~~ indicates matter stricken from existing law.

21 Underlining indicates amendments.

22