

# ATTACHMENT F

## CODE

### CITY OF REDMOND ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTER 13.06 STORMWATER MANAGEMENT CODE OF THE REDMOND MUNICIPAL CODE TO MAKE MINOR CORRECTIONS AND CHANGES TO REFERENCES, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, the City of Redmond periodically updates the Redmond Municipal Code to correct non-substantive errors such as those resulting from outdated or incorrect references, to reflect changes to names and terminology, and to ensure the code's clarity; and

WHEREAS, the City of Redmond's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater permit requires all municipal stormwater permittees to adopt code that aligns with the language of the NPDES Municipal Stormwater permit; and

WHEREAS, corrections to RMC Section 13.06 Stormwater Management Code improve clarity and direction regarding required pollution prevention or source control activities as businesses and other locations that have the potential to pollute Redmond's waters, including surface waters and groundwater; and

WHEREAS, minor amendments to RMC Section 13.06 Stormwater Management Code provide alignment with the City of Redmond's

Stormwater Management Code regarding stormwater permit requirements; and

WHEREAS, the City of Redmond's Department of Public Works staff provided information describing appropriate source control activities to business customers who receive contacts from City staff as implementation of the Source Control program; and

WHEREAS, state agencies received 60-day notice of the proposed amendments on August 27, 2020; and

WHEREAS, a State Environmental Policy Act checklist was prepared and a Determination of Non-significance was issued on September 9, 2020 for the proposed amendments; and

WHEREAS, the City Council held a public meeting on December 8, 2020 and January 5, 2021 to consider the proposed amendments; and

WHEREAS, a notice of the City Council's action on this proposed amendment was provided on January 26, 2021; and

WHEREAS, the City of Redmond desires to amend portions of the Redmond Municipal Code as set forth in this ordinance.

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

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

Section 2.     Amendment of Section.   RMC 13.06 Stormwater

Management Code, is hereby amended to read as follows:

Chapter 13.06 Stormwater Management Code.

13.06.010 Findings.

The Redmond City Council hereby finds that:

(A) Stormwater drainage systems are a common feature of urban development.

(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.

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

(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) 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) 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) 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) 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) 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) Authorize the Redmond Stormwater Utility to require that stormwater drainage systems be managed, 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 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 and 90.48.520.
- "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 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.

- "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 City of Redmond Stormwater 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~~] surface water, or groundwater, 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. (Ord. 2859

§ 2 (part), 2016; Ord. 2473 § 2 (part), 2009; Ord. 1870 § 1 (part), 1996).

13.06.058 Conditional discharges.

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

2. 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]~~ **reoxygenized** 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.

3. 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.

4. 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.

5. 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.

6. 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.~~]

13.06.066 Requirement of source control best management practices.

(A) Any person causing or allowing discharge to a stormwater drainage system, surface waters or groundwater shall limit pollutants in the discharge by implementing source control best management practices (BMPs). "Applicable" source control [~~BEST-MANAGEMENT PRACTICES~~—( )BMPs( )] in Volume IV of the current Stormwater Management Manual for Western Washington

shall be used to reduce or eliminate the release of pollution citywide.

(B) "Recommended" source control BMPs in Volume IV of the current Stormwater Management Manual for Western Washington shall be used to reduce or eliminate the release of pollution citywide **if "applicable" source control BMPs do not prevent pollution.** "Recommended" source control BMPs are identified by land use and specific business types. The City may require additional "recommended" source control BMPs **and/or treatment BMPs or facilities** if such **BMPs or facilities** [~~STRUCTURES/FACILITIES~~] are deemed necessary by the [~~DIRECTOR~~]**D**irector and/or his or her designee to eliminate an ongoing release of pollution.

13.06.068 Maintenance requirements.

(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 City of Redmond Stormwater Technical Notebook **or another maintenance standard approved by the City.**

(B) Repealed by Ord. 2859.

(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 may be scheduled more frequently in order to assure the stormwater drainage system functions as designed.

(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) 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 NPDES Western Washington Phase II Municipal Stormwater Permit [~~THE STORMWATER 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~~] which do not have a maintenance manual developed by

the stormwater drainage system design engineer.

13.06.110 Inspection procedures.

(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) 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) 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) 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) The [~~DIRECTOR~~] **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) 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.

13.06.180 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 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) 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) 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) 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) 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) 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) Require Source Control Best Management Practices (BMPs) or treatment BMPs. The City of Redmond may require implementation of additional source control or treatment BMPs/facilities to reduce or eliminate pollutants and non- stormwater discharges.

(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.

#### 13.06.230 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 public health and

environmental protection, as determined by the Director and/or his or her designee, shall apply unless specifically provided otherwise in this chapter.

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 of any other section, sentence, clause, or phrase of this ordinance.

Section 4.      Effective Date.      This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 16 day of February, 2021.

CITY OF REDMOND

\_\_\_\_\_  
ANGELA BIRNEY, MAYOR

ATTEST:

(SEAL)

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CHERYL XANTHOS, CMC, CITY CLERK

{JEH2356209.DOCX;1/00020.190008/ }

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

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JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
SIGNED BY THE MAYOR:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.