

Stormwater Management Regulations

Developers creating or replacing one-half acre or more of hard surfaces in Detroit are required to meet stormwater performance standards by designing, constructing and maintaining stormwater management practices on the site.

The Post-Construction Stormwater Management Ordinance was approved by the Detroit Board of Water Commissioners on August 15, 2018, unanimously approved by Detroit City Council on November 13, 2018, and now included in Chapter 56, of the 1984 Detroit City Code, Utilities, Article III, Sewers and Drains, Division 4, Stormwater Management.



**Water & Sewerage
Department**

S U M M A R Y

AN ORDINANCE to amend Chapter 56, of the 1984 Detroit City Code, *Utilities*, Article III, *Sewers and Drains*, by adding Division 4, *Stormwater Management*; to include Section 56-3-101, *Applicability*; Section 56-3-102, *Definitions*; Section 56-3-103, *Exemptions*; Section 56-3-104, *Stormwater Management Design Manual*; Section 56-3-105, *Post Construction Stormwater Management Plan required*; Section 56-3-106, *Post construction stormwater management requirements*; Section 56-3-107, *Alternative compliance*; Section 56-3-108, *Performance bond*; Section 56-3-109, *Maintenance required*; Section 56-3-110, *Operations and Maintenance Plan*; Section 56-3-111, *Easements*; Section 56-3-112, *Record drawings and final approval*; Section 56-3-113, *Right of entry for compliance inspections*; Section 56-3-114, *Period self-inspections required*; Section 56-3-115, *Right of appeal*; Section 56-3-116, *Notice*; Section 56-3-117, *Civil penalty*; Section 56-3-118, *Fines*; Section 56-3-119, *Additional remedies*, and to provide for stormwater management at certain construction sites within the City of Detroit.

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1 **BY COUNCIL MEMBER_____:**

2 **AN ORDINANCE** to amend Chapter 56, of the 1984 Detroit City Code, *Utilities*, Article
3 *III, Sewers and Drains*, by adding Division 4, *Stormwater Management*; to include Section 56-3-
4 101, *Applicability*; Section 56-3-102, *Definitions*; Section 56-3-103, *Exemptions*; Section 56-3-
5 104, *Stormwater Management Design Manual*; Section 56-3-105, *Post Construction Stormwater*
6 *Management Plan required*; Section 56-3-106, *Post construction stormwater management*
7 *requirements*; Section 56-3-107, *Alternative compliance*; Section 56-3-108, *Performance bond*;
8 Section 56-3-109, *Maintenance required*; Section 56-3-110, *Operations and Maintenance Plan*;
9 Section 56-3-111, *Easements*; Section 56-3-112, *Record drawings and final approval*; Section 56-
10 3-113, *Right of entry for compliance inspections*; Section 56-3-114, *Period self-inspections*
11 *required*; Section 56-3-115, *Right of appeal*; Section 56-3-116, *Notice*; Section 56-3-117, *Civil*
12 *penalty*; Section 56-3-118, *Fines*; Section 56-3-119, *Additional remedies*, and to provide for
13 stormwater management at certain construction sites within the City of Detroit.

14 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
15 **THAT:**

16 **Section 1.** Chapter 56, *Utilities*, Article III, *Sewers and Drains*, of the 1984 Detroit City
17 Code, be amended by adding Sections 56-3-101 through 56-3-119, to read as follows:

18 **CHAPTER 56. UTILITIES**

19 **ARTICLE III. SEWERS AND DRAINS**

20 **DIVISION 4. STORMWATER MANAGEMENT**

1 **Sec. 56-3-101. Applicability.**

2 _____ (a) Subject to Section 56-3-103 of this Code, this division applies to all construction
3 activities that involve the replacement or creation of 21,780 square feet or more of impervious
4 surface.

5 _____ (b) This division shall also apply to any construction activity that is not subject to
6 Subsection (a) of this section, but may create a condition that would result in runoff that would:

7 (1) Exceed the safe capacity of the receiving public sewer or body of water as
8 determined by the Department;

9 (2) Cause undue channel erosion;

10 (3) Increase water pollution by scouring or transport of particulate matter;

11 (4) Endanger property; or

12 (5) Endanger public safety.

