

CODE

**CITY OF REDMOND
ORDINANCE NO. 2859**

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, AMENDING RMC 13.06, "STORMWATER
MANAGEMENT CODE," MODIFYING THE CODE FOR
CLARITY

WHEREAS, the City of Redmond protects the public from
pollution and flooding caused by stormwater runoff; and

WHEREAS, the City of Redmond protects and restores water
resources from degradation caused by stormwater runoff; and

WHEREAS, the City of Redmond is issued a municipal stormwater
permit by the State of Washington Department of Ecology that
requires updates to stormwater code from time to time.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND,
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This ordinance is of a
general and permanent nature and shall become a part of the City
Code.

Section 2. Amendment of Chapter. RMC 13.06, "Stormwater
Management Code," is hereby amended to read as follows:

Chapter 13.06

STORMWATER MANAGEMENT CODE

Sections:

<u>13.06.010</u>	Findings.
<u>13.06.020</u>	Statement of need.
<u>13.06.030</u>	Purpose.
<u>13.06.040</u>	Definitions.
<u>13.06.050</u>	<i>Repealed.</i>
<u>13.06.054</u>	Prohibited discharges.
<u>13.06.058</u>	Conditional discharges.
<u>13.06.060</u>	<i>Repealed.</i>
<u>13.06.062</u>	Allowable discharges.
<u>13.06.064</u>	Prohibition of illicit connections.
<u>13.06.066</u>	Requirement of source control best management practices.
<u>13.06.068</u>	Maintenance requirements.
<u>13.06.070</u>	Disposal of waste from maintenance activities.
<u>13.06.080</u>	Compliance required.
<u>13.06.090</u>	Inspection requirements.
<u>13.06.100</u>	Inspection authority.
<u>13.06.110</u>	Inspection procedures.
<u>13.06.120</u>	Adjustment of utility fees.
<u>13.06.130</u>	Inspection and maintenance schedule.
<u>13.06.140</u>	Inspection and maintenance records.
<u>13.06.150</u>	Enforcement authority.
<u>13.06.160</u>	Enforcement policy.
<u>13.06.170</u>	Orders.
<u>13.06.180</u>	Penalty for violations.
<u>13.06.190</u>	Penalties due.
<u>13.06.200</u>	<i>Repealed.</i>
<u>13.06.210</u>	Abrogation and restrictions.
<u>13.06.220</u>	Interpretation.
<u>13.06.230</u>	Conflicts.
<u>13.06.240</u>	State statutes and regulations adopted by reference.

13.06.010 Findings.

The Redmond City Council hereby finds that:

(A) [~~A-~~] Stormwater drainage systems are a common feature of urban development.

(B) [~~B-~~] Stormwater drainage systems must be regularly inspected, maintained, and repaired as necessary in order to function and perform as designed and to reduce or remove pollution and/or to reduce flooding.

(C) [~~C-~~] If not adequately maintained, stormwater drainage systems can become less effective in preventing pollutants from entering surface waters and groundwater.

(D) [~~D-~~] If not adequately managed, stormwater drainage systems can cause considerable damage to public and private property and natural habitat, as well as creating a health and safety risk for the public and wildlife.

(E) [~~E-~~] Stormwater can potentially transport a significant amount of pollution to surface water bodies. Stormwater needs to be adequately managed to protect Redmond's natural habitats and wildlife and reduce the impacts of urbanization on natural systems.

13.06.020 Statement of need.

The Redmond City Council finds that this chapter is necessary in order to:

(A) [~~A-~~] Ensure proper maintenance of all stormwater facilities within Redmond by setting minimum operating standards for inspection, maintenance, and repair of stormwater facilities.

(B) [~~B-~~] Comply with Washington Department of Ecology (Ecology) regulations and requirements for local governments, including requirements of the Western Washington National Pollution Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit (NPDES Phase II Permit).

(C) [~~C-~~] Prevent contamination and/or degradation of surface waters, groundwater, and/or wildlife habitats within the contiguous city limits.

13.06.030 Purpose.

The provisions of this chapter are intended to:

(A) [~~A-~~] Provide standards and procedures for inspection, maintenance and repair of stormwater facilities in Redmond to help contribute to an effective, functional stormwater drainage system.

