

AMENDING CHAPTER 27

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO STORM WATER MANAGEMENT

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs.)

Section 1. That Section 27-1, Title, is hereby rewritten to read as follows:

This chapter shall be and is collectively referred to and cited as "The Stormwater ~~Water~~ Management Ordinance of Greensboro, North Carolina."

Section 2. That Section 27-2, Purposes, is hereby rewritten to read as follows:

The purpose of this chapter is to protect and promote the public health, safety and welfare by preventing the introduction of potentially harmful materials into the city storm sewer system; to protect property from potential storm-water damage; to maintain and enhance water quality; and to meet the requirements in the City of Greensboro's National Pollutant Discharge Elimination System Permit for Storm-~~W~~water Discharges.

Section 3. That Section 27-3, Objectives, is hereby amended by rewriting the section to read as follows:

[The objectives of this chapter are the following:]

- (1) To provide for the enforcement of the city's stormwater~~storm-water~~ quality management program;
- (2) To reduce the discharge of pollutants to the storm sewer system to the maximum extent practicable by requiring, where appropriate, the use of best management practices, structural and/or nonstructural stormwater~~storm-water~~ quantity and quality control measures and other provisions;
- (3) To provide for the inspection and proper maintenance of structural and nonstructural stormwater~~storm-water~~ controls and the municipal separate storm sewer;
- (4) To prohibit non-stormwater~~storm-water~~ discharges to the city storm sewer and require the removal of illicit connections to the city storm sewer;
- (5) To prevent improper disposal of materials that degrade water quality;
- (6) To permit sampling and monitoring for pollutants such as those associated with illicit discharges, improper disposal, industrial and construction activities, and the application of pesticides, herbicides, and fertilizers; and
- (7) To reduce erosion and sedimentation associated with stormwater~~storm-water~~ runoff.

Section 4. That Section 27-5, Authority, is hereby amended by rewriting the section to read as follows:

This chapter is adopted pursuant to Article 14, Section 5 of the Constitution of North Carolina; North Carolina General Statutes 143-214.7 and rules promulgated by the Environmental Management Commission there under Session Law 2006-246; the following authorities in NCGS: Chapter 15 (Criminal Procedure), Chapter 113A (Pollution Control and Environment), Chapter 130A (Public Health), Chapter 160A (Cities and Towns).

Section 5. That Section 27-7, Definitions, is hereby amended to revise the following definitions:

Best management practice (BMP). Refer to “Best management practice (BMP)” in Section 30-2-2.2 (Drainage and Watershed Protection)~~A structural or nonstructural management based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals. (Ref: Section 30-2-2.2)~~

Built-upon area. Refer to “Built-upon area” in Section 30-2-2.2 (Drainage and Watershed Protection)~~That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel (for pedestrian or vehicular use), recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are not considered built-upon area.)~~

Developer. ~~A person engaged in land, site, or building development. (Ref: Section 30-2-2.7.)~~

Drainage easement. Refer to “Drainage easement” in Section 30-2-2.4 (Easements)~~An easement which grants to the city council the right to maintain conveyances of drainage structures. (Ref: Section 30-2-2.4)~~

Easement. Refer to “Easement” in Section 30-2-2.4 (Easements)~~A grant of one (1) or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entity. (Ref: Section 30-2-2.4)~~

Erosion. Refer to “Erosion” in Section 30-2-2.5 (Soil erosion and sedimentation control)~~The wearing away of land surface by the action of wind, water, gravity, or any combination thereof. (Ref: Section 30-2-2.5).~~

Hazardous material. Refer to “Hazardous material” in Section 30-2-2.2 (Drainage and Watershed Protection)~~Any substance which, when discharged in any quantity, may present an eminent and substantial danger to the public health or welfare or to the environment. (Ref: Section 10-33)~~

Illicit discharge. Any discharge to a municipal separate storm sewer that is not composed entirely of ~~stormwater~~~~storm water~~ except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities. (Ref: 40 CFR 122.26(b) (2))

New development. Refer to “New development” in Section 30-2-2.2 (Drainage and Watershed Protection)~~Any activity for which a building permit or a grading permit is required, or any of the following without regard to a permit requirement: clearing, stripping, dredging, grading, excavating, transporting, and filling of land.~~

