

**TITLE XVI
STREET AND UTILITY AND DRAINAGE REGULATIONS**

CHAPTERS:

- 16-1: STANDARD SPECIFICATIONS AND DETAIL DRAWINGS AND UNIFORM STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION**
- 16-2: DRAINAGE REGULATIONS**
- 16-3: DRAINAGE CRITERIA MANUAL**
- 16-4: 2007 CITY OF PRESCOTT CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL REGULATIONS CODE**
- 16-5: 2007 CITY OF PRESCOTT ILLEGAL DISCHARGE AND ILLEGAL CONNECTION STORMWATER CODE**
- 16-6: 2007 CITY OF RPESCOTT POST CONSTRUCTION STORMWATER RUNOFF CODE**

**CHAPTER 16-1: STANDARD SPECIFICATIONS AND DETAIL DRAWINGS
AND UNIFORM STANDARD SPECIFICATIONS FOR
PUBLIC WORKS CONSTRUCTION**

SECTIONS:

**16-1-1: ADOPTION OF STANDARD SPECIFICATIONS AND DETAIL
DRAWINGS AND UNIFORM STANDARD SPECIFICATIONS FOR
PUBLIC WORKS CONSTRUCTION:**

16-1-2: AMENDMENTS TO SPECIFICATIONS AND STANDARDS:

**16-1-3: ADOPTION OF GEOMETRIC AND STRUCTURAL DESIGN
CRITERIA FOR CITY STREETS:**

16-1-4: ADOPTION OF HANDRAIL DESIGN AND REQUIREMENTS:

16-1-5: APPLICABILITY OF CHAPTER:

16-1-6: CIVIL VIOLATION:

**16-1-1: ADOPTION OF STANDARD SPECIFICATIONS AND DETAIL
DRAWINGS AND UNIFORM STANDARD SPECIFICATIONS FOR
PUBLIC WORKS CONSTRUCTION:**

That certain document entitled "YAG Standards, 1998", as the same may be amended from time to time by the city council, and that certain document entitled "MAG Specs, 1998 Edition", with supplements, as the same may be amended from time to time by the Maricopa association of governments, are hereby adopted and made a part of this chapter, as if set forth in full herein. Where there is a contradiction between the YAG standards and the MAG specs, the YAG standards shall prevail and take precedence. (Ord. 3837, 2-9-1999)

16-1-2: AMENDMENTS TO SPECIFICATIONS AND STANDARDS:

- (A) That the first three (3) paragraphs of section 108.8 of the MAG specs are hereby amended to read as follows:

108.8 GUARANTEE AND WARRANTEE PROVISIONS:

The Contractor shall guarantee the work against defective workmanship or materials for a period of two (2) years from the date of its final acceptance under the contract, ordinary wear and tear excepted.

Any omission on the part of the Engineer to condemn defective work or materials at the time of construction shall not be deemed an acceptance, and the Contractor will be required to correct defective work or materials at any time before final acceptance and within two (2) years thereafter.

Should any defects develop within two (2) years from the date of final acceptance due to faults in workmanship or materials, the Contractor shall, within fourteen (14) calendar days of receipt of written notice from the Contracting Agency, begin making the necessary repairs to the satisfaction of the Engineer. Such work shall include, but not be limited to, the repair or replacement of other work or materials damaged or affected by making the above repairs or corrective work, all at no additional cost to the Consulting Agency."

(Ord. 3852, 3-9-1999, eff. 3-11-1999)

16-1-3: ADOPTION OF GEOMETRIC AND STRUCTURAL DESIGN CRITERIA FOR CITY STREETS:

That certain document entitled "Geometric and Structural Design Criteria for City Streets", as adopted by the city council pursuant to resolution 2713, and as the same may be amended from time to time, is hereby adopted and made a part of this chapter, the same as though said document were specifically set forth in full herein. (Ord. 3237, eff. 7-26-1994)

16-1-4: ADOPTION OF HANDRAIL DESIGN AND REQUIREMENTS:

- (A) Where there is a slope steeper than two to one (2:1) from the back to the one foot (1') parkway grading adjacent to a sidewalk, a handrail shall be required as prescribed in detail "A" of this section.
- (B) Where the slope is vertical from within three feet (3') of the back of the sidewalk, or is vertical from within three feet (3') of a bicycle path adjacent to the back of the sidewalk, and the dropoff is one foot (1') or greater, a handrail shall be required as prescribed in detail "A" of this section.
- (C) The public works director is hereby authorized to approve alternate methods of construction of handrails which meet the intent of this section and provide a degree of safety to the general public.
(Ord. 4193, 1-29-2002)

16-1-5: APPLICABILITY OF CHAPTER:

That all public streets, and streets to be constructed within the city limits which are intended to be used by the public, and all public infrastructure, shall be designed and constructed in accordance with the provisions of this chapter. (Ord. 3837, 2-9-1999; amd. Ord. 4193, 1-29-2002)

16-1-6: CIVIL VIOLATION:

