

ORDINANCE NO. 5144

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA AMENDING TITLE 8, HEALTH, SANITATION, AND ENVIRONMENT, CHAPTER 5, STORM WATER POLLUTION CONTROL, SECTION 3, REDUCTION OF POLLUTANTS IN STORMWATER.**

WHEREAS, the Arizona Department of Environmental Quality (ADEQ) issued to the City a municipal separate storm sewer system (MS4) permit under the Arizona Pollutant Discharge Elimination System program effective August 30, 2010 (2010 MS4 Permit) which requires the City to adopt standards for the installation and maintenance of structural and non-structural control measures to reduce pollutants in storm water runoff from construction sites; and,

WHEREAS, it is the City's intent to amend the Mesa City Code to incorporate the adoption of Drainage Design Manual for Maricopa County, Erosion Control dated November 2012, declared to be a public record by and made a part of Resolution No. 10219, together with certain modifications, amendments and deletions as set forth herein, in order to fulfill the requirements of the 2010 MS4 Permit;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Mesa, Arizona as follows:

SECTION 1: That Title 8, Chapter 2, Section 3 of the Mesa City Code, Mesa, Arizona is hereby amended as follows:

**ADDITIONS TO THE TEXT ARE SHOWN IN BOLD, ALL CAPITAL LETTERS AND UNDERLINED: ABC**

**DELETIONS TO THE TEXT ARE SHOWN AS STRIKE-OUTS: ~~Abe~~**

**8-5-3: REDUCTION OF POLLUTANTS IN STORM WATER:**

(A) All persons owning or operating facilities or engaged in activities which will or may reasonably be expected to result in the release of pollutants to the City storm sewer system, either directly or indirectly, shall undertake appropriate best management practices to minimize the release of such pollutants to the maximum extent practicable. ~~Such best management practices shall include the requirements imposed by both of the following: (2774, 5062/Reso. 6528)~~

~~1. This Chapter; and (2774, 5062/Reso. 6528)~~

~~2. Any written guidelines which may be developed, referenced, or adopted by resolution and on file with the City Clerk. (2774, 5062/Reso. 6528)~~

(B) No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, maintained, or kept, except in appropriate containers or in lawfully established dumping grounds, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations into or upon any component of the City storm sewer system or upon any public property. Additionally, no person shall do the same upon any private property in such a manner that could reasonably result in the release of pollutants to the City storm sewer system. (2774, 5062/Reso. 6528)

- (C) Persons owning or operating a parking lot, storage or loading area, or similar property which is exposed to rainfall shall maintain those properties in a manner so that any release from such properties does not cause or contribute to a violation of Section 8-5-2. (2774, 5062/Reso. 6528)
- (D) Any person performing construction activities shall undertake appropriate best management practices to minimize the release of pollutants and sediment to the maximum extent practicable. Such best management practices shall include the requirements imposed by both of the following: (2774, 5062/Reso. 6528)

1. This Chapter; and (2774, 5062/Reso. 6528)

2. ~~Comply with any written guidelines which may be developed, referenced, or adopted by resolution and on file with the City Clerk. (2774, 5062/Reso. 6528)~~ FOR CONSTRUCTION OPERATIONS AT CITY PROJECTS OR OCCURRING IN CITY OF MESA PUBLIC RIGHT-OF-WAY THAT ARE REQUIRED TO COMPLY WITH AN AZPDES OR NPDES STORM WATER PERMIT, THAT CERTAIN DOCUMENT KNOWN AS THE DRAINAGE DESIGN MANUAL FOR MARICOPA COUNTY, EROSION CONTROL DATED NOVEMBER 28, 2012, A PUBLIC RECORD OF THE CITY OF MESA TOGETHER WITH THE FOLLOWING APPENDICES THERETO:

APPENDIX A CONSTRUCTION GENERAL PERMIT

APPENDIX B FORMS

APPENDIX C LINKS AND REFERENCES

APPENDIX D GLOSSARY

APPENDIX E BIBLIOGRAPHY

ARE HEREBY REFERRED TO, ADOPTED, AND MADE A PART HEREOF AS IF FULLY SET FORTH IN THIS SECTION, WITH THE FOLLOWING CHANGES IN AND AMENDMENTS TO SAID DOCUMENT:

(A) SECTION 5 BEST MANAGEMENT PRACTICES; EC-2: MULCHING

EMULSIFIED ASPHALT IS NOT PERMITTED AS A MULCHING OPTION ON CITY PROPERTIES OR FOR CITY PROJECTS.

(B) SECTION 5 BEST MANAGEMENT PRACTICES; EC-3 PROTECTION OF TREES AND VEGETATION IN CONSTRUCTION AREAS

WHERE PLANS PROVIDE FOR THE PRESERVATION OF TREES AND OTHER VEGETATION, THESE AREAS SHALL BE DELINEATED (I.E. STAKED, FLAGGED, OR FENCED) TO PREVENT DAMAGE FROM CONSTRUCTION EQUIPMENT AND OTHER FORMS OF ACCESS.

(C) SECTION 5 BEST MANAGEMENT PRACTICES; EC-5 STABILIZED CONSTRUCTION ENTRANCE

COURSE AGGREGATE PAD DIMENSIONS MUST BE A MINIMUM OF THIRTY FEET IN WIDTH, THREE INCHES IN DEPTH, AND FIFTY FEET IN LENGTH OR THE LENGTH OF THE LONGEST HAUL TRUCK, WHICHEVER IS GREATER. INSTEAD OF

A COURSE AGGREGATE PAD, CONSTRUCTION SITE ENTRANCE STABILIZATION MAY ALSO INCLUDE A PAVED SURFACE ONE HUNDRED FEET IN LENGTH AND TWENTY FEET IN WIDTH OR A GRIZZLY OR RUMBLE GRATE CONSISTING OF RAISED DIVIDERS A MINIMUM OF THREE INCHES TALL, SIX INCHES APART, AND TWENTY FEET IN LENGTH.