Person. Refer to “Person” in Section 30-2-2.7 (General)~~Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or their legal representative agents or assigns.~~

Preliminary plat. Refer to “Plat, preliminary (preliminary plan)” in Section 30-2-2.7 (General) ~~A map indicating the proposed layout of the subdivision showing lots, streets, water, sewer, storm drainage, and any other information required in Appendix 2 (Map Standards) (Ref: Section 30-2-2.7.)~~

Stormwater runoff. Refer to “Stormwater runoff” in Section 30-2-2.2 (Drainage and Watershed Protection). ~~*Storm water.* Storm water runoff, snow melt runoff, and surface runoff and drainage. (Ref: 40 CFR 122.26(b) (13))~~

Stream buffer. Refer to “Stream buffer” in Section 30-2-2.2 (Drainage and Watershed Protection) ~~*Riparian buffer or stream buffer.* An area of native or non-native woody vegetation adjacent to a stream or other natural conveyance of water or storm water.~~

Section 6. That Section 27-7, Definitions, is hereby amended to remove the following definition:

~~*Substantial redevelopment.* An increase or change in impervious area that impacts the municipal storm sewer system.~~

Section 7. That Section 27-8, Acronyms, is hereby rewritten to revise the following acronym:

~~*DEHNR*~~ --Department of Environmental, ~~Health,~~ and Natural Resources.

~~*SWPPP*~~ --Stormwater ~~Storm water~~ pollution prevention plans.

~~*SWQMP*~~ --Stormwater ~~Storm water~~ quality management program.

Section 8. That Section 27-10, Assessments, is hereby rewritten to read as follows:

- (a) Property owners of single-family homes, townhouses and condominium properties can request that city council approve a resolution that allows stormwater ~~storm water~~ improvement costs to be assessed against the property as a lien.
- (b) The city council shall determine which stormwater ~~storm water~~ improvements inside the city shall be provided and the type of solution, either piping or non-piping, for the improvement. The council shall likewise determine the amount of construction cost to be borne by the abutting property owners and the amount to be borne by the city.
- (c) The assessment formula for stormwater ~~storm water~~ improvements using a piping solution shall be set at a rate that recovers one hundred (100) percent of the construction cost, including engineering, labor and materials of a fifteen-inch storm water pipe or a rate not to exceed fifty (50) percent of the total project cost, whichever is less. The assessment formula for storm water improvements using a non-piping solution shall be set at a rate of ten (10) percent of the cost, including engineering, labor and materials. The assessment rate will be reviewed for any necessary adjustments once a year in coordination with the annual budget process.
- (d) Upon receiving notice of completion of a stormwater management project, city council shall confirm all assessment obligations in said project and shall call for advertisement of same in a local newspaper published at least weekly and which is generally available to Greensboro citizens. Such advertisement shall run within forty-five (45) days following the date of confirmation and shall inform that all listed assessment

obligations may be fully satisfied, without interest, if payment-in-full of the total principal balance is received by the tax collector within ninety (90) days following the date of confirmation.

(e) Assessment accounts not paid in full within ninety (90) days following the confirmation date shall be scheduled for payment in substantially equal installments, plus interest on the whole unpaid principal balance. Such interest shall be computed from the date of confirmation at a rate fixed in the assessment resolution, with said rate not exceeding the maximum allowed by law. The first installment shall become due and payable no later than one (1) year (three hundred sixty-five (365) days) following confirmation, with subsequent installments being due and payable on the regular and sequential cycle of the installment frequency (monthly, quarterly, semi-annually or annually) elected by the obligee(s) and with the final installment being due and payable by not later than one hundred twenty (120) months after the confirmation date.

If the obligee expresses no preference as to payment frequency the assessment obligation will be scheduled for payment in ten (10) annual installments. Upon approval of the tax collector, the frequency of payment for existing assessment accounts may be changed for the economic and budgetary convenience of the obligee, with the first such change being granted without charge and with subsequent changes being granted with a transaction fee of thirty-five dollars (\$35.00).

(f) At any time after the first ninety (90) days in the life of an assessment account the full principal balance may be paid in full with all accrued interest and without early payoff penalty.