Violation of any provision of this chapter shall be a civil violation and shall subject to the provisions of section 1-3-2 of this code for each day that the violation continues. (Ord. 2102, 8-8-1989; amd. Ord. 4193, 1-29-2002)

CHAPTER 16-2: DRAINAGE REGULATIONS

SECTIONS:

- 16-2-1: PURPOSE:
- 16-2-2: DEFINITIONS:
- 16-2-3: PERMIT REQUIRED:
- 16-2-4: FEES:
- 16-2-5: REMOVING HAZARDOUS CONDITIONS:
- 16-2-6: DRAINAGE GENERAL:
- 16-2-7: STREET DRAINAGE:
- 16-2-8: GENERAL DESIGN STANDARDS FOR DRAINAGE:
- 16-2-9: SAFETY PRECAUTIONS:
- 16-2-10: RESPONSIBILITY OF PERMITTEE:
- 16-2-11: SEVERANCE CLAUSE:
- 16-2-12: PENALTIES:

16-2-1: PURPOSE:

The purpose of this Chapter is to prevent grading of property which unnecessarily changes the terrain, mountains or other natural features which may create drainage or flood problems, increase run-off that will cause downstream flood hazards; any of which would have an adverse effect on the physical character of the land or its adjacent or surrounding area caused by the grading. This Chapter shall complement those grading regulations adopted by City Ordinance No. 1470, consisting of Chapter 70, Uniform Building Code, 1979 Edition, entitled Excavation and Grading.

16-2-2: DEFINITIONS:

GRADING: Any or all of the following acts: clearing, grubbing, excavating or grading of land.

NATURAL TERRAIN: The existing grade of land at the time of application submittal.

PERSON: Any individual or his agent, firm, partnership, association, corporation or agent of the aforementioned groups.

STORM FREQUENCY: How often storm run-off of a particular magnitude or larger is likely to occur.

RETENTION AREA: Storage on public or private property or any combination thereof, but not on public streets or alley right-of-way.

16-2-3: PERMIT REQUIRED:

No person shall do any grading or otherwise disturb the ground cover of any public right-of-way or public easement within the City without a grading permit where any one or more of the following situations exist:

- (A) Grading will alter natural surface run-off or will encroach upon natural topographic drainage features, arroyos or other drainage waterways.
- (B) Grading will encroach upon any public property, public right-of-way or public easement.
- (C) Lateral stability to either public property, public right-of-way or public easements may be endangered by excavation.
- (D) Driveway construction crossing a drainage way.
- (E) The work is to be performed in connection with the construction and development of an approved subdivision or planned area development.
- (F) When a permit is required by this Chapter, a site grading and drainage plan shall be submitted to the engineering services department for his approval. (Ord. 4504, 10-25-2005)

16-2-4: FEES:

Any permit issued under this Chapter shall pay an appropriate fee as set forth in Section 8-2-7 of the City Code entitled "City Right-of-Way".

16-2-5: REMOVING HAZARDOUS CONDITIONS:

If materials are washed or deposited upon dedicated streets or alleys or other public property as a result of improperly controlled grading of higher or adjacent lands, the engineering services department shall notify the owner or his authorized agent, if known, to remove such materials and restore the dedicated street or alley or other public property to their original condition in accordance with the conditions set forth by the engineering services department but in no case shall compliance with said condition exceed ten (10) days from receipt of the notice to comply. (Ord. 4504, 10-25-2005)

16-2-6: DRAINAGE GENERAL:

Property and adequate provision shall be made for disposal of storm waters; existing major water courses shall be maintained in their existing location as drainage ways as delineated in Title XIII of the City Code. The type, extent,

location and capacity of other drainage facilities shall be approved by the City Engineer and constructed in accordance with approved plans and specifications. Where streams or surface drainage courses other than those delineated in Title XIII of the City Code abuts or crosses a subdivision or planned area development, dedication of a drainage easement of a width sufficient to permit widening, deepening, relocating or protecting the water course shall be required after the effective date of this Ordinance. Proposed drainage easements within a subdivision or planned area development shall be improved by the developer to a size and width sufficient to carry the storm water run-off for a minimum of a 25-year storm or as otherwise approved by the City Engineer. Said drainage easements shall not be encroached upon with fill fences or other type of structures. It shall be the property owner's responsibility to maintain said easements to carry the storm run-off. Concentrated drainage flows of all frequencies shall enter and depart from the property, to be developed, in the same manner and location as under predevelopment conditions. Ultimate future upstream development shall be considered in the drainage design of any proposed downstream development to reduce the possibility of additional flooding as a result of the upstream improvement. The upstream development density shall be based upon the zoning of the area at the time of application for the proposed development.