13 _____ (c) Notwithstanding Subsection (a) or Subsection (b) of this section, the discharge from
14 a regulated construction activity may be determined by the Department to have previously been
15 authorized and to have incorporated stormwater control measures that are sufficient to satisfy the
16 performance standards in this division. In such cases, the applicant may request a review by the
17 Department for a determination of whether additional stormwater management is required for the
18 development site.

19 **Sec. 56-3-102. Definitions.**

20 For the purposes of this division, the following words and phrases shall have the meanings
21 respectively ascribed to them by this section:

22 _____ *Alternative compliance measure* means a stormwater control measure that treats
23 stormwater runoff from impervious surfaces that:

1 (1) Were in existence as of the effective date of this division, and

2 (2) Whose construction or reconstruction is not subject to the provisions of this
3 division.

4 *Applicant* means a person or persons acting as owners or operators of a regulated
5 construction activity on a development site who is seeking approval of a Post Construction
6 Stormwater Management Plan under this division.

7 *Buffer strip* means a zone that is used for filtering direct stormwater and stormwater runoff
8 into a stormwater control measure, or watercourse and for providing maintenance access to a
9 stormwater control measure.

10 *Common plan of development* means a regulated construction activity, that is completed in
11 phases or stages when such phases or stages share:

12 (1) One or more common City permits related to the regulation of land use, the
13 discharge of wastewater or a discharge to surface waters or groundwater, or

14 (2) Common infrastructure such as, but not limited to, roadway access or utilities.

15 *Construction activity* means a human-made activity including, but not limited to, clearing,
16 grading, excavating, construction and paving, that results in a change in the existing cover or
17 topography of land, including any external demolition, modification, or alteration of a site or the
18 footprint of a building, but does not include re-surfacing of an asphalt, concrete or similar parking
19 lot that does not expose the subgrade.

20 *Conveyance* means any structure or other means of safely conveying stormwater within a
21 stormwater management system including, but not limited to, a watercourse, closed conduit,
22 culvert, or bridge.

1 Demolition means the razing or destruction, in whole or in part, of an existing structure, or
2 the removal of existing impervious surfaces.

3 Department means the Detroit Water and Sewerage Department and its authorized agents.

4 Development site means the property on which a regulated construction activity takes
5 place. A development site may include, but is not limited to, a component of a Common Plan of
6 Development, an individual lot as defined in the City Zoning Ordinance, or an aggregation of one
7 or more lots subject to a unified plan for land use.

8 Disturbance means an activity, including a regulated construction activity, that disturbs the
9 surface of land or underlying soils, including but not limited to, stripping, grading, grubbing,
10 trenching, excavating, transporting, and filling of land, but does not include the activities of
11 clearing, plowing, tilling soil, or harvesting for the purpose of crop production.

12 Drainage area means the land area from which stormwater runoff drains to a common
13 point, including any area lying beyond the boundaries of a development site as defined in this
14 division.

15 Equivalent volume means the quantity of stormwater runoff that is presumed to be managed
16 through a fee-in-lieu payment, an alternative compliance measure, or any combination thereof,
17 including any adjustments or modifications set forth in this division and the Stormwater
18 Management Design Manual created pursuant to Section 56-3-104 of this code.

19 Extraordinarily difficult site conditions means those conditions present at a development
20 site that prevent or preclude the construction of stormwater control measures in any portion of a
21 development site.

22 Impervious surface means any surface area that prevents or substantially impedes the entry
23 of water into the soil in the manner that such water entered the soil under natural conditions pre-

1 existent to development, or which cause water to run off the surface in greater quantities or at an
2 increased rate of flow than that present under natural conditions pre-existent of development,
3 including but not limited to roofs, parking lots, compacted gravel and dirt, driveways, sidewalks,
4 and storage areas.

5 _____ *Infiltration rate* means a measure of the speed at which water enters into the soil at the
6 surface.

7 _____ *Natural condition* means the condition of land that is predominantly covered in vegetation
8 that is sustainable without regular human maintenance, such as irrigation, mowing, or fertilization,
9 examples of which include natural cover, woodland, meadow, grassland, or shrubland.

10 _____ *Operation and Maintenance Plan* means a document which outlines the required
11 maintenance activities and measures associated with an approved Post Construction Stormwater
12 Management Plan.

