

## Chapter 725

### STORMWATER MANAGEMENT SYSTEM AND REGULATIONS

**Section 725.010. Definitions.** [Ord. No. 1320 §1, 1-19-2009]

The terms defined at Chapter 710 are fully incorporated into this Chapter 725. In addition, unless the context specifically indicates otherwise, the meanings of the terms used in this Chapter shall be as follows:

**CONSTRUCTION PROJECT** — Any construction activities which result in a land disturbance of greater than or equal to one (1) acre. A project which includes construction activities disturbing less than one (1) acre is included as a construction project if such construction activity is part of a larger common plan of development or sale that would disturb one (1) acre or more.

**DEVELOPMENT PROJECT** — Any post-construction new development or redevelopment project which disturbs greater than or equal to one (1) acre. A project which disturbs less than one (1) acre is included as a development project if such project is part of a larger common plan of development or sale that would disturb one (1) acre or more.

**DISCHARGE** — Any addition or introduction of any pollutant, stormwater or any other substance whatsoever into the stormwater management system.

**STORMWATER** — Stormwater runoff, snow melt runoff and surface runoff and drainage.

**SUBDIVISION REGULATIONS** — The subdivision regulations of the City of Mulvane incorporated into the Municipal Code of the City of Mulvane by Ordinance No. 1188 and any subsequent ordinances, as amended or restated from time to time.

**Section 725.015. Administration.** [Ord. No. 1320 §1, 1-19-2009]

The Building Code Administrator shall be responsible for administration, implementation, management and enforcement of all stormwater management system regulations.

**Section 725.020. General Prohibitions.** [Ord. No. 1320 §1, 1-19-2009]

- A. Except as otherwise provided in this Chapter 725, it shall be unlawful for any person to place, deposit, introduce or permit to be placed, deposited or introduced into the stormwater management system any discharge that is not composed entirely of stormwater.
- B. The following non-stormwater discharges are allowed and shall not be considered violations of this Chapter:
  - 1. Discharge from water line flushing;
  - 2. Diverted stream flow;

3. Rising ground water;
4. Uncontaminated ground water infiltration as defined under 40 C.F.R. 35.2005(2) to separate storm sewers;
5. Uncontaminated pumped ground water;
6. Contaminated ground water if authorized by the Kansas Department of Health and Environment;
7. Discharges from potable water sources;
8. Discharges from foundation drains;
9. Air conditioning condensate;
10. Irrigation waters;
11. Springs;
12. Water from crawl space pumps;
13. Discharges from footing drains;
14. Discharge from individual residential car washing;
15. Flows from riparian habitats and wetlands;
16. Swimming pool discharges excluding filter backwash;
17. Street wash waters (excluding street sweepings which have been removed from the street);
18. Discharges or flows from emergency fire-fighting activities;
19. Heat pump discharge waters (residential only);
20. Treated wastewater meeting requirements of a permit under the National Pollutant Discharge Elimination System (NPDES);
21. Other discharges determined not to be a significant source of pollutants to waters of the State, a public health hazard or a nuisance.

**Section 725.025. Specific Prohibitions.** [Ord. No. 1320 §1, 1-19-2009]

- A. It shall be unlawful for any person to place, deposit, introduce or permit to be placed, deposited or introduced into the stormwater management system any of the following, provided however, the following items are not intended to be inclusive of all the discharges prohibited by the general prohibitions in Section 725.020:
  1. Human or animal excrement, gray water (from home clothes washing, bathing, showers, dishwashing and food preparation), other wastewater from household drains and waterborne waste normally discharged from the sanitary conveniences of dwellings, including apartment houses and hotels, office buildings, factories and institutions;

2. Any putrescible animal or vegetable waste;
3. Any oil or petroleum product including, but not limited to, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, #1 and #2 diesel, motor oil, crude oil, sludge, oil refuse or oil mixed with waste;
4. Any pesticide, meaning any substance or mixture of substances intended to prevent, destroy, repel or migrate any pest, or substances intended for use as a plant regulator, defoliant or dessicant;
5. Any hazardous substance as listed in Table 302.4 of 40 C.F.R. Part 302;
6. Any hazardous waste as identified by the Environmental Protection Agency pursuant to 40 C.F.R. 261;
7. Any hazardous household waste, meaning any material generated in a household, including single and multiple residences, by a consumer which, except for the exclusion provided in 40 C.F.R. 261.4(b)(1), would be considered a hazardous waste under 40 C.F.R. 261;
8. Any extremely hazardous substance as listed in the appendices to 40 C.F.R. Part 355.

**Section 725.030. Construction Project Stormwater Runoff Control.** [Ord. No. 1320 §1, 1-19-2009]

- A. The owners of construction sites involving a construction project shall ensure that best management practices are used to control and reduce discharges other than stormwater from entering the stormwater management system, to reduce erosion and to prevent the discharge of sediment into the stormwater management system, all to the maximum extent possible under the circumstances.
- B. The owners of construction sites involving a construction project or a qualified representative of such owner shall inspect disturbed areas, areas used for storage of materials that are exposed to precipitation, structural control measures and locations where vehicles enter or exit the site, at least once every seven (7) days and within twenty-four (24) hours of the end of a storm that produces one-half ( $\frac{1}{2}$ ) inch or more of precipitation to ensure minimal non-stormwater discharges into the stormwater management system. Such inspections shall be made in writing and shall be available for inspection by the Building Code Administrator.
- C. The owner of a construction site involving a construction project is responsible for removing any non-stormwater discharge from the stormwater management system. If the owner fails to remove said discharge within the time period prescribed in the notice of violation from the Building Code Administrator, the City may remove the discharge and assess the cost thereof to the owner. Failure to pay such assessments shall be a violation of this Section.
- D. The owner of a construction site involving a construction project shall implement all necessary preventive measures and conservation standards which are used by the County Conservation District to control and prevent erosion at the construction site and surrounding areas.

- E. The Building Code Administrator or his/her authorized representatives shall have the right to enter any construction project at any reasonable time to determine if the owner is complying with all requirements of this Chapter. Owners shall allow the inspectors ready access to all parts of the premises for the purposes of inspection.
- F. In addition to the penalties authorized for violation of this Chapter set forth in Section 725.040, the Building Code Administrator may deny approval of any building permit, grading permit, subdivision plat, site development plan or any other City approval necessary to commence or continue construction or to assume occupancy if a construction project is in violation or has violated this Section.

**Section 725.035. Development Project Stormwater Control.** [Ord. No. 1320 §1, 1-19-2009]

Any development project must comply fully with the design standards (erosion controls) and required improvements set forth in Article 6 Section 105 and Article 7 Section 102B of the Subdivision Regulations. Development projects shall be subject to all penalties and enforcement actions authorized under the subdivision regulations.

**Section 725.040. Violations.** [Ord. No. 1320 §1, 1-19-2009]

- A. Pursuant to K.S.A. 12-761, as amended, any violations of this Chapter shall be deemed to be a misdemeanor. Any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months for each offense, or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.
- B. The City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this Chapter and to abate nuisances maintained in violation thereof; and in addition to other remedies, the appropriate authorities of the City of Mulvane may institute injunction, mandamus or other appropriate action or proceeding to prevent violations of this Section.