

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING CHAPTER 64, STORM WATER,
ILLICIT DISCHARGES AND CONNECTIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 64 shall be amended as follows:

ARTICLE 1. - IN GENERAL

Sec. 64-1. - Statutory authority and title.

This chapter is adopted in accordance with the Home Rule City Act, as amended, being MCL 117.1, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123, and 124; and other applicable state and federal laws.

The City shall administer, implement and enforce the provisions of this part. Any powers granted or duties imposed upon the City may be delegated by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

Sec. 64-2. - Findings.

The city finds that:

- (1) Illicit discharges contain pollutants that will significantly degrade the water bodies and water resources of the city.
- (2) Illicit discharges enter the MS4 and water bodies through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).
- (3) Establishing the measures for controlling illicit discharges and connections contained in this chapter and implementing the same will address many of the deleterious effects of illicit discharges.

Sec. 64-3. - Purpose.

It is the purpose of this chapter to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To regulate the contribution of pollutants to the MS4 and water bodies by storm water discharges by any user.
- (2) To prohibit illicit discharges and connection to the MS4 and water bodies.
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.

Sec. 64-4. - Applicability, exemptions, and general provisions.

This chapter shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands, unless explicitly exempted.

Sec. 64-5. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context in which they are used specifically indicates otherwise:

Authorized enforcement agency: Employees or designees of the director of the department of transportation and utilities designated to enforce this chapter.

Best management practices (BMPs): A practice, or combination of practices and design criteria that comply with the Michigan Department of Environment, Great Lakes, and Energy Nonpoint Source Best Management Practices Manual, or equivalent practices and design criteria that accomplish the purposes of this chapter (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the city engineer.

Chapter: The six articles of storm water.

City: The City of Portage.

Clean Water Act: The Federal Water Pollution Control Act, 33 USC section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Director: The director of the department of transportation and utilities.

Discharger: Any person or entity who directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this chapter.

Drain: Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et seq., other than an established county or intercounty drain.

Drainage: The collection, conveyance, or discharge of groundwater and/or surface water.

Drainageway: MS4, drain, water body, or floodplain.

EGLE: Michigan Department of Environment, Great Lakes and Energy

EPA: The United States Environmental Protection Agency.

Exempted discharges: Discharges other than storm water as specified in section 64-7 of this chapter.

Floodplain: The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, which has been or may be covered by floodwater.

Hazardous materials: 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.

Illicit connection: Any method or means for conveying an illicit discharge into water bodies or the storm water system of the city.

Illicit discharge: Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this chapter.

MS4: Municipal separate storm sewer system, as defined by federal and state laws.

National pollutant discharge elimination system (NPDES) storm water discharge permit: A permit issued by the U.S. Environmental Protection Agency (EPA) (or a state 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 area-wide basis.

Nonstorm water discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant: A substance discharged which includes, but is not limited to, the following: Any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

Premises: Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Property owner: Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

State of Michigan Water Quality Standards: All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of section 3106 of part 31 of 1994 PA 451, as amended.

Storm drain: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

Storm water pollution prevention plan: A document, which describes the best management practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Storm water runoff: The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Water body: A river, lake, stream, creek, or other watercourse or wetlands.

ARTICLE 2. - PROHIBITIONS AND EXEMPTIONS

Sec. 64-6. - Prohibited discharges.

- (a) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (b) The city is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the storm water drainage system of the city.

- (c) Prohibition of illicit discharges: No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials including, but not limited, to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except for discharges specified in writing by the city as being necessary to protect public health, safety and welfare.
- (d) Prohibition of illicit connections:
 - (1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - (2) 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.
 - (3) A person is considered to be in violation of this chapter if the person connects a conduit conveying wastewater to the MS4, or allows such a connection to continue.
- (e) The prohibition shall not apply to any nonstorm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Sec. 64-7. - Exempted discharges.

The following nonstorm water discharges shall be permissible, provided they are not significant contributors to violations of Water Quality Standards.