Section 9. That Section 27-21(d), Water supply watershed districts, is hereby rewritten to read as follows:

(d) *Water supply watershed districts and other watershed districts.*

(1) *Incorporation of section 30-7-1 (Water Supply Watershed Districts and Other Watershed Districts); section 30-7-2 (General Watershed Areas and Other Watershed Districts); section 30-7-3 (Watershed Critical Areas). This section incorporates by reference the requirements of section 30-7-1, Water Supply Watershed Districts and Other Watershed Districts; section 30-7-2, General Watershed Areas and Other Watershed Districts; section 30-7-3, Watershed Critical Areas.*

Section 10. That Section 27-22, Stormwater management control requirements, is hereby rewritten to read as follows:

(a) *Purpose.*

(1) The purpose of the "Stormwater Management Control Ordinance" is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint and point source pollution associated with new development ~~or redevelopment~~ as well as illicit discharges within into the City of Greensboro municipally separate storm sewer systems. Additionally, this ordinance requires development that drains in whole or part to waters with special designation such as NSW or impaired waters assigned a Total Maximum Daily Load (TMDL) by North

Carolina DWQ, to be designed using best management practices, up to and including the installation of engineered stormwater controls, that reduce nutrients, or other pollutants of concern, to the maximum extent practicable, while still meeting other requirements of this ordinance. Proper management of stormwater runoff, including the provision of appropriate stream buffers, will minimize damage to public and private property, promote a functional storm drainage system, reduce local flooding and drainage problems, and maintain, to the extent practicable, the pre-developed stormwater runoff characteristics of the developed site.

(b) *Applicability.*

(1) *Coverage.* This section (Stormwater Management Control Requirements) applies to the following type of developments.

a. All sites containing new development ~~and/or redevelopment~~ including grading, paving, gravel placement, and construction of buildings and other structures within the corporate limits and the extraterritorial jurisdiction of the City of Greensboro.

b. The construction and installation of new public improvements by federal, State, or local government agencies shall comply with the provisions of this article to the extent practicable unless the federal, State or local government agency has a National Pollution Discharge Elimination System (NPDES) stormwater permit that applies to the project site.

(c) *Participation in a regional stormwater management facility.*

(1) *Where permitted.* Where a regional stormwater management facility has been established by one (1) or more local governments, or by an authority operating on behalf of one (1) or more local governments, a development may participate in said program in lieu of any certification of runoff control required by this article, provided that:

a. Runoff from the development drains to an approved existing or proposed public regional stormwater management facility that will be operational within two (2) years;

b. Participation is in the form of contribution of funds, contribution of land, contribution of stormwater management facility construction work, or a combination of these, the total value of which shall be in accordance with fee schedule adopted by the City Council; and

c. The technical review committee finds that the stormwater management plan is in compliance with all other applicable requirements of this article.

(2) *Use of contributions.* Each contribution from a development participating in a regional stormwater management facility shall be used for acquisition, design, construction or maintenance of one (1) or more such facilities in the same watershed in which the development is located.

(d) *Stormwater management plan.*

(1) *Plan required.* A stormwater management plan and separate operation and maintenance plan in accordance with the requirements of this article shall be submitted to the enforcement officer and shall include all applicable information listed in the Stormwater Management Manual and the Storm Drainage Design Manual. The stormwater management plan may be combined with any required watershed development plan.

(2) *Plan approval.* The Ttechnical Review Committee is authorized to approve the stormwater management plan and separate operation and maintenance plan, which is in conformance with the requirements of this article. Approval of the stormwater management plan must be as follows:

