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11/09/95

RMC 13.06, Stormwater  
Maintenance Code

ORDINANCE NO. 1870

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND,  
WASHINGTON, ADDING A NEW CHAPTER 13.06 TO THE  
REDMOND MUNICIPAL CODE IN ORDER TO ADOPT A  
STORMWATER MAINTENANCE CODE FOR THE CITY.

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WHEREAS, stormwater facilities are a common feature of urban development,  
and

WHEREAS, if not adequately maintained, stormwater facilities can fail and cause  
considerable damage to public and private property and resources as well and creating a health  
and safety risk for the public and wildlife, and

WHEREAS, the Stormwater Division of the Public Works Department has  
recommended that the City Council adopt a stormwater maintenance code in order to better  
control the maintenance of stormwater facilities and to comply with the requirements of the  
Department of Ecology and the Puget Sound Water Quality Authority, and

WHEREAS, the Council concurs in that recommendation, NOW, THEREFORE,  
THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Stormwater Maintenance Code Adopted. A new Chapter 13.06  
entitled, "Stormwater Maintenance Code," is hereby added to the Redmond Municipal Code to  
read as follows:

## CHAPTER 13.06

### SECTIONS

13.06.010	Findings
13.06.020	Statement of Need
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13.06.220	Interpretation
13.06.230	Conflicts
13.06.240	State Statutes and Regulations Adopted by Reference

**13.06.010 Findings.** The Redmond City Council hereby finds that:

- A. Stormwater facilities are a common feature of urban development.
- B. Stormwater facilities must be regularly inspected, maintained, and repaired as necessary in order to function and perform as designed and to prevent or remove pollution and/or to reduce flooding.

- C. If not adequately maintained, stormwater facilities can become less effective in preventing pollutants from entering surface waters and ground waters.
- D. If not adequately maintained, stormwater facilities can fail and cause considerable damage to public and private property and resources as well as creating a health and safety risk for the public and wildlife.

**13.06.020 Statement of Need.** The Redmond City Council finds that this chapter is necessary in order to:

- A. Ensure proper maintenance of all stormwater facilities within Redmond by setting minimum operating standards for inspection, maintenance, and repair of stormwater facilities.
- B. Comply with Washington department of Ecology (Ecology) and Puget Sound Water Quality Authority (PSWQA) regulations and requirements for local governments.
- C. Prevent contamination and/or degradation of the local drinking water supply, surface water, ground water, and/or wildlife habitats.

**13.06.030 Purpose.** The provisions of this Chapter are intended to:

- A. Provide standards and procedures for inspection, maintenance and repair of stormwater facilities in Redmond to help contribute to an effective, functional stormwater system.
- B. Authorize the Redmond Stormwater Utility to require that stormwater facilities be inspected, maintained and repaired in conformance with this Chapter.
- C. Establish the minimum level of compliance which must be met.
- D. Guide and advise all who conduct inspection, maintenance, and repair of stormwater facilities.

- E. Prevent harmful materials from leaking, spilling, draining or being dumped into any public or private stormwater system.

**13.06.040 Definitions.** For the purpose of this Chapter, the following definitions shall apply:

- A. "Best Management Practice" or "BMP" means physical, structural, and/or managerial practices that when used singly or in combination, prevent or reduce pollution of stormwater. BMPs are listed and described in the Stormwater Management Manual.
- B. "Director" means the Manager of the Stormwater Utility or his/her authorized representative.
- C. "Harmful materials" are substances that may create a public nuisance or constitute a hazard to humans, animals, fish or fowl, or any solid, dangerous or extremely hazardous waste, as defined by the Chapter 173-304 of the *Washington Administrative Code (WAC) (Minimum Functional Standards for Solid Waste Handling)* or Chapter 173-303 WAC (*Dangerous Waste Regulations*). "Harmful materials" also include substances that, when released into the environment, may cause non-compliance with Chapters 246-290 WAC (*Public Water Supplies*), 173-200 WAC (*Water Quality Standards for Ground Waters of the State of Washington*), 173-201 WAC (*Water Quality Standards for Surface Waters of the State of Washington*), 173-204 WAC (*Sediment Management Standards*), or 173-340 WAC (*The Model Toxics Control Act Cleanup Regulation*)
- D. "Minimum Operating Standards" means the construction, maintenance, inspection and repair standards that are described in the Stormwater Management Manual and are considered minimum.
- E. "Non-stormwater discharges to the stormwater system" are discharges to any portion of the public or privately owned stormwater system that are not composed entirely of rainfall or snow melt. Examples may include, but are not limited to; sanitary wastewater, laundry wastewater, non-

contact cooling water, vehicle wash wastewater, radiator flushing wastewater, spills from roadway accidents, and improperly disposed motor oil, solvents, lubricants, and paints.