13 _____ *Pervious surfacing* means a material or materials and accompanying subsurface treatment
14 designed and installed specifically to allow stormwater to penetrate into the material, thereby
15 reducing the volume of stormwater runoff from the surfaced area.

16 _____ *Post Construction Stormwater Management Plan* means a document set forth by the
17 Department that identifies all actions to be taken by an applicant in conjunction with a regulated
18 construction activity to comply with the requirements and standards set forth in this division.

19 _____ *Regulated area* means the portion of a development site used as the basis to determine
20 compliance with the performance standards set forth in this division.

21 _____ *Regulated construction activity* means construction activity that is subject to the provisions
22 of this division, a regulated construction activity may occupy all or part of a development site.

1 Regulatory volume means the total quantity of stormwater runoff that must be retained in
2 a stormwater control measure in order for a regulated construction activity to comply with the
3 performance standards in this division.

4 Stormwater control measure means any structure, feature, or appurtenance that is designed,
5 constructed, operated, practiced, or adopted, to reduce the quantity, lower the rate, improve the
6 quality, or otherwise control stormwater runoff through retention, detention, infiltration, reuse, or
7 other stormwater management techniques.

8 Stormwater Management Design Manual means a document or documents promulgated
9 by the Department, which may be amended, specifying criteria, standards, and procedures by
10 which an applicant may comply with the provisions of this division.

11 Water quality volume means the volume of stormwater runoff generated by the 90th
12 percentile storm over the regulated area of a development site.

13 **Section 56-3-103. Exemptions.**

14 Notwithstanding Section 56-3-101 of this Code, the following activities shall be exempt
15 from the requirements of this division:

16 (1) The improvement or construction of an individual single family detached dwelling
17 as defined in this Code;

18 (2) Emergency maintenance work performed for the protection of public health and
19 safety. A written description of the scope and extent of any such emergency
20 maintenance work performed shall be submitted to the Department within two
21 calendar days following its commencement. If the Department finds that the work
22 is not an emergency or if a written description is not timely submitted to the

1 Department, then the work shall cease immediately and the requirements of this
2 division shall be addressed as applicable; or

3 (3) A regulated construction activity that discharges stormwater directly to the Detroit
4 River or Rouge River via any conveyance not owned by the City and is in
5 compliance with state and federal regulations governing such discharges.

6 **Section 56-3-104. Stormwater Management Design Manual.**

7 The Department shall implement, and may amend, a Stormwater Management Design
8 Manual which shall set forth specific procedures, criteria, minimum standards, methods and other
9 technical information to be utilized in determining compliance with the provisions of this division.

10 **Section 56-3-105. Post Construction Stormwater Management Plan required.**

11 (a) No regulated construction activity may obtain site plan approval until the
12 Department has approved a Post Construction Stormwater Management Plan.

13 (b) Prior to the approval of a Post Construction Stormwater Management Plan, the
14 applicant shall certify to the Department that the applicant has met or will meet all requirements
15 of this division and all other City, county, state, and federal requirements related to erosion and
16 sediment control, surface water resource protection, and stormwater management applicable to the
17 regulated construction activity.

18 (c) The Post Construction Stormwater Management Plan shall be developed by a
19 professional engineer or landscape architect properly licensed to practice in the State of Michigan
20 and shall include:

21 (1) The discharge location(s) for all post-construction stormwater runoff which will
22 leave the development site, and the boundaries of the drainage area tributary to each
23 discharge location;

1 (2) The boundaries of the development site, the common plan of development if
2 applicable, and the regulated construction activity, clearly indicating areas of
3 disturbance, the boundaries of any no-build or non-disturbance areas, all points of
4 egress from the development site to a public right-of-way, and all easements and
5 other encumbrances;

6 (3) The required calculations establishing compliance with the post construction
7 stormwater management performance standards as set forth in Section 56-3-106 of
8 this Code;

9 (4) The design specifications and calculations, construction details, and locations for
10 all proposed stormwater control measures, whether located on the development site
11 or elsewhere.

12 (5) The locations and descriptions of all access drive easements necessary to allow for
13 construction, inspection, operation and maintenance of all proposed stormwater
14 control measures;

15 (6) An Operation and Maintenance Plan containing all required information and
16 schedules as set forth in this division; and

17 (7) A copy of all applicable state and federal permits and notice of coverage related to
18 erosion and sedimentation control, water resource and stormwater management for
19 the regulated project.