- a. *Site plans:* The stormwater management plan and separate operation and maintenance plan must have approval prior to or concurrent with site plan approval.
- b. *Preliminary subdivision plats:* The stormwater management plan must have approval prior to or concurrent with preliminary subdivision plat approval except that when a stormwater management improvement is proposed, the construction plan details including proposed grading, dimensions, calculations, etc. for the proposed improvement and the separate maintenance plan may be approved following preliminary subdivision plat approval. The construction plan details and separate operation and maintenance plan must be approved prior to issuance of any permits as specified in section 27-22(d)(3).
- (3) *Approved plan a prerequisite.* The enforcement officer is not authorized to issue any permits, except as provided in section 30-3-4.2 (Permits Issued Prior to Site Plan or Preliminary Plat Approval) of the Greensboro Development Ordinance, for development on any land unless and until a stormwater management plan, that is in compliance with the requirements of this section, has been approved.
- (4) *Plan certification requirement for structural stormwater management improvements.* Where a structural stormwater management improvement is required for a development to meet the requirements of this article, a North Carolina licensed professional engineer shall sign and seal a certification on the plan that the plan meets all stormwater management requirements of this section.
- (e) *Stormwater management improvements.*
 - (1) *Construction of improvements.*
 - a. The construction of all structural stormwater management improvements, shown on an approved stormwater management plan shall be substantially completed prior to final plat recordation or issuance of any building certificate of compliance. Upon approval by the enforcement officer, a surety for the completion of stormwater management improvements may be given to the City of Greensboro in order to record the final plat.
 - b. Final approval of the installed stormwater management improvements is required at the time of issuance of the final building certificate of compliance. If neither a building permit nor a grading permit is required for a site, then the installation of the required structural stormwater management improvements shall be substantially completed or a surety for completion must be obtained prior to installation of any built-upon area on the site. An engineer's certification of completion of the form below (which is identical to Table 30-7-1-6 of the Greensboro Development Ordinance), shall be required prior to final approval by the enforcement officer.
- c. *As-Built Plans.* The applicant shall submit the following:
 - (i) Prior to the issuance of any certificate of compliance the applicant shall submit under seal actual as-built plans for all stormwater conveyances. The plans shall show the final design specifications for all stormwater conveyances with the field location, size, depth, controls, and devices, as installed. This shall include plan view drawings showing all public and private storm drainage piping twelve (12) inches or larger in diameter with associated invert elevation data.
 - (ii) Upon completion of the structural best management practices and before a final certificate of compliance is granted, the applicant shall submit under seal as-built plans for the structural best management practice.

ENGINEER'S CERTIFICATION OF
STORMWATER CONTROL COMPLETION

The engineer's certification, required according to section 30-7-1.6(B) of the Greensboro Development Ordinance and section 27-22(e) of the Stormwater Management Ordinance upon completion of permanent stormwater control structures, shall be of the following form:

ENGINEER'S CERTIFICATION OF
STORMWATER CONTROL COMPLETION

I certify that, pursuant to generally accepted engineering standards in the community, it is my professional opinion that the permanent stormwater control(s) labeled as _____ on this plat (or on (name of plat–) as recorded in PB _____, PG _____ in the Office of the Guilford County Register of Deeds) has been completed in conformance with the plans and specifications approved on (approval date) , has its full design volume available, and is functioning as designed.

P.E. SEAL _____

SIGNATURE _____

DATE _____

(2) *Recordation of permanent improvements.* All permanent stormwater management improvements and associated access/maintenance easement(s) shall be recorded on a final plat, and if required by section 27-22(e)(3), a mechanism to ensure their operation and maintenance shall be established concurrent with or prior to plat recordation.

(3) *Maintenance responsibility.*

a. When a stormwater management improvement serves more than one (1) parcel, an owners' association or binding contract for the purpose of operation and maintenance is required. See section 30-6-10.1, Establishment of Owners' Association, of the Greensboro Development Ordinance.

b. The owner or owners' association shall be responsible for operating and maintaining the completed stormwater management improvement in accordance with the approved operation and maintenance plan or as directed by the governmental office having jurisdiction for stormwater management ~~or by the approved maintenance plan~~. If an owners' association is responsible for the maintenance of the stormwater management improvements such responsibility must be stated in the association declaration. An underground oversized storm sewer system which is approved through TRC for acceptance and maintenance by the city, carries public waters and is located either in the dedicated street right-of-way or drainage maintenance and utility easement is exempt from this requirement.

c. The enforcement officer has the authority to inspect stormwater management improvements and to notify the responsible property owner or owners' association when maintenance or repairs are required. All required repairs and maintenance shall be performed within ninety (90) days after such notice. In case of failure by the responsible party to perform the required maintenance or repairs within the stated period, the city may perform such maintenance or repairs and recover all costs attendant thereto from the property owner or owners' association.