(B) [~~B-~~] Authorize the Redmond Stormwater Utility to require that stormwater drainage systems be managed, inspected, maintained, and repaired in conformance with this chapter.

(C) [~~C-~~] Establish the minimum level of compliance which must be met.

(D) [~~D-~~] Guide and advise all who conduct inspection, maintenance, and repair of stormwater facilities.

(E) [~~E-~~] Prevent pollutants from leaking, spilling, draining or being dumped into any public or private stormwater drainage system, into groundwater, or directly into surface water bodies.

13.06.040 Definitions.

For the purpose of this chapter, the following definitions shall apply:

• "AKART" means all known, available and reasonable methods of prevention, control, and treatment. Terminology from Washington State Pollution Control Act, RCW 90.48.010 [~~90.40.010~~] and 90.48.520.

~~["CLEAN WATER ACT" MEANS THE FEDERAL WATER POLLUTION CONTROL ACT (33 USC SECTION 1251 ET SEQ.), AND ANY SUBSEQUENT AMENDMENTS THERETO.]~~

• "Director" means the Director of Public Works and/or his or her designees.

• "Groundwater" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

• "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

• "Hyperchlorinated" means water that contains more than 10 mg/Liter chlorine.

• "Illicit connection" means any man-made conveyance that is connected to a stormwater drainage system ~~[MUNICIPAL SEPARATE STORM SEWER]~~ that discharges non-stormwater. Examples include sanitary sewer

connections, floor drains, channels, pipelines, conduits, inlets, hoses, above ground piping, or outlets that are connected directly to a stormwater drainage system [~~THE MUNICIPAL SEPARATE STORM SEWER SYSTEM~~].

•“Illicit discharge” means any direct or indirect non-stormwater discharge to any portion of any stormwater drainage system, groundwater, or surface water except as expressly allowed by this chapter.

•“Minimum Maintenance Standards” means the maintenance, inspection and repair standards that are described in the [~~CURRENTLY ADOPTED~~] City of Redmond [~~CLEARING, GRADING, AND~~] Stormwater [~~MANAGEMENT~~] Technical Notebook.

•“National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit” means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.

• "Non-stormwater discharge" means any discharge to the stormwater drainage system that is not composed entirely of stormwater.

• "Person" means any individual, partnership, corporation, association, organization, cooperative, public or Municipal Corporation, agency of the state, local government unit, or other entity recognized by law and acting as either the owner of a premises or as the owner's agent.

• "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; soaps and

detergents labeled as non-toxic or environmentally friendly; and noxious or offensive matter of any kind.

- "Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

- "Source control best management practice" or "BMP" means schedules of activities, prohibitions or practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater drainage systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

- "Stormwater" means that portion of precipitation that does not naturally infiltrate, evaporate, or become transpired by vegetation, that becomes surface runoff, interflow, infiltrated by a

constructed infiltration facility, or collected by the stormwater drainage system.

• "Stormwater drainage system" means the system that collects, conveys, and stores surface water and stormwater runoff, both publicly or privately owned systems, including but not limited to any roads with drainage systems, gutters, curbs, inlets, storm drains, pipes, ditches, pumping facilities, infiltration facilities, retention and detention facilities, water quality treatment facilities, streams, swamps, closed depressions, wetlands, Lake Sammamish, and other drainage structures and appurtenances, both natural and artificial.

• "Stormwater Pollution Prevention Plan" means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

13.06.050 Maintenance requirements.

Repealed by Ord. 2473.

13.06.054 Prohibited discharges.

(A) [A.] Non-stormwater runoff discharges to the stormwater drainage system, surface water bodies, or groundwater are prohibited, unless such discharges are authorized in accordance with Chapter 173-216 WAC (State Waste Discharge Permit Program) or Chapter 173-220 WAC (National Pollutant Discharge Elimination System Permit Program).