16-2-7: STREET DRAINAGE:

Driveway construction crossing a drainage way shall be constructed so as to permit the flow of drainage to pass under or over the driveway in a concrete box or corrugated metal pipe culvert or concrete apron without diversion to adjacent properties. The design is subject to the approval of the City Engineer, but in no case shall a box culvert or corrugated pipe culvert be smaller than 0.8 of a square foot in size, or a twelve inch (12") diameter culvert. All street crossing streams or washes shall be designed for a 25-year design storm run-off or as otherwise approved by the City Engineer. All major collector, arterial or singular access streets shall be designed for a 50-year storm run-off unless a secondary or all weather access is provided, in which case a lesser design for a 25-year storm may be approved by the City Engineer. No street shall be used as a major carrier of storm water. Streets shall be used for local run-off only. All streets requiring curb and gutters shall have a minimum design capacity for a 10-year design storm run-off. The design shall include potential run-off from the future upstream development.

16-2-8: GENERAL DESIGN STANDARDS FOR DRAINAGE:

- (A) Existing drainage facilities. No person shall alter any natural drainage course or existing drainage facility, or commit any act which would result in the alteration of natural drainage courses or existing drainage facilities, in such a manner as might damage or endanger by flooding, erosion, or

any other means, any public right-of-way, public easement, or public property or improvements. (amd. Ord. 3668, eff. 10-9-97)

- (B) Disposal. All drainage facilities shall be designed to carry surface waters to the nearest practical street storm drain, or natural water course as approved by the City Engineer and any other governmental agency having jurisdiction as a safe place to deposit such waters. Such drainage routing may require that the developer secure additional drainage easements and provide a water course to the natural water course.

As an alternative to drainage routing, retention areas may be considered:

Retention areas

In order to reduce the storm run-off as much as feasible in those areas where an adequate outfall does not exist, retention areas shall be used for local (on-site) storm water as per the following procedures:

1. The design frequency shall be the 50-year storm, if feasible, using the twenty-four (24) hour rainfall depth "D" as determined from the U.S. Weather Bureau isopluvials (equal rainfall lines, in Arizona State Highway Department Standards).
 2. Determine a rational "C" factor as per Arizona State Highway Department Standards for the tributary area.
 3. Solve for volume required:
 $V_t = \frac{D}{12} AC$
V = Volume required (acre feet)
Dt = 24-hour rainfall depth (inch)
C = Rational run-off factor for tributary area
A = Tributary area (acre)
The retention area shall be drained within a 96-hour period by methods approved by the City Engineer.
- (C) Erosion Prevention. Adequate provision shall be made to prevent surface waters from damaging the face of an excavation or fill. All slopes shall be protected from surface water run-off from above by berms or swales.
- (D) Terrace Drains. All swales or ditches on terraces shall be graded to provide suitable drainage and designed to prevent erosion and provide durability.

16-2-9: SAFETY PRECAUTIONS:

If at any stage of the work it is determined by inspection that further grading as authorized will endanger any property or result in the depositing of debris on any public way or interfere with any existing drainage course, the City Engineer shall require, as a condition to allowing the work to be completed, that such reasonable safety precautions be taken as he considers advisable to avoid such likelihood of damage.

A notice to comply to correct an unsafe condition shall be submitted to the permittee and owner in writing. After receipt of a notice to comply, a period of ten (10) days shall be allowed for the permittee to make the corrections unless an imminent hazard exists, in which case the permittee will be told in the notice to comply that the corrective work shall begin immediately.

If the City engineers finds any existing condition not as stated in the grading permit or approved plans, he may refuse to approve further work until approval is obtained for a revised grading plan which will conform to the existing conditions.

16-2-10: RESPONSIBILITY OF PERMITTEE:

- (A) Compliance with plans and requirements. All permits issued hereunder shall be presumed to include the provisions that the applicant, his agent, contractors, or employees, shall carry out the proposed plans and specifications and in compliance with all the requirements of this Chapter.
- (B) Protection of Utilities. During the grading operations, the permittee shall be responsible for the prevention of damage to any street or drainage facilities or to any public utilities or services or to any City water mains or sewer main or service connections to same. This responsibility applies within the limits of grading and along any routes of travel of equipment.
- (C) Protection of Adjacent Property. The permittee is responsible for the prevention of damage to adjacent property and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property prior to supporting and protecting such property from settling, cracking or other damage which might result.

16-2-11: SEVERANCE CLAUSE:

The provisions of this Chapter are declared to be severable, and if any section, sentence, clause, or phrase of this Chapter shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Chapter. (Ord. 1532, 6-22-81)

16-2-12: PENALTIES:

It shall be unlawful and a misdemeanor for any person to violate any of the requirements or provisions contained in this Chapter. Any person convicted of a violation of any section of this Chapter shall be punished as provided in Section 1-3-1 of the Prescott City Code. (Ord. 1532, 6-22-81, amd. Ord. 1834, 9-23-86) Each day that a violation is permitted to exist constitutes a separate offense. For the purpose of this Chapter, a "person" means any individual or his agent, firm, partnership, association, corporation or agent of the aforementioned groups.

In addition to the penalties provided herein, any person who commences any work without a proper permit as required by this Chapter shall pay double permit fees for any work which was unlawfully commenced if such work is subsequently approved by the City.

