

CHAPTER 12a

STORMWATER REGULATION

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12a-01-010 Findings of Fact.

Illicit discharges of stormwater occur to the municipal separate storm sewer system (MS4) from residential, business, industrial or commercial facilities. This often results in contaminated stormwater, wastes or wastewater entering into receiving waters without treatment. This, in turn, may negatively impact public health and welfare, and the environment. Because treatment is difficult to provide, the regulatory focus is on avoiding such discharges in the first place. And, because illicit discharges from facilities may be inadvertent, any program of regulating such discharges by the Town of Prescott Valley to its MS4 must include a strong educational component along with regulation and enforcement.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-020 Purpose and Intent.

- A. The purpose of this Chapter is to provide for health, safety, and general welfare within the Town through the regulation of non-stormwater discharges to the MS4 to the maximum extent practicable (MEP) as required by federal and state law. To that end, this Chapter requires that unless expressly authorized or exempted no person shall cause, participate in, or allow discharge to the MS4 of any substance not composed entirely of stormwater. This Chapter establishes authority for designated Town personnel to conduct and require inspection, monitoring, reporting, enforcement and education activities to identify, prevent and remediate illicit discharges to the MS4.
- B. It is the intent of this Chapter to comply with Arizona pollutant discharge elimination system (AZPDES) regulations for stormwater discharges, to be consistent with the stormwater quality provisions of the Clean Water Act (33 U.S.C. §1151 et seq.), and to otherwise enable the Town to comply with all applicable stormwater quality provisions of federal, state, and local laws and regulations to ensure the health, safety, and general welfare of the citizens and protect and preserve the local environment.

- C. Because the standards promulgated by this Chapter are minimum standards, it is not intended or implied that compliance with the specific provisions hereof will ensure that there is no actual contamination, pollution, or unauthorized discharge of pollutants.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-030 Definitions.

The following definitions apply to this Chapter.

Arizona Department of Environmental Quality (ADEQ): The Arizona state agency established pursuant to A.R.S. §49-102 (as amended).

Arizona Pollutant Discharge Elimination System (AZPDES): The program established by the State of Arizona by provisions in A.R.S. Title 49, Chapter 1, Article 3.1 (as amended) to control the discharge of pollutants to waters in Arizona.

AZPDES General Permit: A general permit issued by ADEQ under authority delegated by EPA pursuant to 33 U.S.C. §1342(b) (as amended).

Best Management Practices (BMPs): Activities, processes, devices, prohibitions, maintenance procedures, and management practices to prevent or reduce the discharge of pollutants to the MS4. BMPs include treatment requirements, operating procedures, design requirements, and practices to control runoff, spillage, leaks, waste disposal or pollution through stormwater flows.

Combined Sewer: Any enclosed sewer system that conveys both wastewater and stormwater flows.

Construction General Permit: A permit issued by the permitting authority that allows discharges of stormwater from construction activities as defined in C.F.R. §122.26 (as amended).

Construction Site Operator: The primary operator of construction activities at a site within the corporate limits of the Town.

CWA: Clean Water Act or Federal Pollution Control Act (22 U.S.C. 1251 et seq.) (as amended).

Designee: Any person designated for a specific regulatory purpose under the provisions of this Chapter by the person or official otherwise explicitly named in the provision.

Discharge: Any spilling, leaking, pumping, pouring, emitting, emptying, injecting, placing, releasing, leaching, dumping, flowing or disposing of a substance on or in any land (including, without limitation, any natural or constructed features, improvements, or collections of waters on or in the surface or subsurface of land).

EPA: The United States Environmental Protection Agency.

Erosion: The wearing away of land due to the actions of water, other liquid, and/or wind.

Facility: Any land, building, installation, structure, equipment, device, conveyance, area, source, activity or practice from which there is, or with reasonable probability may be, a discharge.

Illicit Connection: Any man-made conveyance that discharges an illicit discharge to the MS4.

Illicit Discharge: Any discharge to the MS4 that is not composed entirely of stormwater (except any such discharges that may be expressly allowed under AZPDES Permit No. AZG2002-002).