(B) [~~B. DISCHARGING POLLUTANTS TO THE STORMWATER DRAINAGE SYSTEM, SURFACE WATER BODIES, OR GROUNDWATER IS PROHIBITED.~~] No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain, or otherwise discharge pollutants into a stormwater drainage system, surface water bodies or groundwater [~~ANY MATERIALS OTHER THAN STORMWATER~~]. If a pollutant discharge is identified it shall cease immediately and be reported to the stormwater utility immediately. Failure to report any discharge within 24 hours is a violation of this chapter. [POLLUTANT

~~DISCHARGES SHALL BE REPORTED TO THE STORMWATER UTILITY
WITHIN 24 HOURS.]~~

Examples of prohibited pollutants include, but are not limited to:

1. Trash or debris, including leachate from dumpsters and trash compactors.
2. Construction materials, including soil.
3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil, electrical transformer fluid.
4. Antifreeze and other automotive products.
5. Metals in particulate or dissolved form.
6. Flammable or explosive materials.
7. Radioactive materials.
8. Batteries.
9. Acids, alkalis, or bases.
10. Paints, stains, resins, lacquers, or varnishes.
11. Degreasers and/or solvents.
12. Drain cleaners.
13. Pesticides, herbicides, or fertilizers.
14. Steam cleaning wastes.

15. Soaps, detergents, ammonia.
16. Swimming pool or spa filter backwash.
17. Chlorine, bromine, and other disinfectants.
18. Heated water.
19. Domestic animal waste.
20. Sewage.
21. Recreational vehicle waste.
22. Animal carcasses.
23. Food waste, including used cooking oil.
24. Bark, lawn clippings, leaves, and branches.
25. Silt, turbid runoff, concrete, concrete wash water, cement, or gravel.
26. Dyes, excluding municipal operations dye testing.
27. Chemicals not normally found in uncontaminated water.
28. Any other process-associated discharge except as otherwise allowed in this chapter, including car washing effluent.

(C) [~~C.~~] Hazardous materials, as defined in this chapter, shall not be allowed to enter any stormwater drainage system, infiltrate into the ground, or enter any surface water body within the contiguous city limits. All such substances shall be stored, handled and disposed in a manner that will prevent them from entering the stormwater drainage system, groundwater, or surface water bodies. Storage, handling and disposal shall be conducted in accordance with Chapters 173-304 and 173-303 WAC. Appropriate quantities of spill equipment shall be kept on site, and spill response training documented, for any site within the City that uses, stores, or otherwise handles hazardous materials on a commercial basis.

13.06.058 Conditional discharges.

(A) [~~A.~~] The following types of discharges shall not be considered illicit discharges for the purpose of this chapter if they meet the stated conditions, or unless the director and/or his or her designee determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

1. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 mg/L (ppm) or less, pH adjusted, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.

2. Lawn watering and other irrigation runoff are permitted but shall be minimized.

3. De-chlorinated swimming pool, spa and hot tub discharges. These discharges are allowed only if no other option, such as discharging to a sanitary sewer, is available. These discharges shall be de-chlorinated to a total residual chlorine concentration of 0.1 mg/L (ppm) or less, pH adjusted, and deoxygenized if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter

backwash shall not be discharged to the stormwater system.

4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents or chemicals of any kind. Wash water is required to be kept at a minimum. Pressure washing that results in paint or other building materials in wash water is prohibited from entering the stormwater drainage system. Street flushing at construction sites is prohibited in Redmond.

5. Fire Sprinkler System Flushing. These discharges are allowed only if no other option, such as discharging to a sanitary sewer, is available. Sprinkler system flushing water with any chemicals added is prohibited in the stormwater drainage system. Sprinkler system flushing water discharges shall be de-chlorinated to a concentration of 0.1 mg/L (ppm) or less, pH adjusted, if necessary and discharged in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.

6. Non-stormwater discharges covered by an individual or general NPDES permit; provided, that the

discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

7. Other non-stormwater discharges. The discharges shall be in compliance with requirements of a Stormwater Pollution Prevention Plan (SWPPP) reviewed and approved by the City of Redmond, which addresses control of such discharges by applying all known and reasonable technologies (AKART) to prevent contaminants from entering surface water and groundwater. The City of Redmond shall require a SWPPP in the event that non-stormwater discharges are not being controlled.

13.06.060 Minimum requirements.

Repealed by Ord. 2473.