- F. "Person" means any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local government unit, however designated.
- G. "Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.
- H. "Stormwater facility" means a constructed component of a stormwater system, designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, and sediment basins. Stormwater facilities are described in the Stormwater Management Manual. "Stormwater facility" includes both public and privately owned facilities.
- I. "Stormwater Management Manual" or "Manual" means the Stormwater Management Technical and Guidance Manual for the Puget Sound Basin prepared by the State Department of Ecology and dated February, 1992 (or a technically equivalent Manual approved by the State Department of Ecology and/or adopted by the City of Redmond).
- J. "Stormwater system" means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater. "Stormwater system" includes both public and privately owned features.

**13.06.050 Maintenance Requirements.**

- A. All stormwater facilities in the City of Redmond shall be maintained according to this Chapter and the Stormwater Management Manual.
- B. The Redmond Stormwater Division shall prepare a concise information handout outlining minimum requirements for maintenance and shall distribute this information (or notice of its availability) to all appropriate utility billing accounts. The Stormwater Division shall also prepare Minimum Operating Standards and include them in the Stormwater Management Manual.

**13.06.060 Minimum Requirements.**

- A. All stormwater facilities shall be inspected at regular intervals and maintained and repaired as needed to comply with the Minimum Operating Standards, the approved designs for stormwater facilities, stormwater permits which may be issued by the City of Redmond, the State Department of Ecology, or the Environmental Protection Agency (EPA), applicable construction standards, and the minimum requirements as stated in the Stormwater Management Manual.
- B. All stormwater facilities shall be inspected by the City on a periodic basis, as described in 13.06.130 (Inspection Schedule). For example, facilities such as grassy swales shall be inspected more frequently than piped stormwater conveyance systems as specified in the Minimum Operating Standards. If, during an inspection, a facility is found not to be in compliance with the Minimum Operating Standards, all subsequent inspection, and maintenance intervals shall be scheduled more frequently if determined by the Director to be necessary in order to assure future compliance.
- C. Where maintenance and repair is found necessary to correct health or safety problems, to control harmful materials entering the stormwater system, or to remove harmful materials that have entered the stormwater system, such work shall be completed by the owner or operator of the

stormwater system or stormwater facility within 24 hours. When maintenance and repair is found necessary to prevent water quality degradation, such work shall be completed within fourteen calendar days. For other related problems, maintenance or repairs shall be completed within 30 calendar days.

- D. Non-stormwater discharges to the stormwater system 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).
- E. Harmful and prohibited materials, as defined in this Chapter and the Minimum Operating Standards, shall not be allowed to enter any stormwater system. All such substances shall be stored, handled and disposed in a manner that will prevent them from entering the stormwater system. Storage, handling and disposal shall be conducted in accordance with Chapters 173-304 WAC and 173-303 WAC.

**13.06.070 Disposal of Waste from Maintenance Activities.**

- A. Disposal of waste from maintenance activities shall be conducted in accordance with Chapters 173-304 WAC and 173-303 WAC, the State Department of Ecology guidelines for disposal of waste materials from stormwater maintenance activities, and the Stormwater Management Manual.
- 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. Additional requirements will be placed in the Stormwater Management Manual.

**13.06.080 Compliance Required.** Property owners are responsible for the maintenance, operation and repair of stormwater systems and BMPs within their property. Property

owners shall maintain, operate and repair these facilities in compliance with the requirements of this Chapter and the Stormwater Management Manual.

**13.06.090 Inspection Requirements.** The Director is authorized to develop inspection procedures and requirements for all stormwater facilities in the City of Redmond.

**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 City's inspector is authorized to inspect during regular working hours and at other reasonable times all stormwater systems within Redmond to determine compliance with the provisions of this Chapter.

**13.06.110 Inspection Procedures.**

- A. Prior to making any inspections on private property, the inspector shall present identification credentials, state the reason for the inspection and request entry.
- B. If the property or any building or structure on the property is unoccupied, the inspector 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. If after reasonable effort, the inspector 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 system creates an imminent hazard to persons or property, the inspector may enter.
- 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 inspector shall obtain a search warrant, prior to entry, as authorized by the laws of the State of Washington.
- E. The inspector 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.