Maximum Extent Practicable (MEP): The technology-based discharge standard for MS4s to reduce pollutants in stormwater discharges. A discussion of MEP as it applies to small MS4s is found at 40 C.F.R. 122.34 (as amended). CWA §402(p)(3)(B)(iii) (as amended) requires that any municipal stormwater permit require controls to reduce the discharge of pollutants to the MEP (which includes BMPs, control techniques and system designs, engineering methods and other provisions that the State of Arizona determines appropriate for the control of such pollutants).

Municipal Separate Storm Sewer System (MS4): Any publicly-owned conveyance or system of conveyances (including, but not limited to, a public storm drain system but not a combined sewer or POTW) designed or used for collecting or conveying stormwater.

Municipal Stormwater Permit: The AZPDES Stormwater Permit for discharge from small MS4s to waters of the United States. This permit is issued by ADEQ under authority delegated from EPA pursuant to 33 U.S.C. 1342(b) (as amended).

Non-Stormwater Discharges: Any discharge that does not consist entirely of stormwater.

National Pollutant Discharge Elimination System (NPDES): A permit issued by EPA or by a state under authority delegated pursuant to 33 U.S.C. §1342(b) (as amended).

Notice of Intent (NOI): A document submitted to the permitting authority in order to obtain coverage under a construction general permit.

Permitting Authority: The NPDES-authorized state agency or EPA regional office that administers the NPDES stormwater permit program.

Person: Any individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, partnership, association, state, political subdivision, or commission (including the United States government, any federal facility, interstate body or similar entity).

Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are expressly not limited to, contaminants, toxic wastes, chemicals, petroleum products, biological materials, wrecked or discarded equipment, rocks, sand, paints, varnishes and solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter, other discarded or abandoned objects, floatables, pesticides,

herbicides, fertilizers, hazardous substances and wastes, heat, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure, noxious or offensive matter of any kind, or any other liquid, solid, gaseous or hazardous substance.

Pollution: The alteration of the physical, thermal, chemical, or biological quality of (or the contamination of) any water of the State of Arizona or waters of the United States, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water(s) for any lawful or reasonable purpose.

Publicly-Owned Treatment Works (POTW): Any device or system used in the treatment (including recycling and reclamation) of wastewater (including municipal sewage or industrial wastes of a liquid nature) owned by a state or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

Public Storm Drain System: All or any part of the publicly-owned and maintained roads, streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, and dry wells located within public easements, rights-of-way, parks, common areas, retention areas, or other publicly-owned or maintained real property designed or used for collecting, holding, treating, or conveying stormwater.

Receiving Waters: Any river, ocean, stream, or other watercourse into which wastewater, stormwater or treated effluent is discharged.

Stormwater: Any surface flow, runoff or drainage consisting entirely of water from any form of natural precipitation (and resulting from such precipitation) which originates from a facility.

Stormwater Management Plan (SWMP): A document which describes the BMPs and other activities to be implemented by the Town to identify and eliminate or reduce illicit connections and discharges to the MS4 to the MEP. This document may also be designated "Stormwater Quality Management Plan".

Stormwater Pollution Prevention Plan (SWPPP): A document which describes the BMPs and other activities to be implemented by persons to identify and eliminate or reduce illicit connections and discharges from facilities to the MS4 (and/or receiving waters) to the MEP.

Town: Town of Prescott Valley, Arizona.

Wastewater: Any water or other liquid (not including uncontaminated stormwater) discharged from a facility.

Watercourse: Any body or collection of water (including, but not limited to, lakes, ponds, rivers, streams, and washes whether perennial, intermittent or ephemeral).

Waters of the United States: For purposes of the Clean Water Act (as determined by EPA), traditionally navigable waters and their tributaries which have at a minimum continuous seasonal flow or have a significant nexus regarding the chemical, physical or biological integrity of the navigable water. Generally, roadside ditches, small washes and gullies

characterized by low, infrequent, or low duration flows will not be considered waters of the United States.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-040 Applicability.