20 (d) One copy of the approved Post Construction Stormwater Management Plan shall
21 be kept on file at the site of the regulated construction activity from the initiation of site preparation
22 until a certificate of occupancy is issued for the development associated with the regulated
23 construction activity.

1 **Section 56-3-106. Post construction stormwater management requirements.**

2 (a) Stormwater control measures shall not be constructed within the Rouge River flood
3 plain or the Rouge River flood way as defined in Section 20-1-1 of this code, or within Michigan
4 Coastal Flood Hazard Zones.

5 (b) A buffer strip with a minimum width of 25 feet shall be established and preserved
6 along the edge of any surface water and any regulated wetland as defined by the State of Michigan
7 PART 303. Exemptions may be granted for construction activities that are within 25 feet of a
8 surface water and regulated wetland that remain consistent with the intent of the development.

9 (c) The Department is authorized to require any additional stormwater control
10 measures necessary to control the rate and volume of stormwater runoff discharged from the
11 development site in order to prevent drainage, flooding or water quality impacts upon public or
12 private property.

13 (d) Performance standards for combined sewer areas.

14 (1) Water quality:

15 a. The water quality volume shall be the 90th percentile annual non-
16 exceedance storm.

17 b. The regulated area for purposes of complying with the water quality
18 performance standard for combined sewer areas shall be defined as follows:

19 i. If the regulated construction activity will disturb 50% or more of the
20 development site, the regulated area shall be defined as the entire
21 development site; or

1 ii. If the regulated construction activity will disturb less than 50% of
2 the development site, the regulated area shall be defined as the area
3 of the regulated construction activity.

4 c. The runoff volume and peak flow rate of stormwater runoff leaving the
5 regulated area post-construction shall not exceed the runoff volume and
6 peak flow rate leaving the regulated area under natural conditions.

7 d. The water quality volume shall be treated to remove a minimum of 80% of
8 the total suspended solids as compared to uncontrolled runoff, or to a
9 discharge concentration which does not exceed 80 milligrams per liter of
10 total suspended solids.

11 (2) Combined sewer infrastructure protection.

12 a. For regulated construction activities discharging to the combined sewer
13 area, the entire development site shall be defined as the regulated area for
14 purposes of complying with the combined sewer infrastructure protection
15 standards.

16 b. The peak flow rate(s) of stormwater runoff leaving the development site
17 shall not exceed the allowable discharge rates established in the Stormwater
18 Management Design Manual for the geographic location within the
19 combined sewer system where the discharge occurs.

20 (e) Performance standards for storm sewer areas.

21 (1) Water quality:

22 a. The water quality volume shall be based on the 90th percentile annual non-
23 exceedance storm.

1 b. The regulated area for purposes of complying with the water quality
2 performance standard for separate sewer areas shall be the area of the
3 regulated construction activity.

4 c. The water quality volume shall be treated to remove a minimum of 80% of
5 the total suspended solids as compared to uncontrolled runoff, or to a
6 discharge concentration which does not exceed 80 milligrams per liter of
7 total suspended solids.

8 (2) Channel protection:

9 a. The regulated area for purposes of complying with the channel protection
10 performance standards shall be the area of the regulated construction
11 activity.

12 b. The runoff volume and peak flow rate of stormwater runoff leaving the
13 regulated area post-construction shall not exceed the runoff volume and
14 peak flow rate which would occur under natural conditions for all storms up
15 to and including the two-year, 24-hour storm event.

16 c. Discharges from regulated construction activities that drain into any portion
17 of the City's storm sewer discharging directly to the Detroit River or
18 downstream of the Rouge River Turning Basin shall be exempt from the
19 channel protection performance standard.

20 (f) Performance standards for local flood control in combined and separate sewer
21 areas:

22 (1) The regulated area for purposes of complying with local flood control performance
23 standards shall be the entire development site.

1 (2) For regulated construction activities for which the total of all drainage areas as
2 defined in this division, is less than 5 acres, the stormwater control measures shall
3 be designed to achieve a peak flow rate of fifteen one-hundredths cubic feet per
4 second (0.15cfs)/acre for the 10-year storm.