**13.06.120 Adjustment of Utility Fees.** In the event any person, whose property has previously been provided with utility fee credits for on-site water quantity/quality control, refuses to allow the Director to inspect said facility or commits a violation of this Code or the Utility Standards and Regulations, the Director shall cancel the water quality/quantity credits for the said property and adjust the billing rate for the said property accordingly. Whenever the Director shall make such an adjustment, a notice and order of adjustment shall be mailed to the owner of said property by certified and regular mail. 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 (3) days of mailing. The owner may request the Director to reconsider the notice and order by filing a request for such reconsideration within ten (10) days of receipt of the notice. The Director's decision on any such reconsideration shall be final.

**13.06.130 Inspection and Maintenance Schedule.** The Director shall establish inspection and maintenance scheduling and standards for all publicly and privately owned stormwater facilities. At a minimum, for all privately owned stormwater facilities, the base frequency for inspection and maintenance shall be annually. For all publicly owned stormwater facilities, the base frequency for inspection and maintenance shall be every three years. Adjustment to the maintenance frequency may be authorized when found appropriate by the Director.

**13.06.140 Inspection and Maintenance Records.** Owners of storm drainage systems will be required to provide the Director with all existing inspection, maintenance and repair records, as well as any record drawings or diagrams that they may have for their storm drainage systems.

**13.06.150 Enforcement Authority.** The Director or his/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 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 facility or BMP to bring it in compliance with this Chapter, the Stormwater Management Manual and/or other City regulations. The order shall include:

- A. A description of the specific nature, extent and time of the violation and the damage or potential damage that reasonably might occur.
- B. A notice that the violation or the potential violation cease and desist and, in appropriate cases, the specific corrective action to be taken; and
- C. A reasonable time to comply, depending on the circumstances.
- D. Penalties that may be incurred by any owner of a stormwater system not in compliance with this Chapter.
- E. An order to the owner to provide to the Director a detailed plan showing drawings and steps that will be taken to achieve compliance within a specified time. This plan is subject to approval by the Director.

**13.06.180 Penalty for Violations.**

- 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 Director shall be subject to a civil penalty to be administered by the Violations Hearing Examiner 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. **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 the civil penalty.
- 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 or the Code Compliance Officer upon request of the Director.
- D. **Community Service Alternative.** The Director 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, the Director 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 non-compliance 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. **Re-inspection Fees.** In addition to the penalties to be imposed by the Violations Hearing Examiner, the Director 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 non-compliance of this Chapter.
- F. **Business License Revocation.** In addition to any other penalty imposed, the Director may seek revocation of any business license held by the violator. The Director may request that the City Clerk revoke the violator's business license for any of the following reasons: (a) non-compliance with this Chapter, (b) not allowing for inspection of their stormwater facility, and; (c) non-

payment 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.

**13.06.190 Penalties Due.** Penalties imposed by the Violations Hearing Examiner under this Chapter shall become due and payable 30 days after receiving notice of penalty unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable 30 days after receipt of the decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable after all review proceedings and a final decision has been issued confirming all or part of the penalty. If the amount of a penalty owed is not paid within the time specified in this section, the City of Redmond may take actions necessary to recover such penalties.

**13.06.200 Severability.** If any portion of this Chapter or its application to any person, entity, or circumstance is held invalid, the remainder of this Chapter or the application of the provision to other persons, entities, or circumstances shall not be affected.

**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 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 and shall be liberally construed to serve the purposes of this Chapter.


**13.06.230 Conflicts.** When any provision of any other Chapter of the Redmond Municipal Code or the Redmond Community Development Guide conflicts with this Chapter, that which provides greater environmental protection, as determined by the Director, 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.	<b><u>RCWs</u></b>	<b><u>Title</u></b>
	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.	<b><u>WACs</u></b>	<b><u>Title</u></b>
	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 2. 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.

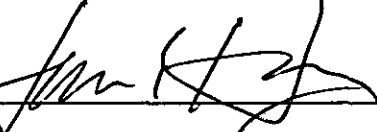
Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND  
  
MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	January 11, 1996
PASSED BY THE CITY COUNCIL:	January 16, 1996
SIGNED BY THE MAYOR:	January 16, 1996
PUBLISHED:	January 24, 1996
EFFECTIVE DATE:	January 29, 1996
ORDINANCE NO. <u>1870</u>	

**Ordinance No. 1870**

**RMC 13.06,  
Stormwater Maintenance Code**

**RCWs and WACs adopted by reference can  
be reviewed in the City Clerk's office.**

**These references are filed in the City Clerk  
vault under the "Historical" files.**