A violation of any provision or Section of this Chapter is further declared to be a public nuisance and the City Attorney, may upon order of the City Council, or on his own initiative, immediately commence any necessary civil actions or proceedings for the abatement, enjoinder or removal thereof in the manner provided by law of any such violation. (Ord. 1532, 6-22-81)

CHAPTER 16-3: DRAINAGE CRITERIA MANUAL

16-3-1: ADOPTION OF THE DRAINAGE CRITERIA MANUAL: 16-3-2: CIVIL VIOLATION:

16-3-1: ADOPTION OF THE DRAINAGE CRITERIA MANUAL:

That certain manual entitled "Drainage Criteria Manual", as adopted by the Prescott City Council pursuant to Resolution Number 2946, and as the same may be amended from time to time, is hereby adopted and made a part of this Chapter, the same as though said Manual were specifically set forth in full herein. (Ord. 3581, eff. 2-27-97)

16-3-2: CIVIL VIOLATION:

A violation of any provision of the Drainage Criteria Manual shall be a civil violation, and shall be subject to the provisions of Section 1-3-2 of the City Code for each day that the violation continues.

CHAPTER 16-4: 2007 CITY OF PRESCOTT CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL CODE

16-4-1: ADOPTION OF THE 2007 CITY OF PRESCOTT CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL CODE:

16-4-2: PENALTY-CRIMINAL:

16-4-3: PENALTY-CIVIL:

16-4-1: ADOPTION OF THE DRAINAGE CRITERIA MANUAL:

That certain document entitled the 2007 City of Prescott Construction Site Erosion and Sediment Control Regulations Code, together with all referenced standards therein and together with appendices, which document was made a public record by Resolution No. 3871-0839 is hereby adopted by this reference. (This document is show below as a courtesy to users.)

Section 1 – Introduction and Purpose

1.1 During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil which can become contaminated by oils, solvents and debris from the construction activity, may endanger water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction can cause the loss of native vegetation necessary for terrestrial and aquatic habitat, as well as soil stabilization.

1.2 As a result, the purpose of this local code is intended to safeguard persons, protect property, and prevent damage to the environment in the City of Prescott. This code will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Prescott.

1.3 This code is for compliance with Arizona Department of Environmental Quality (ADEQ) Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for Discharge from small Municipal Separate Storm Sewer Systems (MS4). The code does not supersede or waive the requirements of any “Operator’s” applicable requirements under the AZPDES Construction General Permit AZG2003-001, or future AZPDES Construction General Permits, or Storm Water Pollution Prevention Plan (SWPPP).

Section 2 - Definitions

Authorized Enforcement Agency - Employees or designees of the director of Engineering Services designated to enforce this regulation.

Arizona Department of Environmental Quality (ADEQ) - The state agency charged with enforcement of environmental laws and regulations.

Arizona Department of Transportation (ADOT) - The state agency responsible for state highways and related transportation.

Clearing - Any activity that removes the vegetative surface cover.

Drainage Way - Any man-made or natural channel or device that conveys surface runoff throughout the site.

Erosion Control - A measure that prevents erosion.

Grading - Excavation or fill of material, including the resulting conditions thereof.

Notice Of Intent (NOI) - A written commitment by the operator that they will comply with the rules and regulations of the General Permit and their Storm Water Pollution Protection Plan (SWPPP).

Notice of Termination (NOT) – A written confirmation that construction activities have ceased and that the site is permanently stabilized.

Perimeter Control - A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing - Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control - Measures that prevent eroded sediment from leaving the site.

Site - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Stabilization - The use of practices that prevent exposed soil from eroding.

Start of Construction - The first land-disturbing activity associated with a development, including but not limited to, land preparation such as clearing, grading, and filling; installation of utilities, streets and walkways; excavation for

footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings.

Storm Water Pollution Protection Plan (SWPPP) - The Plan submitted with the NOI prior to construction, indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Watercourse - Any body of water, including, but not limited to lakes, ponds, seasonal and perennial creeks, and wetlands.

Waterway - A channel or device that directs surface runoff to a watercourse or to the public storm drain.

Section 3 - Permits

3.1 No person shall be granted a Site Disturbance and Grading Permit, as required under the City of Prescott Land Development Code, for land-disturbing activities that would result in a land disturbance of greater than or equal to one acre without first having submitted and obtained approval, by the Engineering Services Department, of an Erosion and Sedimentation Plan as part of a Storm Water Pollution Prevention Plan (SWPPP).

3.2 For construction activity that is part of a larger common plan of development, subdivision or lot split that would result in the accumulated disturbance of one acre or more, an Erosion and Sedimentation Plan as part of a SWPPP will be required.

3.3 For all construction activity not affected by Section 3.2 and disturbs less than one acre, only an Erosion and Sedimentation Plan will be required.

3.4 The applicant is responsible for demonstrating compliance with all ADEQ related development permit requirements, including proof of filing an NOI, SWPPP, and NOT, when applicable. Particular attention should be applied to any development that is within ¼ mile of an impaired or unique classified waterway.