The provisions of this Chapter are applicable to all stormwater entering the MS4, waters of the United States, water of the State of Arizona, and watercourses originating from facilities within the Town limits (unless explicitly exempted by an AZPDES General Permit).

(Ord. No. 842, Enacted, 06/14/18)

12a-01-050 Responsibility for Administration.

Unless otherwise set forth in the provisions referenced in this Chapter, the Town Engineer shall administer, implement, and enforce the provisions of the Chapter. Designees may also exercise powers and perform duties under the provisions of this Chapter. In the case of overlapping authority regarding wastewater discharge as set forth in Town Code Chapter 13, the Town Utilities Director or designee may act on behalf of the Town Engineer.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-060 Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter (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 Chapter.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-070 Discharge Prohibitions.

- A. All illicit connections and discharges to the MS4 are prohibited. These include (but are expressly not limited to):
 - 1. Discharges that are a source of pollutants, including discharges through connections that are a source of pollutants.
 - 2. Discharges of soil, rock, trash, garbage and other waste.
 - 3. Discharges from commercial car washing, mobile car washing, or impervious surface pressure washing operations.
 - 4. Discharges from concrete washing.
 - 5. Discharges of oils, fuels, paints, greases.

6. Discharges of grit and sand from grinding.
 7. Discharges from carpet cleaning.
 8. Discharges of chlorinated water from spas, swimming pools and similar facilities.
 9. Discharges resulting from misrepresentation of the nature of discharge on an application, a plan, permit or certification.
 10. Discharges not disclosed on an application, plan, permit or certification.
 11. Discharges of wastewater as defined in Town Code Chapter 13 and this Chapter.
 12. Continuing discharges that have not been permitted by the Town.
- B. The prohibition regarding illicit discharges includes, without limitation, continuing discharges from currently illicit connections that may have originally been permissible under law or practices applicable or prevailing at the time of construction.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-080 Allowable Non-Stormwater Discharges.

- A. The following discharges are generally not deemed significant contributors of pollutants to the MS4 and are allowable non-stormwater discharges (unless determined in specific instances to contribute to a violation of the AZPDES General Permit or other permit(s)):
1. Water line flushing.
 2. Landscape irrigation.
 3. Diverted stream flows.
 4. Rising ground waters.
 5. Uncontaminated ground water infiltration.
 6. Uncontaminated pumped groundwater.
 7. Discharges from potable water sources.
 8. Foundation drains.
 9. Air conditioning condensate.
 10. Irrigation water.

11. Springs.
 12. Water from crawl space pumps.
 13. Footing drains.
 14. Lawn watering.
 15. Individual residential car washing.
 16. Discharges from riparian habitats and wetlands.
 17. De-chlorinated swimming pool and spa discharges.
 18. Street wash water.
 19. Discharges of flows from emergency firefighting activities.
- B. Though discharges permitted under the AZPDES general permit are regulated by the State of Arizona, the Town may require persons to demonstrate that any particular discharge is subject to that permit. Discharges under separate permits issued by ADEQ are permitted so long as the permit conditions are adhered to.
- C. It is the responsibility of persons discharging from any facility connected directly or indirectly to the MS4 to demonstrate through testing, records, plans, and other documents that the discharge is permitted under this Chapter.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-090 Plan Review, Inspections, Access and Reports.

- A. Persons required to submit any grading, building, or other improvement plans under the Town Code shall disclose any illicit discharge, stormwater, or permitted non-storm water discharge of any type to the MS4 that may occur as a result of, or in conjunction with, implementation of the plans. To the extent the discharge would be an illicit discharge, the plan shall include BMPs to remove or prevent the illicit discharge during and after construction (and said BMPs shall be subject to approval of the Town Engineer).
- B. Persons (including heirs and assigns) shall maintain any approved BMPs during and after construction. Any changes to approved BMPs shall be at least as effective in preventing pollution as the original BMPs and shall be timely disclosed to the Town Engineer. The Town Engineer may require adjustments to the proposed changes as necessary to assure that discharges to the MS4 are of a quantity and quality that will not result in violations of the Town's stormwater permits.
- C. Town representatives shall be granted reasonable access to all facilities discharging to the MS4.