5 (3) For regulated construction activities for which the total of all drainage areas, as
6 defined in this division, is 5 acres or greater, the stormwater control measures shall
7 be designed to achieve a peak flow rate of fifteen one hundredths cubic feet per
8 second (0.15 cfs)/acre for 100 -year storm.

9 **Section 56-3-107. Alternative compliance.**

10 (a) An applicant may apply to the Department for review and approval of alternative
11 compliance measures for the development site if the applicant demonstrates the presence of
12 extraordinarily difficult site conditions, as defined in this division and in written guidance set forth
13 in the Stormwater Management Design Manual.

14 (1) Extraordinarily difficult site conditions include, but are not limited to, one or more
15 of the following:

16 a. The presence of sub-surface conditions, including soil contamination or
17 shallow depth to bedrock or groundwater, that present significant and
18 atypical technical requirements for mitigation, stormwater management
19 measure design or installation or create a likelihood for subsurface pollutant
20 flume transport; or

21 b. Unique topographic or geologic conditions that would require site re-
22 grading or re-contouring substantially different from typical and customary
23 practices for the installation of stormwater control measures; or

- 1 c. Surface or subsurface conditions indicating a likelihood that basement
2 flooding on properties other than the development site are reasonably
3 foreseeable if stormwater control measures are installed; or
4 d. Conditions that would require pumping or other mechanical routing of
5 stormwater in order to meet the performance standards of Section 56-3-
6 106(d)(1)(c); or
7 e. Other conditions that, in the judgment of the Department, present a
8 substantial barrier to the safe and effective construction or operation of
9 stormwater control measures.

10 (2) In all cases, the applicant shall demonstrate, to the satisfaction of the Department,
11 that the extraordinarily difficult site conditions cannot be overcome or mitigated
12 through reasonable re-design of the regulated construction activity, or without
13 substantial interference with the present or intended use of the development site.

14 (3) Any such application for a finding of extraordinarily difficult site conditions shall:

- 15 a. Quantify the degree to which the specific provisions of the performance
16 standards set forth in 56-3-106(d)(1)(c), as applicable, cannot be met on the
17 development site, using the analysis set forth in the Stormwater
18 Management Design Manual;
19 b. Detail the stormwater control measure to be constructed on site, if any, and
20 the water quality and detention volume to be met through alternative
21 compliance measures; and

1 c. Specify the off-site alternative compliance measure, or fee-in-lieu payment
2 proposed to satisfy the requirements of Sections 56-3-105(d) or (e) of this
3 section, as applicable, in accordance with the provisions of this section.

4 (b) An applicant may propose to use one or a combination of the following alternative
5 compliance measures:

6 (1) The coincident construction by the applicant of the alternative compliance
7 measures approved by the Department under the procedures set forth in this
8 division and in the Stormwater Management Design Manual; or

9 (2) The legal assignment by the applicant of the equivalent volume from an existing,
10 approved alternative compliance measure(s); or

11 (3) Payment to the Department of a fee-in-lieu, in accordance with the procedures set
12 for in the Stormwater Management Design Manual, and subsequent certification by
13 the Department that sufficient equivalent volume has been assigned to the regulated
14 construction activity to achieve compliance with the measurements of this division.

15 (c) Any person may make application to the Department for approval of the
16 construction of stormwater control measures on lands located within the City to be authorized as
17 alternative compliance measures, as defined in this division, subject to the following procedures
18 and requirements:

19 (1) An applicant for such approval shall define the drainage area(s) to be treated by the
20 alternative compliance measure and shall provide all relevant information,
21 including demonstration of site control and an operation and maintenance plan,
22 required by the Department as set forth in the Stormwater Management Design
23 Manual.

1 (2) The design and construction of the alternative compliance measure shall meet all
2 relevant standards for materials, design, safety, and other technical considerations
3 in the Stormwater Management Design Manual.

4 (3) For each alternative compliance measure an applicant shall stipulate the amount of
5 equivalent volume, if any, that shall be reserved for the applicant's own use or
6 assignment, and the amount of equivalent volume, if any, that may be made
7 available by the Department for assigned through fee-in-lieu payment. In issuing
8 its approval, the Department shall state the amount of equivalent volume assigned
9 to the alternative compliance measure, the equivalent volume within the alternative
10 compliance measure reserved by the applicant for the applicant's own purposes,
11 and the equivalent volume that may be available through fee-in-lieu payments.