3.5 If the Arizona Department of Environmental Quality waives requirements for stormwater discharges associated with small construction activity, as defined under 40 CFR 122.26(b)(15)(i), an Erosion and Sediment Control Plan is not required and this code will not apply.

3.6 No Site Disturbance and Grading Permit is required for the following activities:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
3. Existing sand, gravel, dimensional stone, or crushed stone quarries with secured National Pollutant Discharge Elimination Systems (NPDES) permit.
4. Subdivision or site plans approved by permit prior to the effective date of these codes.

3.7 Each application shall bear the name and address of the owner or developer of the site, and of any consulting firm and/or contractor retained by the applicant together with the name of the applicant's principal contact at such firm.

3.8 Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sedimentation Plan.

Section 4 - Review and Approval

4.1 Prescott's Engineering Services Department will review each application as part of the Site Disturbance and Grading Permit and /or Building Permit to determine its conformance with the provisions of this regulation. Prescott's Engineering Services Department shall, in writing:

1. Approve the permit application;
2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

Section 5 - Erosion and Sediment Control Plan

5.1 The Erosion and Sediment Control Plan shall at a minimum include the following:

1. A USGS quality topographic map with contours and drainage flows depicted in conjunction with receiving waters within one mile. This map should be at a scale no smaller than 1"=100'.
2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping.
3. All erosion and sediment control measures necessary to meet the objectives of this regulation throughout all phases of construction and after completion of development of the site.

5.2 Modifications to the plan shall be approved or disapproved at the direction of the Engineering Services Department.

Section 6 - Design Requirements

6.1 Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the Arizona Department of Transportation (ADOT) Erosion and Pollution Control Manual, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of Prescott's Engineering Services Department.

6.2 Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in the ADOT Erosion and Pollution Control Manual shall be used to the satisfaction of Prescott's Engineering Services Department.

6.3 Clearing shall not begin, except for that required to install perimeter controls, until all perimeter sediment control devices have been installed and have been stabilized according to the Erosion and Sediment Control Plan.

6.4 Phasing shall be required on all sites disturbing greater than thirty (30) acres, with the size of each phase to be established at plan review and as approved by Prescott's Engineering Services Department.

6.5 Erosion and Sediment controls requirements shall abide by following:

1. Soil stabilization and sediment control shall be performed and completed as per an approved SWPPP and/or Erosion and Sedimentation Control Plan in accordance with the Land Development Code.
2. Special techniques that meet the design criteria outlined in the ADOT Erosion and Pollution Control Manual, Maricopa County Flood Control

District Guidelines, or other measures approved by Engineering Services, shall be used to ensure stabilization.

6.7 Waterway and watercourse protection requirements shall be in conformance with US Army Corps of Engineers regulations, where applicable.

Section 7 - Inspection

7.1 Prescott's Engineering Services Department or designated agent shall make inspections as to assure compliance with the approved Erosion and Sediment Control Plan and/or SWPPP. The approved plans and/or SWPPP shall be maintained at the site during the progress of the work.

7.2 The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule, when required, and after any measurable rainfall.

7.3 Prescott's Engineering Services Department or its designated agent shall have access to the property as deemed necessary to make inspections to assure continued compliance.

Section 8 - Enforcement

8.1 In the event that any person holding a Site Disturbance and Grading Permit pursuant to this regulation violates the terms of the permit in any manner or the permittee implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, Prescott's Engineering Services Department may suspend or revoke the site development permit.

8.2 Any violators of the code shall be subject to the penalties set forth in Ordinance No. 4635-0837 which Ordinance adopts this code.

16-4-2: PENALTY-CRIMINAL:

Any person who violates any provisions of this Ordinance or any provision of the Codes adopted by reference pursuant to this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-34-1 of the Prescott City Code, by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the city judge.

Each and every day any such violation continues shall be deemed and considered a separate offense.

16-4-3: PENALTY-CIVIL:

Any person who violates any provisions of this Ordinance shall be guilty of a civil violation and shall be subject to the provisions of Section 1-3-2 of the Prescott City Code for each day that the violation continues.

(Ord. 4635-0837, 12-11-07; eff. 01-10-08)

**CHAPTER 16-5: 2007 CITY OF PRESCOTT ILLEGAL DISCHARGE AND
ILLEGAL CONNECTION STORMWATER CODE**

- 16-5-1: ADOPTION OF THE 2007 CITY OF PRESCOTT ILLEGAL
DISCHARGE AND ILLEGAL CONNECTION STORMWATER
CODE:**
16-5-2: PENALTY-CRIMINAL:
16-5-3: PENALTY-CIVIL:

**16-5-1: ADOPTION OF THE 2007 CITY OF PRESCOTT ILLEGAL
DISCHARGE AND ILLEGAL CONNECTION STORMWATER CODE**

That certain document entitled the 2007 City of Prescott Illegal Discharge and Illegal Connection Stormwater Code, together with all referenced standards therein and together with appendices, which document was made a public record by Resolution No. 3872-0840 is hereby adopted by this reference. (This document is show below as a courtesy to users.)