(f) *Stream protection requirements.*

(1) Refer to Section 30-7-1.8 (Stream Buffer Required) for stream buffer requirements.~~*Stream channelization/piping.*~~

~~a. Perennial streams, as defined by the Stormwater Management Manual, within a designated water supply watershed may not be channelized or piped, except for channelization permitted pursuant to section 30-7-1.8(C), Stream Channelization.~~

~~b. Perennial streams that are outside of a designated water supply watershed and other streams that are not classified as perennial may be channelized or piped, but only after obtaining all applicable federal and state permits and certifications.~~

~~(2) *Stormwater management stream buffers.* On any streams where section 30-7-1.8, Stream Buffer Required, requires a stream buffer, this section will require the same buffer. On all other streams, or section of streams, to which this section applies, stream buffers with minimum widths as specified below shall be maintained along all open (1) perennial streams, as defined by the Stormwater Management Manual, and (2) drainage channels draining an area equal to or larger than fifty (50) acres.~~

~~a. The buffer shall consist of two (2) strips of land totaling a minimum total width of fifty (50) feet on each side of the water body:~~

~~The first strip of land has a minimum width of fifteen (15) feet measured horizontally from and perpendicular to the top of stream bank, or the top of slopes steeper than fifteen (15) percent, or the edge of contiguous sensitive areas (i.e. wetlands). This first strip of land and the area between this first strip of land and the first strip of land on the other side of the water body is to be maintained free from development including disturbance of the soil, grading or filling, erection of structures, fences or placement of built upon surfaces except those associated with street and driveway crossings, utility crossings, and installation of stormwater management facilities where no practicable alternative exists. The second strip of land has a minimum width of thirty five (35) feet measured horizontally from and perpendicular to the landward edge of the first strip of land. This second strip of land is to be maintained free from occupied structures and shall maintain a built upon area below fifty (50) percent with the exception of public or private street crossings.~~

~~(g) *Stormwater management requirements.*~~

~~(1) Stormwater management requirements for all new development and redevelopment shall consist of, as a minimum, runoff control measures necessary to control runoff to a level which will not cause increased off-site quantity problems as specified in (2) and (3) below. Development projects that meet or exceed the high-density limit as listed in Table 30-7-1-4 (Density Limits in Water Supply Watersheds and Other Watershed Districts) shall also meet the water quality requirements of Section 30-7-1.12(B) (Methods of Stormwater Quality Control).~~

~~(2) *Quantity control requirements.*~~

~~a. The engineer shall provide a certification that said development or redevelopment would not cause increased offsite flooding, drainage, or erosion problems. Determination of impacts shall be based on hydrologic and hydraulic engineering studies extending downstream to a point where the proposed site development or redevelopment represents less than ten (10) percent of the total drainage area or watershed. The studies shall be based on an analysis of both two- and ten-year 24-hour storm events. (see Stormwater Management Manual).~~

b. Where it is determined that the development of the said site does contribute to flooding, drainage or soil erosion problems at any location between the proposed development site and the ten (10) percent downstream point then stormwater quantity control improvements must be implemented. The stormwater quantity control improvements must limit the two-year and ten-year post-development peak discharge rates to pre-development peak discharge rates, to minimize increased flooding, drainage, and erosion problems. These improvements may consist of nonstructural approaches such as natural swales, depressions in the land and other natural approaches, or structural approaches such as detention structures (wet and dry basins), extended detention facilities and alternative best management practices with provisions for stormwater quantity control. A combination of nonstructural and structural approaches is encouraged.

c. For stormwater management improvements that are proposed to be implemented to meet the quantity control requirements of this section, a hydrologic-hydraulic analysis of the site drainage system in the pre-development condition and the post-development condition shall be performed. The analysis should be included with the stormwater management plan and should demonstrate that the quantity control requirements stated in section 27-22(hg)(2)(a) will be achieved by the proposed improvements. These improvements shall be subject to review and approval by the enforcement officer.

(3) Developments that meet the requirement for being identified as an integrated multiple use developments, planned unit developments, phased developments or group developments can meet the requirements of section 27-22(g) at the point the discharge leaves the overall property.

(h) *Master plan requirements.* It is the intent of the City of Greensboro to produce stormwater quantity and quality management master plans to guide the design and development of the drainage system for all of the major sub-watersheds and watersheds in the city. Where such master plans are available and approved by the city council, site development projects are to conform to the stormwater management guidance and standards available in said master plans.