- (1) Water supply line flushing.
- (2) Landscape irrigation.
- (3) Diverted stream flows.
- (4) Rising groundwater.
- (5) Uncontaminated groundwater infiltration to storm drains.
- (6) Uncontaminated pumped groundwater.
- (7) Discharges from potable water sources.
- (8) Foundation drains.
- (9) Air conditioning condensate.
- (10) Individual residential car washing.
- (11) Dechlorinated swimming pool water.
- (12) Street wash water.
- (13) Discharges or flows from emergency firefighting activities.
- (14) Discharges for which a specific federal or state permit has been issued.
- (15) Lawn watering runoff

- (16) Dye testing using EGLE approved dyes, so long as authorized by a EGLE Rule 97 Certificate of Approval, and preceded by a written notification to and permission from the Director of Transportation and Utilities.

Sec. 64-8. - Storage of hazardous or toxic materials in drainageway.

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a drainageway, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a MS4, drain, or water body.

ARTICLE 3. - INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING

Sec. 64-9. - Inspection and sampling.

To assure compliance with the standards in this regulated area, the city may inspect and/or obtain storm water samples from storm water runoff facilities of any discharger to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the properly identified representative of the city to enter the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The city shall provide the discharger reasonable advance notice of such inspection and/or sampling, or monitoring including, but not limited to, smoke/dye testing, televising pipes, examination and/or copying of records that are required by this chapter to be maintained, sampling and excavation. The city or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a facility is a violation of this chapter.

Sec. 64-10. - Storm water monitoring facilities.

A discharger of storm water runoff suspected of violating this chapter shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the city. The city may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from, or as a result of, such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances, and regulations.

Sec. 64-11. - Accidental discharges.

- (a) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the city concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the city within five days. The written report shall specify the following:
- (1) The composition of the discharge and the cause thereof.
 - (2) The exact date, time, and estimated volume of the discharge.
 - (3) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
 - (4) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.
- (b) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this chapter against a legal action brought to obtain an injunction,

to obtain recovery of costs or to obtain other relief as a result of, or arising out of, the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of section 64-11(a).

Sec. 64-12. - Record keeping requirement.

Any person violating any part of this chapter or subject to monitoring under the chapter shall retain and preserve for no less than ten (10) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any property.

Sec. 64-13 – Right of Entry & Furnishing Information

Representatives of the City, Michigan Department of Environment, Great Lakes and Energy (EGLE), Michigan Department of Transportation (MDOT) and Kalamazoo County Drain Commission (KCDC) shall have the right to enter at any reasonable time any property served by a storm water drainage facility for inspections, investigations, or monitoring. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the drainage system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of unlawful discharge.

ARTICLE 4. - ENFORCEMENT

Sec. 64-14. - Sanctions for violation.

- (a) Any person violating any provision of this chapter shall be responsible for a municipal civil infraction and subject to the penalties in section 1-7(e) of this Code. Each day such violation occurs or continues shall be deemed a separate offense, and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.
- (b) A notification of a violation shall be sent to any person violating any provision of this chapter. Notification of violation shall include a notice to cease the violation and corrective action which must be taken and a deadline for completion of such action. Failure to comply with the corrective action within the deadline or after an appeal pursuant to section 64-20 may be a basis to take enforcement action pursuant to section 64-15 or suspension of MS4 access as defined in section 64-19.
- (c) Any person who aids or abets a person in a violation of this chapter shall be subject to the sanctions provided in this section.

Sec. 64-15. - Failure to comply; completion.

In addition to any other remedies, should any owner fail to comply with the provisions of this chapter, the city may, after the giving of reasonable notice and opportunity for compliance as provided in section 64-14 (b), have the necessary work done, and the owner shall be obligated to promptly reimburse the city for all costs of such work.

Sec. 64-16. - Emergency measures.