13.06.062 Allowable discharges.

(A) ~~[A-]~~ The following types of discharges shall not be considered illicit discharges for the purposes of this chapter unless the director and/or his or her designee determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

1. Diverted stream flows.
2. Rising groundwater.
3. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20).
4. Uncontaminated pumped groundwater.
5. Foundation drains.
6. Air conditioning condensation.
7. Irrigation water from agricultural sources that is commingled with urban stormwater.
8. Springs.
9. Water from crawl space pumps.
10. Footing drains.
11. Flows from riparian habitats and wetlands.
12. Discharges from emergency firefighting activities.

13.06.064 Prohibition of illicit connections.

(A) ~~[A-]~~ The construction, use, maintenance, or continued existence of illicit connections to the stormwater drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or

practices applicable or prevailing at the time of connection. Illicit connections shall be corrected immediately upon discovery. Once an illicit connection is identified, the person responsible for the connection shall immediately cease to discharge waste through the connection.

(B) [B-] A person is considered to be in violation of this chapter if the person connects a line, inclusive of temporary connections, conveying waste water to the stormwater drainage system, or allows such connection to continue with knowledge of such connection.

13.06.066 Requirement of source control best management practices.

(A) [A-] "Applicable" [OPERATIONAL] source control best management practices (BMPs) in Volume IV of the current Stormwater Management Manual for Western Washington [~~ADOPTED BY THE CITY OF REDMOND CLEARING, GRADING, AND STORMWATER MANAGEMENT TECHNICAL NOTEBOOK,~~] shall be used to reduce or eliminate the release of pollution citywide. [~~GENERATED BY THE LAND USE(S) AND/OR POLLUTION GENERATING ACTIVITIES. THE DIRECTOR AND/OR HIS OR HER DESIGNEE MAY REQUIRE [OPERATIONAL SOURCE CONTROL~~

~~BMPs TO ELIMINATE THE ENTRAINMENT OF POLLUTANTS TO THE
MAXIMUM EXTENT PRACTICAL].~~

(B) ~~[B.]~~ "Recommended" ~~[STRUCTURAL]~~ source control
BMPs in Volume IV of the current Stormwater Management
Manual for Western Washington ~~[, ADOPTED BY THE CITY OF
REDMOND CLEARING, GRADING, AND STORMWATER MANAGEMENT
TECHNICAL NOTEBOOK,]~~ shall be used to reduce or
eliminate the release of pollution citywide.
"Recommended" source control BMPs are identified by land
use and specific business types. ~~[GENERATED BY DEFINED
LAND USE(S) AND POLLUTION GENERATING ACTIVITIES.]~~ The
City may require additional "recommended" ~~[STRUCTURAL]~~
source control BMPs if such structures/facilities are
deemed necessary by the director and/or his or her
designee to eliminate an ongoing release of pollution
~~[ENTRAINMENT OF POLLUTANTS IN STORMWATER RUNOFF].~~

13.06.068 Maintenance requirements.

(A) ~~[A.]~~ All stormwater drainage systems in the City
of Redmond shall be maintained according to this chapter
and the minimum maintenance standards detailed in the
~~[CURRENTLY ADOPTED]~~ City of Redmond ~~[CLEARING, GRADING,
AND]~~ Stormwater ~~[MANAGEMENT]~~ Technical Notebook.

~~[B. THE REDMOND STORMWATER UTILITY SHALL PROVIDE A CONCISE DOCUMENT OUTLINING MINIMUM REQUIREMENTS FOR MAINTENANCE AND REPAIR OF THE STORMWATER DRAINAGE SYSTEM].~~

(C) ~~[C.]~~ All stormwater drainage systems shall be inspected by the City on a periodic basis, as described in Section 13.06.130 (Inspection Schedule). If, during an inspection, a facility is found not to be in compliance with the minimum maintenance standards, inspection ~~[ALL SUBSEQUENT INSPECTION AND MAINTENANCE INTERVALS]~~ may be scheduled more frequently ~~[IF DETERMINED BY THE DIRECTOR AND/OR HIS OR HER DESIGNEES TO BE NECESSARY]~~ in order to assure the stormwater drainage system functions as designed ~~[FUTURE COMPLIANCE]~~.