(i) *Additional requirements.* If site characteristics indicate that complying with the minimum stormwater management requirements of this section will not provide adequate designs or protection for local residents, and downstream property, it shall be the site designer's responsibility to exceed the minimum requirements as necessary.

(j) *Exempt activities.* The following activities are exempt from the requirements of section 27-22(g). However, any restrictions upon building location, drainageways, pavement, or other built-upon area, or any other matter appearing on any previously approved development plan covering the subject property, shall be complied with unless and until replaced by an approved revised plan.

(1) Individual single-family housing on an individual lot.

(2) Replacement of existing built-upon area with like or lesser amount of new built-upon area at the same location, or at a different location on the same zone lot provided ~~if~~ the enforcement officer has determined that equal or improved stormwater management will result.

(3) Placement of small accessory buildings or structures or small amounts of additional built-upon area provided that the total additional built-upon area is no greater than four hundred (400) square feet.

(4) Activities exempt from permit requirements of Section 404 of the Federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities).

Section 12. That Section 27-31(b) is hereby rewritten to read as follows:

(b) Improper disposal. It shall be unlawful for any person to discharge non-~~stormwaterstorm-water~~ to any ~~stormwaterstorm-water~~ conveyance with the exception of the following:

- (1) Water line flushing;
- (2) Diverted stream flows;
- (3) Rising ground waters;
- (4) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;
- (5) Uncontaminated pumped ground water discharges from potable water sources;
- (6) Foundation drains;
- (7) Air conditioning condensation;
- (8) Irrigation water;
- (9) Springs;
- (10) Water from crawl space pumps;
- (11) Footing drains;
- (12) Lawn watering;
- (13) Car washing at one's residence, not for hire;
- (14) Flows from riparian habitats and wetlands;
- (15) Dechlorinated swimming pool discharges;
- (16) Street wash waters; and
- (17) Discharges from firefighting.

Section 13. That Section 27-31(d)(4) is hereby rewritten to read as follows:

(4) It shall be unlawful to place grass clippings, leaves, tree and shrub clippings, or any other yard wastes in any street, storm drain, stream, ~~stormwaterstorm-water~~ conveyance, or any other location where concentrated ~~stormwaterstorm-water~~ flows will wash such wastes into the storm sewers.

Section 14. That Section 27-31(d)(5) is hereby rewritten to read as follows:

(5) No privy, pigpen or stable of any kind shall be permitted to stand so near any stream, ditch, drain, or ~~stormwaterstorm-water~~ conveyance of any kind that the droppings therefrom will run into such stream, ditch, drain, or ~~stormwaterstorm-water~~ conveyance or in any way poison or contaminate the water therein; nor shall the urine from any privy be allowed to fall or be emptied into any stream, ditch, drain, or ~~stormwaterstorm-water~~ conveyance. (Ref: Section 18-5(d))

Section 15. That Section 27-41, Review of stormwater pollution prevention plans, is hereby rewritten to read as follows:

The city may review the ~~stormwater~~~~storm-water~~ pollution prevention plans required under a facility's NPDES ~~stormwater~~~~storm-water~~ discharge permit when outfall monitoring or the illicit discharge/improper disposal program locates a suspected violator.

Section 16. That Section 27-46, Self inspection records, is hereby rewritten to read as follows:

The city's manager or his designee may review on request the self-inspection record required for sites with land-disturbing activity greater than one~~five~~ (1~~5~~) acres. Site operators who do not supply the requested information shall be reported to the locally delegated erosion control program or DENR Division of Land Resources~~DEM~~ for permit noncompliance.

Section 17. That Section 27-47, Runoff control structures, is hereby rewritten to read as follows:

Runoff control structures shall be constructed and maintained according to the specifications in the development ordinance (Chapter 30), DWQ Stormwater Best Management Practices Manual, Stormwater Management Manual, and the North Carolina Erosion and Sediment Control Planning and Design Manual.