When emergency measures are necessary to moderate a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the city is

authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this chapter, and shall promptly reimburse the city for all of such costs.

Sec. 64-17. - Cost recovery for damage to storm drain system.

A discharger shall be liable for all costs incurred by the city as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this chapter. Costs include, but are not limited to, those penalties levied by the EPA or EGLE for violation of an NPDES permit, attorney fees, and other costs and expenses.

Sec. 64-18. - Collection of costs; lien.

Costs incurred by the city pursuant to sections 64-15, 64-16, and 64-17 shall be a lien on the premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six months or more may be certified annually to the finance director, who shall enter the lien on the next tax roll against the premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the city shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

Sec. 64-19. - Suspension of MS4 access.

- (a) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to persons.
- (b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated, if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the city.

Sec. 64-20. - Appeals.

A written appeal may be taken to the city manager or his designated representative by any person affected by a decision or action of the director or the enforcing agency taken under this article not later than 30 days after said action or decision. Such appeal shall identify the matter being appealed and the basis for the appeal. An appeal shall stay all proceedings in furtherance of the action appealed unless the director certifies to the city manager that by reason of the facts a stay would cause imminent peril to life or property. The city manager shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the city manager may consider the recommendations of the city engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the city manager may grant a variance from the terms of this chapter so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the chapter provisions being appealed will present or cause practical difficulties for a facility; provided, however, that practical difficulties shall not include the need for the property owner to incur additional reasonable expenses in order to comply with the chapter; and
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this chapter, nor result in less effective management of storm water runoff.

ARTICLE 5. - PERFORMANCE AND DESIGN STANDARDS

Sec. 64-21. - Responsibility to implement BMPs.

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

Sec. 64-22. Performance Standards.

1. Storm water management areas and facilities, whether on-site or off-site, shall be designed, constructed, and maintained to prevent flooding and protect water quality. In order to be approved, all storm water management plans must meet the following performance standards:
 - (a) Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
 - (b) Capture and treatment of runoff.
 - (c) Channel Protection Criteria.
 - (d) Flood Control.
2. Storm water storage facilities which protect water quality and provide channel protection shall be required for all sites. In order to improve the quality of storm water runoff and reduce the discharge of sediment into wetlands, watercourses, roadways, structures and other property within, and downstream of the City of Portage techniques and standards defined in the "Storm Water Design Criteria Manual – City of Portage, Michigan" shall be used.
3. Storm water storage facilities which prevent adverse flooding on-site and off-site shall be required for all sites. In order to prevent adverse flooding on-site and off-site techniques and standards defined in the "Storm Water Design Criteria Manual – City of Portage, Michigan" or as approved by the Director of Transportation and Utilities shall be used.
4. Pipes, conduits, ditches, drains, or other conveyance facilities shall not discharge directly to the following receiving waters without providing the minimum treatment volume and channel protection criteria:
 - (a) Any natural watercourses, including lakes, ponds, rivers and streams.

(b) Any wetlands.

5. Operation and Maintenance. All structural and vegetative best management practices installed as a performance standard for storm water management shall include a plan for maintaining maximum performance through the long-term operation and maintenance (O&M). The plan shall include a schedule for O&M procedures and recordkeeping provisions such as periodic inspections.
6. Records Retention. Inspection and other records pertaining to the O&M of best management practices for storm water quality protection shall be maintained by the property owner and retained for a minimum of ten (10) years.
7. No storm water management plan shall be approved if the Director of Transportation & Utilities finds that the action will or is likely to pollute, impair or destroy air, water or other natural resources or the public trust therein, provided that there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

Sec. 64-23. Design Standards.

The City shall maintain design standards. Water quality standards and channel protection standards shall be as indicated in the "Storm Water Design Criteria Manual – City of Portage, Michigan." Flood control volume and flood management shall be as indicated in the "Storm Water Design Criteria Manual - City of Portage, Michigan" or as approved by the Director of Transportation and Utilities.