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- D. Further development of parcels and/or lots, regardless of time elapsed, shall require use of current BMPs that are at least as effective as those identified in the original plans in complying with applicable regulations, laws, and codes. Any new State permits shall also be required.
- E. Site-specific stormwater pollution prevention plans are required for all construction projects one acre or greater in size. Such plans shall identify minimum BMPs to be used upon further development of the project area.
 - 1. Smaller areas may develop site-specific plans or provide a notice of intent to abide by the Town's general stormwater pollution guidelines. The notice of intent shall be of a format approved by the Town Engineer and shall at a minimum contain the following:
 - a. The name of the development (as applicable).
 - b. The name of the property owner.
 - c. The name of the person responsible for compliance with the pollution prevention plan.
 - d. The anticipated time frame for constructing the project.
 - e. A statement to be signed by the responsible person and the property owner stating:

"The responsible person and the person owning the property for which this Notice of Intent is submitted agree to require that all construction work and related activity be conducted in accordance with the Prescott Valley Town Code and the requirements of the Town of Prescott Valley General Stormwater Pollution Prevention Guidelines. Such persons further understand that failure to meet the mentioned requirements will be sufficient cause for the Town to restrict or stop work on the property until the requirements are met. Such persons may also be subject to other actions under law."
- F. The Town Engineer shall develop, publish, and update from time to time general stormwater pollution guidelines. These guidelines shall, at a minimum, address pollution caused by soil erosion, motor oil, trash, and landscape debris.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-100 Temporary Suspension of MS4 Access.

- A. The Town Engineer may, without prior notice, issue a written order temporarily suspending for up to ten (10) calendar days MS4 discharge access when such suspension is believed by him to be necessary to stop an actual or threatened discharge which presents (or may reasonably present) imminent and substantial danger to the environment or to the health or welfare of persons (or to the MS4).

1. Failure to comply with such a temporary suspension order shall be a civil offense and may be enforced by issuance of a citation under Town Code §1-08-020 (as amended).
- B. In the event the imminent and substantial danger to the environment, or to the health or welfare of persons (or to the MS4) has not been resolved during the temporary suspension, the Town Engineer or designee may issue an order for further interim suspension as set forth in §12a-01-120 hereinafter.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-110 Industrial or Construction Activity Discharges.

- A. Persons subject to industrial or construction activity AZPDES/NPDES stormwater discharge permits shall comply with all provisions of such permits and may reasonably be required by authorized Town representatives to show proof of such compliance.
- B. Authorized Town representatives may enter and inspect facilities subject to regulation under applicable stormwater permits at reasonable times and as often as may be necessary to determine compliance with this Chapter.
1. If a discharger has security measures in effect which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to authorized Town representatives.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-120 Interim Suspension Due to Detection of Illicit Discharge.

- A. As part of any enforcement action in accordance with Article 12a-02 hereinafter, any discharge to the MS4 may be suspended by written order filed as part of the enforcement action for the purpose of abating or reducing an allegedly illicit discharge during the pendency of the enforcement action.
1. Said order shall set forth the evidence for the illicit discharge and the basis for interim suspension and its commencement date.
- B. An alleged violator may petition the Town Hearing Officer in writing to quash any interim suspension order issued by the Town Engineer as part of an enforcement action. The Hearing Officer shall hold a hearing to consider such petition within ten (10) working days after receipt thereof (unless the same is considered prior thereto as part of the adjudication of the underlying enforcement action).
- C. Failure to comply with an un-quashed interim suspension order shall be a civil offense.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-130 Watercourse Protection.

- A. Persons owning or leasing property through which a watercourse passes shall keep and maintain the portion 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.
- B. Persons owning or leasing property on which privately-owned structures are found within or adjacent to a watercourse shall maintain those structures so as not to become a hazard to the use, function, or physical integrity of the watercourse.
 - 1. All such maintenance activities must be in compliance with applicable federal, state and local regulations.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-140 Notification of Spills.