Section 1 - Purpose and Intent

1.1 The purpose of this code is to provide for the health, safety, and general welfare of the citizens of the City of Prescott through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.

1.2 This Code establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Code are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
2. To prohibit Illegal Connections and Discharges to the municipal separate storm sewer system.
3. To affirm the City's legal authority and processes to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Code

Section 2 - Definitions

Authorized Enforcement Agency - Engineering Services Director or his/her employees or designees of the City of Prescott designated to enforce this Code.

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance 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.

Clean Water Act - The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity - Activities subject to NPDES Construction Permits. NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition. Refer to the ADOT Erosion and Pollution Control Manual for additional information.

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.

Illegal Discharge - Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section X of this Code.

Illegal Connections - Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which may allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and which has not been permitted and/or approved by an authorized enforcement agency.

Industrial Activity - Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit - A permit issued by EPA (or by a State under authority

delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, (as locally defined within the jurisdiction of the City of Prescott) whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge - Any discharge to the storm drain system that is not composed entirely of storm water.

Person - Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, Code s, 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; and noxious or offensive matter of any kind, and other substances defined as pollutants by State or federal law or regulation.

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

Storm Drainage System - Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater - Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan - A document submitted to and approved by the City by a permittee which describes the Best Management Practices 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 Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Unreasonable Delay - Delay in excess of 36 hours from receipt of notification of request by the City to inspect stormwater facilities.

03/13/2008

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

Section 3 - Applicability

This Code shall apply to all water entering the City of Prescott's storm drain system which is generated on any developed and undeveloped lands unless such discharge is explicitly exempted by an authorized enforcement agency.

Section 4 - Responsibility for Administration

The Engineering Services Department shall administer, implement, and enforce the provisions of this Code. Any powers granted or duties imposed upon the Engineering Services Department may be delegated in writing by the Director of the Engineering Services Department to persons or entities acting in the beneficial interest of or in the employ of the agency, or to whom such powers or duties have been delegated pursuant to contract.

Section 5 - Severability

The provisions of this Code are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Code or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Code.

Section 6 - Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this Code are minimum standards; therefore this Code does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. It is the ultimate responsibility of all persons, entities and where applicable, permitted to ensure that best management practices for NPDES compliance per the Clean Water Act are followed to the maximum extent practicable.

Section 7 - Discharge Prohibitions

7.1 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.

03/13/2008

7.2 The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. Water line flushing or other potable water sources, including landscape irrigation or lawn watering on single family home lots (or those lots determined by the Engineering Services Director to be of equal or similar size and scope as an SFD)
2. Diverted stream flows
3. Foundation or footing drains (not including active groundwater dewatering systems)
4. Air conditioning condensation
5. Springs
6. Non-commercial washing of vehicles
7. Natural riparian habitat or wet-land flows
8. Swimming pools (if dechlorinated - typically less than one PPM chlorine)
9. Fire fighting activities, and
10. Discharges specified in writing by the City of Prescott Engineering Services Director.

7.3 The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that 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.

7.4 Prohibition of Illegal Connections.

1. The construction, use, maintenance or continued existence of illegal connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

03/13/2008

3. A person is considered to be in violation of this Code if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 8 - Suspension of MS4 Access

8.1 The Engineering Services Department 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 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, (as locally defined within the jurisdiction of the City of Prescott) or to minimize danger to persons.

8.2 Any person discharging to the MS4 in violation of this Code may have their MS4 access terminated if such termination would abate or reduce an illegal discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

8.3 A person commits an offense if the person who has been suspended under this section reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Section 9 - Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Engineering Services Department prior to the allowing of discharges to the MS4.

Section 10 - Monitoring of Discharges

10.1 Applicability - This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

10.2 Access to Facilities.

1. The Engineering Services Department shall be permitted to enter and inspect facilities subject to regulation under this Code as often as may be

- necessary to determine compliance with this Code . If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
2. Facility operators shall allow the Engineering Services Department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
 3. The Engineering Services Department shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
 4. The Engineering Services Department has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of Engineering Services Department and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 6. Unreasonable delays in allowing the Engineering Services Department access to a permitted facility is a violation of a storm water discharge permit and of this Code. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency access to the permitted facility for the purpose of conducting any activity authorized or required by this Code.
 7. If the Engineering Services Department has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Code, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Code or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the

03/13/2008

authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Section 11 - Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices

11.1 Engineering Services Department will adopt regulations identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S.

11.2 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 non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illegal discharge, may be required to implement, at said person's or entities expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.

11.3 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 stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Section 12 - Watercourse Protection

12.1 Every person owning property through which a watercourse passes, or such person's lessee (persons or entities leasing property, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

12.2 In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 13 - Notification of Spills

13.1 Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation who has information of any known or suspected release of

materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. or local waterway depicted in said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

13.2 In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. For purposes of this section, emergency dispatch services shall mean City of Prescott Regional Community Center, (928)

13.3 In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Engineering Services Department within three business days of the phone notice.