(D) ~~[D.]~~ Where abatement and/or repair is found necessary to correct health or safety problems, to control pollutants from entering the stormwater drainage system, to prevent surface water or groundwater quality degradation, or to remove pollutants that have entered the stormwater drainage system, such work shall be

completed immediately by the owner or operator of the stormwater drainage system.

(E) [~~E.~~] Where maintenance and/or repair is found necessary during inspection, and the maintenance is not of emergency nature as detailed in subsection (D) of this section, maintenance shall be performed in accordance with the maintenance schedule established by the [~~CURRENT CITY OF REDMOND CLEARING, GRADING, AND~~] Stormwater [~~MANAGEMENT~~] Technical Notebook.

13.06.070 Disposal of waste from maintenance activities.

(A) [~~A.~~] Disposal of waste from maintenance activities shall be conducted in accordance with the current National Pollution Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit. [~~CURRENT CITY OF REDMOND CLEARING, GRADING, AND STORMWATER MANAGEMENT TECHNICAL NOTEBOOK.~~]

~~[B. IN ADDITION TO ANY OF THE ABOVE MENTIONED EXISTING REGULATIONS AND GUIDELINES, THE STORMWATER UTILITY MAY DEVELOP ADDITIONAL REQUIREMENTS FOR HANDLING AND DISPOSAL OF WASTE GENERATED FROM MAINTENANCE ACTIVITIES WITHIN REDMOND WHICH, UPON ADOPTION, SHALL ALSO APPLY.]~~

(C) Disposal of [~~SOLID WASTE~~] solids collected or generated from maintenance activities required by the City of Redmond shall be documented and provided to the Stormwater Utility after maintenance occurs. [~~FAILURE TO PROVIDE DOCUMENTATION SHALL BE A VIOLATION OF THIS CHAPTER.~~]

(D) Water collected and used in catch basin, runoff treatment facility and pipe maintenance activities shall be disposed of properly. In order of preference, the following disposal methods shall be used:

(1) Discharge liquid to a wastewater sewer in a location permitted by the City of Redmond or permitted by another local government with wastewater sewer jurisdiction outside the City.

(2) Discharge of catch basin and pipe maintenance liquids may be allowed into a basic or enhanced runoff treatment facility with approval from the City of Redmond.

(3) Clear liquid removed from stormwater ponds, vaults or oversized catch basins can be returned to the stormwater system with approval from the City. Liquid allowed to be disposed back into the stormwater

system shall not exceed a turbidity of 50 NTU. [~~IN COMPLIANCE WITH THE CITY OF REDMOND CLEARING, GRADING, AND STORMWATER [MANAGEMENT] TECHNICAL NOTEBOOK.~~]

13.06.080 Compliance required.

Property owners are responsible for the maintenance, operation and repair of stormwater drainage systems and source control BMPs within their property. Property owners shall maintain, operate and repair stormwater drainage systems and source controls in compliance with the requirements of this chapter and the [~~CURRENT~~] City of Redmond [~~CLEARING, GRADING, AND~~] Stormwater [~~MANAGEMENT~~] Technical Notebook.

13.06.090 Inspection requirements.

The Director and/or his or her designee is authorized to develop inspection procedures and maintenance requirements for all stormwater drainage systems in the City of Redmond who do not have a maintenance manual developed by the stormwater drainage system design engineer.

13.06.100 Inspection authority.

Whenever implementing the provisions of this chapter or whenever there is cause to believe that a

violation of this chapter has been or is being committed, the director and/or his or her designee is authorized to inspect during regular working hours and at other reasonable times all stormwater drainage systems within Redmond to determine compliance with the provisions of this chapter.

13.06.110 Inspection procedures.

(A) [~~A.~~] Prior to making any inspections on private property, the director and/or his or her designee shall present identification credentials, state the reason for the inspection and request entry.

(B) [~~B.~~] If the property or any building or structure on the property is unoccupied, the director and/or his or her designee shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

(C) [~~C.~~] If after reasonable effort the director and/or his or her designee is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the stormwater drainage system creates an imminent hazard to

persons or property, the director and/or his or her designee may enter.

(D) [~~D~~] Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent hazard, the director and/or his or her designee shall obtain a search warrant, prior to entry, as authorized by the laws of the State of Washington.