Persons in control of facilities where chemical spills or releases may result in discharges not in compliance with this Chapter shall:

- A. Ensure that a written stormwater pollution prevention plan or corrective action plan utilizing BMPs is in place for the facility.
- B. Post notices to employees containing information about whom to contact and what procedures to follow in the event of an accidental discharge or spill.
- C. In the event of a spill, promptly take all reasonable safety precautions including (where appropriate) calling 911 and completing the following steps:
 - 1. Proceed with containment and clean up in accordance with:
 - a. orders of an involved health and safety agency.
 - b. orders of an authorized representative.
 - c. the stormwater pollution prevention plan or approved corrective action plan using BMPs for the facility.
 - 2. Notify the Town Engineer and ADEQ of the release by telephone before noon of the next working day.
 - 3. Provide written notification to the Town Engineer, within five (5) working days, of the type, volume and cause of the discharge, corrective actions taken, and measures to be taken to prevent future occurrences.

(Ord. No. 842, Enacted, 06/14/18)

Article 12a-02 ENFORCEMENT

- 12a-02-010 Notice of Violation; Civil Citation
- 12a-02-020 Modification of Notices of Violation
- 12a-02-030 Abatement of Violations
- 12a-02-040 Injunctive Relief
- 12a-02-050 Violations Deemed Public Nuisance
- 12a-02-060 Remedies Not Exclusive

12a-02-010 Notice of Violation; Civil Citation.

A. Upon discovery of a violation of this Chapter, the Town Engineer or designee may issue to the violator a written notice stating:

1. Nature of the violation.
2. Corrective action required.
3. Time frame for corrective action.

The notice shall inform the owner or occupant that failure to comply with the terms of the notice may result in further enforcement action in accordance with Town Code Article 1-08.

B. The notice shall be served either by personal service or certified mail, upon the owner, the owner's agent, the occupant or the lessee.

1. The notice may also be delivered by posting upon the facility at location(s) where it is likely to be seen.

C. The notice may also require the violator to:

1. Submit a corrective action plan to the Town Engineer indicating the cause of the violation, corrective actions to prevent recurrence, and a proposed compliance schedule.
2. Pay all costs of sampling and analysis, as well as costs for laboratory sample analysis.
3. Clean up any material that has left the property or has the potential to impact stormwater runoff, ensure that the cleanup has been completed, and make changes in operations to prevent future releases.
4. Obtain and pay for the services of a qualified person to oversee and certify that corrective actions needed to resolve the violation have been completed.
5. Prepare and implement a BMP plan to prevent stormwater pollution (regardless of other AZPDES/NPDES requirements).

6. Stop work on clearing, dredging, grading, excavating, storing, transporting, and/or filling of land, new construction, improvements, alterations, or additions.
 7. Stop any activity that is in violation of this Chapter (including suspending any discharges to the MS4 as set forth in §12a-01-120 hereinabove).
 8. Abate, within the time specified in the notice, any condition that is in violation of this Chapter.
 9. Abate immediately any condition in violation of this Chapter that the Town Engineer determines presents an immediate threat to public health or safety, or to the environment.
- D. With regard to any resulting BMP plan, the Town Engineer may approve BMPs submitted by the alleged violator or require an alternative plan utilizing BMPs specified by the Town Engineer.
- E. It is a civil offense for any person to violate a written notice issued by the Town Engineer under this Section (or any related plans).
1. In the event the Town Engineer determines (in the Town Engineer's sole discretion) that an alleged violator has violated a written notice (or any related plans), the Town Engineer or designee may pursue enforcement actions in accordance with Town Code Article 1-08 for the civil offense (including, but expressly not limited to, abatement).
- F. If the Town Engineer determines (in the Town Engineer's sole discretion) that the threat to public health or safety, to the environment, or to the MS4 is such that a prior written notice process will be ineffectual, nothing herein shall preclude the Town Engineer or designee from pursuing enforcement actions in accordance with Town Code Article 1-08 for the civil offense (including, but expressly not limited to, abatement) without a prior written notice process as set forth in this Section.
- G. To the extent permitted by law, any penalties imposed against any violator in accordance with Town Code Article 1-08 shall include any damages, costs, fines and penalties incurred by the Town as a result of the violation.