12 (4) The applicant shall obtain all relevant and applicable City, state and federal permits
13 as may apply to construction of the alternative compliance measure.

14 (5) Approval issued pursuant to this section shall be contingent upon the recording of
15 both an easement on the land on which the alternative compliance measure is
16 constructed, and on the operation and maintenance plan for the alternative
17 compliance measure. The operation and maintenance plan shall be fully consistent
18 with the standards set forth in the Stormwater Management Design Manual.

19 (6) No portion of an alternative compliance measure may be utilized to satisfy the
20 requirements of this division for a regulated construction activity unless explicitly
21 approved by the Department in a post construction stormwater control plan.

1 (d) No discharge from a regulated construction activity to a combined sewer area may
2 be mitigated by the construction of an alternative compliance measure discharging to a separate
3 storm sewer system.

4 (e) The Department shall maintain continuously, and make available for inspection, a
5 record of the volume equivalency of alternative compliance measures assigned to alternative
6 compliance measures, whether constructed by the City or another applicant; all credits issued to
7 regulated construction activities; and the timing, amount, and disposition of all fee-in-lieu
8 payments.

9 **Section 56-3-108. Performance bond.**

10 (a) The Department shall have the authority to require a performance bond or other
11 financial guarantee in the amount of the estimated cost of construction of the stormwater control
12 measures and all landscaping associated therewith for a duration of two years after the issuance of
13 the certificate of occupancy to ensure that all stormwater control measures have been established
14 and installed correctly and function as designed and permitted.

15 (b) The Department shall have the authority to require a performance bond or other
16 financial guarantee of a greater or lesser amount, or duration of time, where such an adjustment is
17 warranted to reflect unique site conditions or to ensure the function and performance of the
18 stormwater control measures in the Post Construction Stormwater Management Plan.

19 (c) A final inspection and approval of the stormwater control measures by the
20 Department, the Buildings, Safety Engineering and Environmental Department, or other
21 authorized agent shall be issued before the release of the performance bonds or other financial
22 guarantee.

1 **Section 56-3-109. Maintenance required.**

2 (a) Any stormwater control measure installed pursuant to this division shall be operated
3 and maintained in accordance with the requirements of the approved operations and maintenance
4 plan and associated provisions in the Stormwater Management Design Manual.

5 (b) No area of land specified or designated to comply with the performance standards
6 in this Division shall be altered in a manner which reduces or alters its infiltration rate, unless the
7 Department approves an amendment to the previously approved Post Construction Stormwater
8 Management Plan for the site, showing how the reduced or altered infiltration rate will be offset
9 to maintain compliance with the performance standards specified in this division.

10 **Section 56-3-110. Operations and Maintenance Plan.**

11 (a) Prior to the conveyance or transfer of any portion of a development site to be served
12 by a stormwater control measure(s) pursuant to this division, the applicant shall provide the
13 Department with evidence of transfer of the associated Operation and Maintenance Plan.

14 (b) The Operation and Maintenance Plan shall be binding on the record owner of the
15 property or properties subject to the Post Construction Stormwater Management Plan and their
16 owners, heirs and assigns.

17 (c) The Operation And Maintenance Plan shall be developed by a professional engineer
18 or landscape architect properly licensed to practice in the State of Michigan and shall include
19 maintenance requirements and protocols for each stormwater control measure, including an
20 associated schedule of inspection and maintenance activities, and procedures and checklists for
21 each stormwater control measure consistent with the provisions in the Stormwater Management
22 Design Manual and a signed certification statement accepting responsibility for the operation,
23 maintenance and inspection of the stormwater control measures.

1 **Section 56-3-111. Easements.**

2 (a) A Post Construction Stormwater Management Plan shall include the preparation
3 and property recording of all easements, deed restrictions, reservation of rights-of-way, or other
4 protective covenants as are required to ensure sufficient access for purposes of maintenance,
5 inspection, operation and repair or replacement of stormwater control measures, and to ensure that
6 any future modification of the site is consistent with the provisions of the approved Post
7 Construction Stormwater Management Plan, unless amendments or modifications to the Post
8 Construction Stormwater Management Plan are approved by the Department.