(E) [~~E~~] The director and/or his or her designee may inspect the stormwater system without obtaining a search warrant provided for in subsection (D) above, provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

(F) [~~F~~] The City of Redmond shall investigate illicit discharges in an effort to identify the source. If such discharges are tracked to a specific connection to the public stormwater drainage system, or directly to surface water or groundwater, inspection and investigation of that site will be initiated in compliance with the inspection procedures defined in

this section. If the discharge is an imminent threat to public safety or the environment, emergency action shall be taken in accordance with this section.

13.06.120 Adjustment of utility fees.

In the event any person, whose property has previously been provided utility fee credits for on-site water quantity/quality control, refuses to allow the Director and/or his or her designees to inspect said facility or commits a violation of this code, the Director and/or his or her designee shall cancel the water quality/quantity credits for the said property and adjust the billing rate for the said property accordingly. Whenever the Director and/or his or her designee shall make such an adjustment, a notice of adjustment shall be mailed to the owner of said property by certified mail or in person. The notice shall be deemed received when signed for by the owner or, if the owner fails or refuses to sign for the notice within the time provided by the postal service, within three days of mailing or delivery in person. The owner may request the Director and/or his or her designee to reconsider the notice and order by filing a request for such

reconsideration within 10 days of receipt of the notice. The Director's and/or his or her designee's decision on any such reconsideration shall be final.

13.06.130 Inspection and maintenance schedule.

The Director and/or his or her designee shall establish inspection and maintenance scheduling and standards for all publicly and privately owned stormwater facilities. At a minimum, the base frequency for inspection and maintenance shall be in accordance with the National Pollution Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit currently in effect. [~~IN ACCORDANCE WITH THE CURRENT CITY OF REDMOND CLEARING, GRADING, AND STORMWATER MANAGEMENT TECHNICAL NOTEBOOK.~~]-Adjustment to the maintenance and inspection frequency may be authorized when found appropriate by the Director and/or his or her designee.

13.06.140 Inspection and maintenance records.

Private stormwater drainage system owners shall keep a maintenance log and maintenance manual on-site or within reasonable access to the site. Maintenance Manuals, as defined by the City of Redmond [~~CLEARING,~~

GRADING, ~~AND~~] Stormwater [MANAGEMENT] Technical Notebook, shall be transferred with ownership of the property, clearly indicating the party responsible for maintenance, and include a log of maintenance activities. Maintenance logs, and any record drawing or drainage system plan, shall be provided to the director and/or his or her designee upon request.

13.06.150 Enforcement authority.

The Director and/or his or her designee shall administer and enforce this chapter and shall have the authority to adopt and implement administrative procedures for such enforcement.

13.06.160 Enforcement policy.

Enforcement action shall be taken whenever a person has violated any provision of this chapter. The choice of enforcement action taken and the severity of any penalty shall be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the degree of bad faith of the persons subject to the enforcement action.

13.06.170 Orders.

The Director and/or his or her designee shall have the authority to issue to an owner or person(s) representing an owner an order to maintain or repair a component of a stormwater drainage system, operational source control BMP, or structural source control BMP, to bring the stormwater drainage system in compliance with this chapter. The order shall include all requirements detailed in RMC 1.14.100.

13.06.180 Penalty for violations.

(A) [~~A-~~] Persons Subject to Penalty. Any person who violates or fails to comply with the requirements of this chapter or who fails to conform with the terms of an approval or order issued by the Mayor, the Director, and/or his or her designee, shall be subject to a civil penalty as provided in Chapter 1.14 of the Redmond Municipal Code. Each day of continued violation shall constitute a separate violation for purposes of this penalty.

(B) [~~B-~~] Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of civil penalty.

(C) [~~C~~] Procedure for Imposing Penalty. The procedure for notice of violation and imposition of penalties under this chapter shall be the same as for other code violations as described in Chapter 1.14 of the Redmond Municipal Code; provided, that such procedures may be initiated by either the Director and/or his or her designee.