Section 18. That Section 27-52(a)(1) is hereby rewritten to read as follows:

(1) Any person who is found responsible for an illicit connection shall receive a notice of violation when the connection is discovered. The person shall have thirty (30) days to remove the connection. At the end of that time if the connection has not been removed, the city may enter the property and take measures necessary to remove the connection and perform whatever cleanup or abatement is necessary. If the person fails to remove the connection in the time prescribed, the city may petition the superior court of justice, for the issuance of an injunction to compel removal and payment; however, removal of the illicit connection shall be immediate upon the determination of the ~~stormwater~~~~storm~~ ~~water services~~ management division that the connection poses an imminent threat to public health.

Section 19. That Section 27-52(a)(2) is hereby rewritten to read as follows:

(2) If any person who previously has been found to have an illicit connection reconnects to the municipal separate storm sewer, he shall be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00). The penalty shall increase by twenty-five (25) percent of the previous penalty amount for every subsequent illicit connection made by the same person. The penalty shall be additional to the cost of cleanup and abatement. Civil penalties assessed under this section are considered restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control,

prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the city for its costs.

The assessment of civil penalties herein is not intended to be an exercise of powers delegated to other agencies or entities created by the General Assembly to regulate the proscribed conduct. If the person has or is required to have a ~~stormwater~~storm water discharge permit from the state division of environmental management, the city shall alert the appropriate state authorities of the violation. In determining the amount of the penalty the city manager or his designee shall consider the following:

- a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on ground or surface water quality or on air quality;
- d. The cost of rectifying the damage;
- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The prior record of the violator in complying or failing to comply with the ~~stormwater~~storm water quality management program; and
- h. The costs of enforcement to the City of Greensboro.

Section 20. That Section 27-52(b)(1), Process wastewater, is hereby rewritten to read as follows:

(1) Process wastewater. Any person who is found to have improperly disposed of process wastewater to the municipal separate storm sewer shall be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00). Civil penalties assessed under this section are considered restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the city for its costs.

The assessment of civil penalties herein is not intended to be an exercise of powers delegated to other agencies or entities created by the General Assembly to regulate the proscribed conduct. In determining the amount of the penalty the city manager or his designee shall consider the following:

- a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on ground or surface water quality or on air quality;
- d. The cost of rectifying the damage;
- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The prior record of the violator in complying or failing to comply with the ~~stormwater~~storm water quality management program; and
- h. The costs of enforcement to the City of Greensboro.

Section 21. That Section 27-52(b)(2), Bulk sales, is hereby rewritten to read as follows:

(2) Bulk sales. Any person who is found to have improperly disposed of any substance that was purchased at a bulk sales location which, upon discharge to the municipal separate storm sewer system or drainage network, would have an adverse impact on water quality or cause the city to be in noncompliance with any applicable environmental permit shall be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00). Civil penalties assessed under this section are considered restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the city for its costs.

The assessment of civil penalties herein is not intended to be an exercise of powers delegated to other agencies or entities created by the General Assembly to regulate the proscribed conduct. In determining the amount of the penalty the city manager or his designee shall consider the following:

- a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on ground or surface water quality or on air quality;
- d. The cost of rectifying the damage;
- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The prior record of the violator in complying or failing to comply with the ~~stormwater~~ storm water quality management program; and
- h. The cost of enforcement to the City of Greensboro.

Section 22. That Section 27-52(b)(3), Household products, is hereby rewritten to read as follows:

(3) Household products. Any person who is found to have improperly disposed of any substance that was purchased over-the-counter for household, in quantities considered normal for household purposes, which, upon discharge to the municipal separate storm sewer system or drainage network, would have an adverse impact on water quality or cause the city to be in noncompliance with any applicable environmental permit shall be assessed a civil penalty not to exceed five hundred dollars (\$500.00). Civil penalties assessed under this section are considered restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the city for its costs.

The assessment of civil penalties herein is not intended to be an exercise of powers delegated to other agencies or entities created by the General Assembly to regulate the proscribed conduct. In determining the amount of the civil penalty the city manager or his designee shall consider the following:

- a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on ground or surface water quality or on air quality;
- d. The cost of rectifying the damage;

- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The prior record of the violator in complying or failing to comply with the stormwater~~storm-water~~ quality management program; and
- h. The costs of enforcement to the City of Greensboro.