9 (b) The Post Construction Stormwater Management Plan and applicable Operation and
10 Maintenance Plan shall be referenced on a final plat, site plan or as-built drawing, and shall be
11 recorded with the Wayne County Register of Deeds Office upon final approval, and shall be
12 provided to the Department within 14 days following receipt of the recorded document.

13 **Section 56-3-112. Record drawings and final approval.**

14 (a) Upon final stabilization of the site of a regulated construction activity, the applicant
15 or a professional engineer, or landscape architect duly licensed to practice in the State of Michigan,
16 and acting on the applicant's behalf, shall conduct a post-construction inspection and shall certify
17 in writing that the completed project is in full compliance with the approved Post Construction
18 Stormwater Management Plan.

19 (b) The applicant or applicant's designee shall submit record drawings for all
20 stormwater control measures to the Department, within 15 days of final stabilization of the site.

1 **Section 56-3-113. Right of entry for compliance inspections.**

2 (a) The Department, Buildings, Safety Engineering and Environmental Department or
3 other authorized agent may enter a property to inspect stormwater control measures during any
4 phase of construction and operation of approved stormwater control measures.

5 (b) The Department, Buildings, Safety Engineering and Environmental Department or
6 other authorized agent may enter a property when the Department or its designee has a reasonable
7 basis to believe that a violation of this division is occurring or has occurred, when necessary for
8 abatement of a public nuisance, and to confirm the correction of a violation.

9 **Section 56-3-114. Periodic self-inspections required.**

10 (a) Periodic inspections shall be conducted according to the Operation and
11 Maintenance Plan by the applicant or the applicant's successors, heirs or assigns of the stormwater
12 control measure(s) as set forth in the applicable Operations and Maintenance Plan.

13 (b) An inspection report, certified by a professional engineer or landscape architect
14 properly licensed to practice in the State of Michigan, shall be provided to the Department
15 according to the schedule in the operation and maintenance plan, commencing no more than twelve
16 months after the date of issuance of a certificate of occupancy for the regulated construction
17 activity, and occurring once every three years or stipulated period thereafter.

18 **Section 56-3-115. Right of appeal.**

19 (a) Any person whose legal rights, duties, or privileges are determined by the
20 Department pursuant to this ordinance and who is aggrieved by the Department's determination,
21 may appeal to the DWSD Stormwater Appeals Board for relief of that grievance. An appeal shall
22 be made according to the procedure set forth in this chapter.

1 **(b) The DWSD Stormwater Appeals Board shall be appointed by the Director of the**
2 **Department and confirmed by the Board of Water Commissioners and shall consist of 2 engineers**
3 **from the academic sector, 2 engineers from the private sector, and 1 stormwater management**
4 **expert. Meetings of the DWSD Stormwater Appeals Board shall be in person and shall be open to**
5 **all interested parties.**

6 **(c) An appeal shall be in writing, addressed to the DWSD Stormwater Appeals Board**
7 **c/o the Stormwater Management Group, and must be received within 30 days of the determination**
8 **that is the subject of the appeal. The appeal shall set forth the specific act or matter complained of**
9 **and in dispute, and shall include all documentation that supports the appellant's position.**

10 **(d) Within 30 days of receipt of the appeal, the Stormwater Management Group, or its**
11 **designee, shall acknowledge such receipt in writing, and shall set a date and time for an appellate**
12 **hearing to be conducted in accordance with Department rules and procedures.**

13 **(e) The decision of the DWSD Stormwater Appeals Board shall be final and**
14 **enforceable at law. A person aggrieved by a final decision of the DWSD Stormwater Appeals**
15 **Board may seek judicial review of the decision by the Wayne County Circuit Court. A petition for**
16 **judicial review shall be filed not later than 60 days following the receipt of the final decision of**
17 **the DWSD Stormwater Appeals Board.**

18 **(f) An aggrieved person shall exhaust all administrative remedies provided in this**
19 **Chapter before seeking judicial review.**

20 **Section 56-3-116. Notice.**

21 **(a) If any stormwater control measure is found upon inspection to be arranged,**
22 **damaged, clogged, or in such disrepair, as to impede, obstruct, or hinder the flow of surface water**
23 **in a manner which conflicts with acceptable engineering practices, or if a planned and permitted**

1 stormwater control measure has not been installed per an approved Post Construction Stormwater
2 Management Plan within 30 days of inspection, the certifying party shall give written notice to the
3 Department of the conditions found, the actions necessary to bring conditions into conformance
4 with the approved Operation and Maintenance Plan, and the timeframe for completion.