(Ord. No. 842, Enacted, 06/14/18)

12a-02-020 Modification of Notices of Violation.

Nothing in §12a-02-010 hereinabove shall preclude the Town and alleged violators from reaching mutual written agreements with regard to modification of any notice of violation or related plans in order to avoid enforcement actions in accordance with Town Code Article 1-08.

(Ord. No. 842, Enacted, 06/14/18)

12a-02-030 Abatement of Violations.

Any abatement of a violation of this Chapter shall, in accordance with Town Code §1-08-060(B) (as amended), comply with A.R.S. §9-499 and other related Town Code provisions (all as amended).

(Ord. No. 842, Enacted, 06/14/18)

12a-02-040 Injunctive Relief.

If a person has violated or continues to violate any provisions of this Chapter, the Town may petition the Yavapai County Superior Court 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.

(Ord. No. 842, Enacted, 06/14/18)

12a-02-050 Violations Deemed Public Nuisance.

In addition to the enforcement processes and penalties provided hereinabove, if any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, it is hereby deemed a nuisance in accordance with Town Code Article 9-04 (as amended) and subject to enforcement thereunder.

(Ord. No. 842, Enacted, 06/14/18)

12a-02-060 Remedies Not Exclusive.

The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Town Engineer or designee to seek cumulative remedies. The Town may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this Chapter (including, but expressly not limited to, sampling and monitoring expenses).

(Ord. No. 842, Enacted, 06/14/18)

Article 12a-03 REGULATORY REFERENCES AND EDUCATION

- 12a-03-010 Available Administrative and Legal Enforcement Procedures
- 12a-03-020 Ongoing Education Program

12a-03-010 Available Administrative and Legal Enforcement Procedures.

The specific administrative and legal enforcement procedures available to the Town Engineer and designees to regulate illicit discharges of stormwater to the Town MS4 (and, thereby, comply with the Town's APDES permit Phase II MS4 AZG2016-002 or subsequent or related permits) by prohibiting, investigating, and enforcing against violations include (but, are expressly not limited to) the following.

A. Prohibitions.

1. Pollutant discharges, spills, dumping or disposal into the MS4.
 - a. Town Code §7-01-120 "Unlawful Violate Technical Codes" (as amended).
 - b. Town Code §7-06-110, IPC 1101.2 "Where Stormwater Discharged" (as amended).
 - c. Town Code §7-06-110, IPC 1101.3 "Prohibited Drainage" (as amended).
 - d. Town Code §7-07-050, IPMC 507.1 "Drainage Discharge Public Nuisance" (as amended).
 - e. Town Code §9-04-020(A)&(B)(2) "Duty Maintain Storm Drainage" (as amended).
 - f. Town Code §12-05-020(A) "Standards Storage Materials & Equipment" (as amended).
 - g. Town Code §12-05-030 "Standards Utilities" (as amended).
 - h. A.R.S. §13-2908 "Criminal Nuisance" (as amended).
 - i. ARS §13-2917 "Public Nuisance Prevention & Abatement" (as amended).
2. Illicit connections and discharges, dumping or disposal of things besides stormwater.
 - a. Town Code §7-01-120 "Unlawful Violate Technical Codes" (as amended).
 - b. Town Code §7-02-350.J103.1 "Permits Required" (as amended).
 - c. Town Code §7-02-350.J105.4.3 "Disposal" (as amended).

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- d. Town Code §7-06-110, IPC 1101.9 "Storm Drainage System Backwater Valves" (as amended).
- e. Town Code §9-04-020(A)&(B)(2) "Duty Maintain Storm Drainage" (as amended).
- f. Town Code §13-26-040(I)(1) "Landscaping Provisions" (as amended).
- g. A.R.S. §13-2908 "Criminal Nuisance" (as amended).
- h. A.R.S. §13-2917 "Public Nuisance Prevention & Abatement" (as amended).