13.4 If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 14 - Enforcement

14.1 Notice of Violation (Civil). Whenever the Engineering Services Department finds that a person has violated a prohibition or failed to meet a requirement of this Code, Engineering Services shall forward its report to any authorized enforcement agency which may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illegal connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of an assessment to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

14.2 If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration

must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator and may be filed as a lien upon the property in accordance with appropriate legal procedures.

Section 15 - Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 2 days from the date of the Notice of Violation. Hearing on the appeal before the designee of the Engineering Services Director shall take place within 10 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Section 16 - Enforcement Measures after Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Section 17 - Cost of Abatement of the Violation

Within 7 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 3 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of percent per annum shall be assessed on the balance beginning on the 30th day following discovery of the violation.

03/13/2008

Section 18 - Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. If a person has violated or continues to violate the provisions of this Code, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 19 - Appeal of Notice of Violation

In lieu of enforcement proceedings, penalties, and remedies authorized by this Code, the authorized enforcement agency may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 20 - Violations Deemed A Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Code is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Section 21 - Criminal Prosecution

21.1 Any person that has violated or continues to violate this Code shall be liable to criminal prosecution to the fullest extent of the law and any violations of this code may be punished as a class 1 misdemeanor, and shall be subject to a criminal penalty of not more than \$2,500 dollars per violation per day and may be punishable by incarceration or jail for a period of up to six months. Each day a violation continues may constitute a separate violation, punishable as state law.

21.2 The authorized enforcement agency may recover all attorneys' fees court costs and other expenses associated with enforcement of this Code, including sampling and monitoring expenses.

Section 22 - Remedies Not Exclusive

The remedies listed in this Code are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

16-5-2: PENALTY-CRIMINAL:

Any person who violates any provisions of this Ordinance or any provision of the Codes adopted by reference pursuant to this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-34-1 of the Prescott City Code, by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the city judge. Each and every day any such violation continues shall be deemed and considered a separate offense.

16-5-3: PENALTY-CIVIL:

Any person who violates any provisions of this Ordinance shall be guilty of a civil violation and shall be subject to the provisions of Section 1-3-2 of the Prescott City Code for each day that the violation continues.

(Ord. 4636-0838, 12-11-07; eff. 01-10-08)

**CHAPTER 16-6: 2007 CITY OF PRESCOTT POST CONSTRUCTION
STORMWATER RUNOFF CODE**

**16-6-1: ADOPTION OF THE 2007 CITY OF PRESCOTT POST
CONSTRUCTION STORMWATER RUNOFF CODE:**

16-6-2: PENALTY-CRIMINAL:

16-6-3: PENALTY-CIVIL:

**16-6-1: ADOPTION OF THE 2007 CITY OF PRESCOTT POST
CONSTRUCTION STORMWATER RUNOFF CODE:**

That certain document entitled the 2007 City of Prescott Post Construction Stormwater Runoff Code, together with all referenced standards therein and together with appendices, which document was made a public record by Resolution No. 3873-0841 is hereby adopted by this reference. (This document is show below as a courtesy to users.)

Section 1 - General Provisions

1.1 The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:

1. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and stream-bank erosion and maintain the integrity of stream channels;
2. Minimize increases in non-point source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
3. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
4. Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

03/13/2008

1.2 This ordinance shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by the City of Prescott under the specifications of Section 4 of this ordinance. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development.

1.3 This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

1.4 This Ordinance is written to be compatible with, and used in conjunction to the City's Construction Site Erosion and Sediment Control Ordinance; and any repetitive sections or requirements are intended as required under the federal Clean Water Act and the National Pollution Discharge Elimination System (NPDES) regulations.

1.5 If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

1.6 The City of Prescott may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this ordinance and may provide such information by amending the City of Prescott Drainage Criteria Manual. This manual will include a list of acceptable stormwater treatment practices, including the specific design criteria and operation and maintenance requirements for each stormwater practice. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.

Section 2 - Definitions

Accelerated Erosion - Erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

Enforcement Agency - Any employees or designees of the Director of Engineering Services designated to enforce this regulation.

03/13/2008

Applicant - Any property owner or agent of a property owner who has filed an application for a stormwater management permit.

Arizona Department of Environmental Quality (ADEQ) - is the state agency charged with enforcement of environmental laws and regulations.

Building - Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Channel - Any natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Dedication - The deliberate appropriation of property by its owner for general public use.

Detention - The temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

Detention Facility - A basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Developer - Any person who undertakes land disturbance activities.

Drainage Easement - A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

Drainage Way - Any man-made or natural channel or device that conveys concentrated or sheet-flow surface runoff through, across or over a site.

Fee in Lieu - A payment of money in place of meeting all or part of the storm water performance standards required by this ordinance.

Hotspot - An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Impervious Cover - Surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Industrial Stormwater Permit - The National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration - The process of percolating or absorption of stormwater into surface and subsurface soils or other filtration mediums.

Infiltration Facility - Any structure or device designed to accommodate or promote infiltration of captured site runoff for pollutant removal. These facilities may be above grade or below grade.