Sec. 64-24. "Hot Spots" Properties.

If the subject property is a potential "Hot Spot" area with the potential for significant pollutant loading or with the potential for contaminating public water supply (wells), additionally site-specific requirements may apply to address the contaminant(s) of concern. Example of typical "hot spots" areas included, but not limited to gas stations, commercial vehicle maintenance and repair, auto recyclers, recycling centers, and scrap yards. See City design standards related to address these properties in the "Storm Water Design Criteria Manual – City of Portage, Michigan."

Sec. 64-25 Contaminated Properties.

If the subject property contains soil and/or groundwater contamination, site-specific requirements may apply. See EGLE Post-Construction Storm Water Runoff Controls Program Compliance Assistance Document (MDEQ, 2014) for specifics regarding storm water. In addition, see Appendix 13 Soil and Groundwater Contamination in the "Storm Water Design Criteria Manual – City of Portage, Michigan."

Sec. 64-26 – 64-39. Reserved

ARTICLES 6. STORM WATER MANAGEMENT PLAN AND POST CONSTRUCTION

Sec. 64-40. Storm water Management Plan.

No building, grading, or sediment control permit shall be issued until a satisfactory storm water management plan (or a waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter. After review of the storm water management plan, and modifications to that plan as deemed necessary by the City, a storm water management final plan must be submitted to the City for approval. Information required for the storm water management plan is provided in the "Storm Water Design Criteria Manual – City of Portage, Michigan".

Sec. 64-41. Maintenance and Repair of Storm water BMPs.

- (a) Storm water Best Management Practices Operations & Maintenance Agreement: Prior to the issuance of any permit for development involving any storm water BMP, the applicant or owner of the site must execute a Storm water Best Management Practices Operations & Maintenance Agreement that shall be binding on all subsequent owners of land served by the storm water BMP. The agreement shall provide for access to the BMP and the land it serves at reasonable times for inspection by the City or City's designee, as determined by the City and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City storm water requirements. The agreement shall be recorded by the City at the expense of the permit holder or property owners.
- (b) Maintenance Covenants: Maintenance of all storm water BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the storm water management final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water BMPs. The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts. Developer or entity responsible shall have the inspections performed by qualified persons or entities.
- (c) Requirements for Maintenance Covenants: All storm water BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. Developer or entity responsible shall have the inspections performed by qualified persons or entities. These needs may include (but are not limited to) removal of silt, litter, and other debris from all storm water treatment and conveyance facilities including ponds, infiltration basins, raingardens, catch basins, inlets, and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement within 30 days, or as determined by the City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water BMPs.
- (d) Inspection of Storm water BMPs: Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in storm water BMPs, and evaluating the condition of storm water BMPs.
- (e) Records of Installation and Maintenance and Repair Activities: Parties responsible for the operation and maintenance of storm water BMPs shall be required to prepare an annual maintenance and inspection report including all records of the installation and of all maintenance and repairs conducted. The responsible parties shall retain the

report and records for at least ten (10) years or longer if the City Inspector deems it necessary. These report and records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

- (f) Failure to Maintain Storm water BMPs: If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the storm water BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the storm water BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the storm water BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the storm water BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

Sec. 64-42. - Effective date.

This Ordinance shall not become effective until 15 days after its adoption and publication.

Sec. 64-43 – 64.50. Reserved.

Dated: 3/9/21

Patricia M. Randall
Patricia M. Randall, Mayor

FIRST READING: January 26, 2021

SECOND READING: March 9, 2021

ORDINANCE #: 20-02

EFFECTIVE DATE: March 26, 2021

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the 9th day of March, 2021.

Erica Eklov
Erica Eklov, City Clerk

PREPARED BY:

Catherine P. Kaufman
Portage City Attorney
470 West Centre Avenue
Portage, MI 49024
(269) 382-4500

Approved as to Form:

Date: 1-12-2021

Catherine P. Kaufman
City Attorney