B. Investigations.

- 1. Suspected illicit discharges.
 - a. Town Code §3-02-010(E)(13)&(14) "Town Manager Investigates & Enforces Town Laws & Permits" (as amended).
- 2. Entry onto private property for inspecting facilities, equipment, practices, or operations related to stormwater discharges.
 - a. Town Code §7-01-180 "Inspections" (as amended).
 - b. ARS §13-3912(5) "Inspection Program Warrants" (as amended).
 - c. ARS §49-144 "Right Enter Premises" (as amended).

C. Enforcement (including abatement).

- 1. Enforcement procedures and actions.
 - a. Town Code Article 1-08 "Penalties & Enforcement" (as amended).
 - b. A.R.S. §9-240(B)(21)(a) "Authority Define, Punish, Abate & Remove Nuisances" (as amended).
 - c. A.R.S. §9-240(B)(21)(b) "Authority Compel Cleaning Grounds & Appurtenant Streets and Walks" (as amended).
- 2. Requiring violators to cease and desist illicit discharges.
 - a. Town Code §7-01-130(C)(3) "Authority Seek Injunction" (as amended).
 - b. Town Code §9-04-040 "Notice Comply" (as amended).
 - c. A.R.S. §13-2917 "Public Nuisance Prevention & Abatement" (as amended).

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3. Requiring use of sediment and erosion control practices.
 - a. Town Code §7-02-350.J103.2.2.1(7)&(8) "Regular Grading" (as amended).
 - b. Town Code §7-02-350.J105.3.1(3)&(4) "Top Cut Slope" (as amended).
 - c. Town Code §7-02-350.J105.3.2(3)&(4) "Toe Fill Slope" (as amended).
 - d. Town Code §7-02-350.J105.4.1 "Terrace" (as amended).
 - e. Town Code §7-02-350.J105.4.5 "Interceptor Drains Berms" (as amended).
 - f. Town Code §7-02-350.J105.5 "Erosion Control" (as amended).
 - g. Town Code §7-02-350.J105.5.1 "Other Devices" (as amended).
 - h. Town Code §7-07-030, IPMC 302.2 "Grading Prevent Soil Erosion" (as amended).
 - i. Town Code §12-06-020(C)(6)&(10) "Appeal Board" (as amended).
4. Requiring owners and operators of construction activities, new or redeveloped land, and industrial and commercial facilities to minimize discharge of pollutants to the MS4 through installation, implementation and maintenance of stormwater control measures.
 - a. Town Code §7-02-350.J103.2.1(3) & 7-02-350.J103.2.1.1(4) "Engineered Grading" (as amended).
 - b. Town Code §12-03-080(A) "Unlawful Acts" (as amended).
 - c. Town Code §12-04-030(A) "Establishment Development Permit" (as amended).
 - d. Town Code §14-02-040(C)(7) "Stormwater Disposal System" (as amended).
5. Addressing runoff from new development and re-development projects by specifying that owners or operators design, install, and maintain post-construction stormwater controls that reduce or eliminate discharge of pollutants from the site after construction.
 - a. Town Code §7-02-350.J104.5 "Final Reports" (as amended).
 - b. Town Code §7-02-350.J105.4.4 "On-Site Detention" (as amended).
 - c. Town Code §13-19-060(L)(6) "Plans Required & PAD Procedures" (as amended).