Jurisdictional Wetland - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Land Disturbance Activity - Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Landowner - The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement - Any legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

Non-point Source Pollution - Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, mining, construction, subsurface disposal and urban runoff sources.

Offset Fee - A monetary compensation paid to a local government for failure to meet pollutant load reduction targets.

Off-Site Facility - A stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

On-Site Facility - A stormwater management measure located within the subject property boundary described in the permit application for land development activity.

Site - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Stabilization - The use of practices that prevent exposed soil from eroding.

Start of Construction - The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling or any other site related activity.

Stop Work Order - An order issued which requires that all construction activity on a site be stopped.

Stormwater Management - The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

Stormwater Runoff - Flow on the surface of the ground, resulting from precipitation.

Stormwater Treatment Practices (STP) - Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

Water Quality Volume (WQV) - The storage needed to capture and treat 90% of the average annual stormwater runoff volume. Numerically WQV will vary as a function of long term rainfall statistical data.

Watercourse - Any body of water, including but not limited to lakes, ponds, seasonal and perennial creeks, and wetlands delineated by the City of Prescott.

Waterway - Any channel or device that directs surface runoff to a watercourse or to a public storm drain.

Section 3 - Permit Requirements

All applicable aspects of this code shall be reviewed and approved as part of the City of Prescott Site Disturbance and Grading Permit as required under City of Prescott development and permitting regulations.

Section 4 - Waivers to Stormwater Management Requirements

4.1 Requests to waive the stormwater management plan requirements shall be submitted to the City of Prescott for review. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City of Prescott.
2. Provisions are made to manage stormwater by an off-site facility approved by the City of Prescott. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.

4.2 Where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the City of Prescott. Mitigation measures may include, but are not limited to, the following:

1. The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat.
2. The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this ordinance.
3. Monetary contributions (Fee-in-Lieu) to fund stormwater management activities such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macro-invertebrates, stream flow monitoring, threatened and endangered species

03/13/2008

studies, hydrologic studies, and monitoring of stormwater management practices.

4.3 When an applicant obtains a waiver of the required stormwater management, the monetary contribution required shall be in accordance with a fee schedule or by an agreed valuation established by the City of Prescott. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

4.4 In lieu of a monetary contribution an applicant may, if agreed to by the City of Prescott, obtain a waiver of the required stormwater management by entering into an agreement with the City of Prescott, for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be entered into by the applicant and the City of Prescott prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.

Section 5 - General Performance Criteria for Stormwater Management

5.1 All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater.

5.2 All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland, local water body, or storm sewer system without adequate treatment.

5.3 For new development, structural Stormwater Treatment Practices (STP) shall be designed to remove post development total suspended solids (TSS) by capture of the “first flush” event. It is presumed that a STP complies with this performance standard if it is:

1. Sized to capture the prescribed water quality volume (WQV).
2. Designed according to the specific performance criteria outlined in the City of Prescott Drainage Criteria Manual, ADEQ, or ADOT design manual.
3. Constructed properly.
4. Maintained regularly.

5.4 Specific channel protection shall be provided as prescribed in the current City of Prescott Drainage Criteria Manual to protect stream channels from degradation.

5.5 Stormwater discharges to critical areas with sensitive resources (i.e., swimming beaches or public recreation areas, water supply reservoirs, etc.) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

5.6 Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as “hotspots”, may require the use of specific structural STPs and pollution prevention practices.

5.7 Prior to design, applicants are required to consult with the City of Prescott to determine if they are subject to additional stormwater design requirements.

5.8 The calculations for determining peak flows as found in the City of Prescott Drainage Criteria Manual shall be used for sizing all stormwater management practices.

Section 6 - Enforcement and Penalties

6.1 Any development activity that is conducted contrary to this Ordinance may be restrained by injunction or otherwise abated in a manner provided by law.

6.2 When or if the City of Prescott determines that an activity is not being carried out in accordance with the requirements of this Ordinance, it shall issue a written notice of violation to the owner of the property.

6.3 Persons receiving a notice of violation will be required to halt all construction activities. This “stop work order” will be in effect until the City of Prescott confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

6.4 Civil and Criminal Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Ordinance shall be punished by a fine of not less than Twenty-Five Hundred Dollars (\$2,500.00) or by imprisonment for a period not to exceed (30) days, or both such fine and imprisonment. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

6.5 Occupation permits may be withheld until any and all corrections to all stormwater practices have been made and accepted by the City of Prescott.

16-6-2: PENALTY-CRIMINAL:

Any person who violates any provisions of this Ordinance or any provision of the Codes adopted by reference pursuant to this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-34-1 of the Prescott City Code, by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the city judge. Each and every day any such violation continues shall be deemed and considered a separate offense.

16-6-3: PENALTY-CIVIL:

Any person who violates any provisions of this Ordinance shall be guilty of a civil violation and shall be subject to the provisions of Section 1-3-2 of the Prescott City Code for each day that the violation continues.

(Ord. 4637-0839, 12-11-07; eff. 01-10-08)