(D) [~~D~~] Community Service Alternative. The Director and/or his or her designee may, at his/her discretion, provide the option for payment of all or part of any penalties incurred by any person(s) to be made in the form of community service that will be of benefit to the environment and the City. If a person decides to avail themselves of this option when offered by the Director and/or his or her designee, the Director and/or his or her designee and the person shall enter into a formal, written agreement providing for the community service. This agreement shall include in detail the description of the service(s) to be rendered by the person(s) in penalty for noncompliance of this chapter. The description shall include the hours of

service needed to offset the above-mentioned penalties based on a mutually agreed upon hourly rate for service.

(E) [~~E-~~] Re-Inspection Fees. In addition to the penalties to be imposed by the Code Compliance Hearing Examiner, the Director and/or his or her designee may impose a re-inspection fee for any account or storm drainage facility found not to be within compliance of this chapter. This inspection fee shall be independent of any current or future penalties that may be incurred by the property owner for noncompliance of this chapter. Re-inspection fees shall be applied if re-inspection occurs beyond the normal routine of inspection and verification of maintenance or correction of non-stormwater discharges to the stormwater drainage system, surface water bodies, or groundwater.

(F) [~~F-~~] Business License Revocation. In addition to any other penalty imposed, the Director and/or his or her designee may seek revocation of any business license held by the person violating this chapter. The Director and/or his or her designee may request that the City Clerk revoke a person's business license for any of the following reasons: (a) noncompliance with this chapter;

(b) not allowing for inspection of their stormwater facility; and (c) nonpayment of any fines or inspection fees incurred by the owner of the utility account. The procedures for revocation shall be those described in Chapter 5.04 of the Redmond Municipal Code.

(G) [~~G.~~] Require Source Control Best Management Practices (BMPs). The City of Redmond may require source control BMPs to reduce or eliminate pollutants and non-stormwater discharges.

(H) [~~H.~~] Reimbursement for Abatement. If the City of Redmond utilizes Stormwater Utility funds, equipment, or staff to correct a non-stormwater discharge, abate pollution from the stormwater drainage system, or remove/disconnect an illicit connection, the Stormwater Utility will charge the responsible person for those expenses, and overhead costs, incurred.

13.06.190 Penalties due.

Penalties shall be due in accordance with Chapter 1.14 of the Redmond Municipal Code.

13.06.200 Severability.

Repealed by Ord. 2473.

13.06.210 Abrogation and restrictions.

It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

13.06.220 Interpretation.

The Director and/or his or her designee shall be responsible for interpreting the provisions of this chapter. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application.

13.06.230 Conflicts.

When any provision of any other chapter of the Redmond Municipal Code or the Redmond Zoning Code conflicts with this chapter, that which provides greater environmental protection, as determined by the Director and/or his or her designee, shall apply unless specifically provided otherwise in this chapter.

13.06.240 State statutes and regulations adopted by reference.

The following state statutes and administrative regulations are hereby adopted by this reference as if

set forth in full, to the extent necessary to interpret and implement this chapter:

A. RCWs	Title
43.20	Drinking Water
70.95	Dangerous and Solid Waste
70.105	Dangerous Waste, MTCA, Sediment Standards
90.48	Ground Water, Surface Water, Sediment
90.54	Ground Water
90.70	Sediment
B. WACs	Title
173-200	Water Quality Standards for Ground Waters of the State of Washington
173-201	Water Quality Standards for Surface Waters of the State of Washington
173-216	State Waste Discharge Permit Program
173-220	National Pollutant Discharge Elimination System Permit Program
173-204	Sediment Management Standards
173-303	Dangerous Waste Regulations
173-304	Minimum Functional Standards for Solid Waste Handling
173-340	The Model Toxics Control Act Cleanup Regulation
246-290	Public Water Supplies

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective date. This ordinance shall become effective January 1, 2017, after publication of an approved summary thereof consisting of the title.

ADOPTED by the Redmond City Council this 6th day of December,
2016.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

ATTEST:


MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:


JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	November 15, 2016
PASSED BY THE CITY COUNCIL:	December 6, 2016
SIGNED BY THE MAYOR:	December 9, 2016
PUBLISHED:	December 12, 2016
EFFECTIVE DATE:	December 17, 2016
ORDINANCE NO.:	2859

YES: ALLEN, BIRNEY, CARSON, MARGESON, MYERS, SHUTZ, STILIN