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- d. Town Code §13-26-030(B)(4) "How Site Development Standards Reviewed, Installed & Maintained" (as amended).
 - e. Town Code §14-02-020(D)(1)(d) "Master Development Plan" (as amended).
 - f. Town Code §14-02-050(B)(2) "Construct & Maintain Drainage Facilities" (as amended).
 - g. Town Code §14-03-010(C) "Land Unsuitability" (as amended).
 - h. Town Code §14-04-040(E) "Storm Drainage Improvements" (as amended).
 - i. Town Code §16-02-020(A)(C)&(F) "Off-Site Improvements" (as amended).
 - j. Town Code §16-02-040 "Minimum Requirements" (as amended).
 - k. Town Code §16-02-060(B) "Waiver Off-Site Improvements" (as amended).
6. Imposition of civil or criminal sanctions.
- a. Town Code §7-01-130 "Penalties & Remedies" (as amended).
 - b. Town Code §9-04-035(A) "Criminal & Civil Liability" (as amended).
 - c. Town Code §10-06-030(B) "Various Enforcement Options" (as amended).
 - d. Town Code §12-03-080(B) "Unlawful Acts" (as amended).
7. Referral of violations to prosecutors.
- a. A.R.S. §9-240(B)(29) "Authority Adopt Ordinances & Define Manner Prosecution & Punishment" (as amended).
 - b. A.R.S. §13-2917 "Public Nuisance Prevention & Abatement" (as amended).
8. Escalation of corrective responses.
- a. Town Code §1-08-010(A) "Each Day Separate Offense" (as amended).
 - b. Town Code §12-03-080(B) "Unlawful Acts" (as amended).
9. Elimination of illicit connections and discharges from properties not owned or operated as part of the MS4.

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- a. Town Code §7-01-130 "Penalties & Remedies" (as amended).
 - b. Town Code §7-02-350.J101.4 "Hazards" (as amended).
 - c. A.R.S. §9-240(B)(21)(a) "Authority Define, Punish, Abate & Remove Nuisances" (as amended).
 - d. A.R.S. §9-240(B)(21)(b) "Authority Compel Cleaning Grounds & Appurtenant Streets & Walks" (as amended).
10. Requiring violators to cleanup and abate illicit discharges.
- a. Town Code §9-04-070 & 080 "Abatement Town" (as amended).
 - b. Town Code §12-03-100(A) "Abatement Violations" (as amended).
 - c. A.R.S. §9-240(B)(21)(a) "Authority Define, Punish, Abate & Remove Nuisances" (as amended).
 - d. A.R.S. §9-240(B)(21)(b) "Authority Compel Cleaning Grounds & Appurtenant Streets & Walks" (as amended).
 - e. A.R.S. 9-499(A), (C) (D) & (E) "Authority Adopt Ordinances Compelling Removal Hazardous Debris Filth" (as amended).
 - f. A.R.S. §13-2917 "Public Nuisance Prevention & Abatement" (as amended).
 - g. A.R.S. §49-143 "Abatement Environmental Nuisances" (as amended).
- D. Implementation and appeal stormwater provisions and standards.
1. Implementation and appeal.
 - a. Town Code Article 2-05 "Ordinances, Resolutions & Contracts" (as amended).
 - b. Town Code §7-01-110 "Board Appeals" (as amended).
 - c. Town Code §9-04-060 "Appeal Council" (as amended).
 - d. A.R.S. §9-240(B)(28)(a) "Authority Make & Amend Ordinances" (as amended).
 - e. A.R.S. §9-240(B)(28)(b) "Authority Punish Ordinance Violations Fine Imprisonment" (as amended).
 - f. A.R.S. §9-240(B)(28)(c) "Classify Ordinance Violations Civil Criminal" (as amended).

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- g. A.R.S. §9-240(B)(29) "Authority Adopt Ordinances & Define Manner Prosecution & Punishment" (as amended).
- h. A.R.S. §9-500.12 "Appeals Municipal Actions" (as amended).
- i. A.R.S. §9-500.21 "Civil Enforcement Municipal Ordinances" (as amended).
- j. A.R.S. §9-812 "Publication Ordinances" (as amended).
- k. A.R.S. §9-813 "Posting Penal Ordinances" (as amended).

(Ord. No. 842, Enacted, 06/14/18)

12a-03-020 Ongoing Education Program.

The Town Engineer shall develop, implement and document an ongoing program to provide all potential dischargers to the MS4 from facilities within the Town current BMPs to avoid illicit connections and illicit discharges.

(Ord. No. 842, Enacted, 06/14/18)