Section 23. That Section 27-52(b)(4), Yard waste, is hereby rewritten to read as follows:

(4) Yard waste. Any person who is found to have improperly disposed of leaves, grass clippings, or other yard wastes shall be assessed a civil penalty not to exceed five hundred dollars (\$500.00). Civil penalties assessed under this section are considered restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the city for its costs.

The assessment of civil penalties herein is not intended to be an exercise of powers delegated to other agencies or entities created by the General Assembly to regulate the proscribed conduct. In determining the amount of the penalty the city manager or his designee shall consider the following:

- a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on ground or surface water quality or on air quality;
- d. The cost of rectifying the damage;
- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The prior record of the violator in complying or failing to comply with the stormwater~~storm-water~~ quality management program; and
- h. The costs of enforcement to the City of Greensboro.

Section 24. That Section 27-54(7), Notification of the state enforcement officials, is hereby rewritten to read as follows:

(7) *Notification of the state enforcement officials.*

- a. Industrial and related facilities. When a city manager or his designee discovers an apparent violation of an industrial or related facility's NPDES stormwater~~storm-water~~ discharge permit or that the facility is not operating pursuant to its stormwater~~storm-water~~ pollution prevention plan, the city shall notify the appropriate state officials immediately.
- b. Construction sites. If the city manager or his designee discovers an apparent violation of the NPDES stormwater~~storm-water~~ discharge permit required by the state for sites with land-disturbing activity greater than one~~five~~ (1~~5~~) acres, he shall report the violation immediately to the appropriate state officials.
- c. Abatement. When the discharge from the facility interferes significantly with the municipal separate storm sewer, and the facility fails to take appropriate actions upon notification by the city, the city may take immediate and appropriate measures to control

the problem whether or not the facility is violating its NPDES permit and recover the cost from the facility.

Section 25. That Section 27-61, Appeal hearing, is hereby rewritten to read as follows:

- (a) Any person assessed a civil penalty under this chapter shall have the right to a hearing before the ~~stormwater~~~~storm-water~~ management~~services~~ division upon making a written demand to the division specifying the issues to be contested, within thirty (30) days following receipt of the assessment.
- (b) Unless such written demand is made within the time specified herein, the action shall be final and binding.
- (c) The ~~stormwater~~~~storm-water~~ management~~services~~ division shall make a final decision on the contested penalty within thirty (30) days of the receipt of the written demand for a hearing.
- (d) The ~~stormwater~~~~storm-water~~ management~~services~~ division shall transmit a copy of the decision by registered or certified mail.
- (e) The decision of the ~~stormwater~~~~storm-water~~ management~~services~~ division shall be considered the final administrative action for the purposes of judicial review.

Section 26. That Section 27-62, Judicial review, is hereby rewritten to read as follows:

Any person may seek judicial review of a final administrative decision by the ~~stormwater~~~~storm-water~~ management~~services~~ division by filing a petition for writ of certiorari within thirty (30) days after receipt of notice by registered or certified mail, but not thereafter, with the Superior Court of Guilford County and with a copy to the City of Greensboro.

Section 27. That Section 27-67, Purpose of service charge, is hereby rewritten to read as follows:

Sec. 27-67. Purpose of service charge.

~~Stormwater~~~~Storm-water~~ management services shall be funded through the operation of a storm water utility, as authorized by state law, and charges shall apply to all property within the city limits, without regard to ownership. Such charges shall be based on the presence of impervious surface on each parcel as determined by the unit standard set forth in section 27-66. The city shall set a base rate for single-family residential units and calculate charges for other property units utilizing the equivalent residential unit as a multiplier.

Section 28. That Section 27-69, Annexation of storm water sewers and drainage stems, is hereby rewritten to read as follows:

Sec. 27-69. Annexation of ~~stormwater~~~~storm-water~~ sewers and drainage systems.

Upon annexation of property that includes dedicated public streets containing storm sewers and other such ~~stormwater~~~~storm-water~~ drainage system, such storm sewer systems and features shall become the property of the city without cost to the city and shall be

incorporated into the city storm sewer and drainage system as if they were originally constructed by the city.

Section 29. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 30. Stormwater management plans initially submitted to the Planning Department for Technical Review Committee (TRC) review after June 1, 2009 will be subject to the provisions contained within this amendment.

Section 31. This effective date of this ordinance shall be June 1, 2009.