(D) SECTION 5 BEST MANAGEMENT PRACTICES; SPC-2 SAND BAG BARRIER

SAND BAGS MAY NOT BE USED FOR THE PURPOSES OF INLET PROTECTION. WHERE SAND BAGS ARE USED FOR OTHER PURPOSES, THEY SHALL BE DELINEATED (I.E. STAKED AND FLAGGED) TO KEEP CONSTRUCTION EQUIPMENT FROM DAMAGING THESE STRUCTURES. SAND BAGS MUST BE INSPECTED ON AT LEAST A WEEKLY BASIS TO ENSURE THEY HAVE NOT RUPTURED AND THE SAND HAS BECOME A STORMWATER POLLUTANT.

(E) SECTION 5 BEST MANAGEMENT PRACTICES; SPC-5 SILT FENCE

FOR PROJECTS GREATER THAN FIVE ACRES REQUIREMENTS REGARDING PERIMETER CONTROL OF THE CONSTRUCTION ACTIVITY AS PROVIDED IN ANY APPLICABLE STORMWATER PERMIT SHALL BE MET THROUGH THE USE OF SILT FENCES EXCEPTING THOSE AREAS OF HIGH FLOW, CONSTRUCTION SITE ENTRANCES AREAS WHERE PERIMETER CONTROL ARE IMPRACTICABLE (I.E. PROJECTS IN THE PUBLIC RIGHT-OF-WAY); AND AREAS WHERE ALL STORMWATER FLOWS ARE DIRECTED TO AN ON-SITE TEMPORARY SEDIMENT BASIN OR SEDIMENT TRAP.

(F) SECTION 5 BEST MANAGEMENT PRACTICES; SPC-6 RE-VEGETATION

WHERE PLANS PROVIDE FOR RE-VEGETATION, INSTALLATION OF SUCH VEGETATION SHALL TAKE PLACE AS SOON AS PRACTICABLE AND THESE AREAS SHALL BE DELINEATED (I.E. STAKED, FLAGGED, OR FENCED) TO PREVENT DAMAGE FROM CONSTRUCTION EQUIPMENT AND OTHER FORMS OF ACCESS.

(G) SECTION 5 BEST MANAGEMENT PRACTICES; SPC-7 STORM DRAIN INLET PROTECTION

TO PREVENT FLOODING ISSUES, STORM DRAIN INLET PROTECTION SHOULD ONLY BE USED WHEN SUFFICIENT CONSTRUCTION SITE PERIMETER CONTROL IS NOT POSSIBLE (E.G. UTILITY INSTALLATIONS IN PUBLIC ROADWAYS OR OTHER PUBLIC RIGHT-OF-WAY AREAS). CITY OF MESA PERSONNEL MAY REMOVE ANY STORM DRAIN INLET PROTECTION DEVICE WHERE FLOOD CONDITIONS MAY EXIST. IT IS THE RESPONSIBILITY OF THE OPERATOR IN CHARGE OF DAY-TO-DAY OPERATIONS TO REPLACE OR RE-INSTALL THESE DEVICES AFTER THE THREAT OF FLOODING HAS SUBSIDED.

COURSE GRAVEL AND CINDER BLOCK CONFIGURATIONS AND SAND BAGS ARE NOT TO BE USED TO PROTECT STORM DRAINS. WHEN INSTALLING ANY STORM DRAIN INLET PROTECTION THAT IS INSTALLED ABOVE GRADE TRAFFIC CONTROL DEVICES MUST BE PLACED AT THE END OF BOTH SIDES OF THE INSTALLATION TO PREVENT DAMAGE FROM PUBLIC AND CONSTRUCTION TRAFFIC. ALL TRAFFIC CONTROL DEVICES MUST BE INSTALLED IN ACCORDANCE WITH TEMPORARY TRAFFIC CONTROL REQUIREMENTS AS PROVIDED IN TITLE 10, CHAPTER 10 OF THE MESA CITY CODE.

- (E) Persons having the potential to cause a release of pollutants to the City storm sewer system and who are required to submit a notice of intent to comply with an AZPDES or NPDES Storm Water Permit shall provide a copy of any approval or statement of authorization from the permitting agency to the City Manager or designee. WHERE A WAIVER IS AVAILABLE, A COPY OF THAT WAIVER MUST THEN BE PROVIDED IN LIEU OF THE APPROVAL OR STATEMENT OF AUTHORIZATION. The City will not issue a construction permit nor will verbal authorization be given to proceed with initial grading and drainage operations until the approval or statement of authorization from the permitting agency has been submitted to the City. (2774, 5062/Reso. 6528)

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconditional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof, so long as the intent of the remaining portions is clear.

SECTION 3: Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in direct conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed upon this Ordinance taking effect.

SECTION 4: Effective Dates.

All amendments of this Ordinance shall take effect thirty (30) days after its adoption and is accordingly so ordained.

SECTION 5: Penalties.

Penalties shall be as prescribed in Section 8-5-9 of the Mesa City Code entitled Civil Penalties and Section 8-5-11 entitled Habitual Offender.

PASSED AND ADOPTED by the City Council of the City of Mesa, Arizona, this 15th day of April, 2013.



APPROVED:

Mayor

ATTEST:

Interim City Clerk, DeeAnn Mickelsen