5 (b) If any condition referenced in Subsection (a) of this section, is found by the
6 Department upon its own investigation, whether as a result of, or independent of, a period
7 inspection report, the Department shall give written notice to the owner of the property of the
8 findings specifying the problem, the actions necessary to bring conditions into conformance and
9 the timeframe for completion, as well as the potential for additional action under civil penalty or
10 other penalty or remedy in Section 56-3-118 of this Code.

11 **Section 56-3-117. Civil penalty.**

12 Whenever the Department has reasonable grounds to believe that any person is violating,
13 or has violated, any requirement of this division, the Department may commence a civil action to
14 compel compliance in a court of competent jurisdiction to enjoin said person from discharging, or
15 to obtain appropriate relief to remedy the violations. The Department or DWSD Board also may
16 seek additional legal or equitable relief. The commencement of suit neither constitutes an exclusive
17 election of remedies nor prohibits the Department, Director, Board, or City of Detroit from
18 commencing action in federal court for discharges believed to be in violation of this division, state
19 or federal requirements contained in the Clean Water Act, the City's NPDES permit, or other
20 applicable laws or requirements. In addition, the City may recover the reasonable attorney fees,
21 court costs, court reporters' fees, and other unusual expenses related to enforcement activities or
22 litigation against the person found to have violated this division, or the orders, rules, regulations
23 and permits issued hereunder.

1 **Section 56-3-118. Fines.**

2 All fines, costs, and penalties which are imposed by any court of competent jurisdiction
3 shall be payable to the Detroit Water and Sewerage Department.

4 **Section 56-3-119. Additional remedies.**

5 (a) The Buildings, Safety Engineering & Environmental Department or other
6 authorized agent may refuse to issue a certificate of occupancy for any regulated construction
7 activity on a development site and served by stormwater control measures until such time as the
8 applicant or other responsible person has taken remedial measures set forth in the notice of
9 violation or has otherwise cured the violations described therein.

10 (b) The Buildings, Safety Engineering & Environmental Department may suspend or
11 revoke any approvals granted for the development site upon discovery of the failure of the property
12 owner, applicant or developer to comply with the provisions of this division.

13 (c) So long as a violation of this division continues and remains uncorrected, the
14 Department, the Buildings, Safety Engineering and Environmental Department or other authorized
15 agent may withhold, and the Department, the Buildings, Safety Engineering and Environmental
16 Department or other authorized agent may disapprove, any request for a permit or site plan
17 approval or authorization provided by this ordinance or the zoning, subdivision, or other building
18 regulations, as appropriate for the land on which the violation occurs.

19 (d) The Department may institute an action in a court of competent jurisdiction for a
20 mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance.
21 Any person violating this ordinance shall be subject to the full range of equitable remedies
22 provided in the general statutes or common law.

1 (e) If the violation is deemed dangerous or prejudicial to the public health or public
2 safety, the Department may cause the violation to be corrected and the costs to be assessed as a
3 lien against the property.

4 (f) By issuance of an order of restoration, the Department may require a person who
5 engaged in a regulated construction activity and failed to comply with this division to restore the
6 waters and land affected by such failure so as to minimize the detrimental effects of the resulting
7 pollution. The authority is in addition to any other civil penalty or injunctive relief authorized
8 under this ordinance. If failure to comply is deemed dangerous or prejudicial to the public health
9 or public safety, the Department, may institute an action to cause the violation to be corrected and
10 the costs to be assessed as a lien against the property.

11 **Sec. 56-3-120 –56-3-149. RESERVED.**

1 **Section 2.** All ordinances, or parts of ordinances, that in conflict with this ordinance
2 are repealed.

3 **Section 3.** This ordinance is declared necessary to preserve the public peace, health,
4 safety, and welfare of the People of the City of Detroit.

5 **Section 4.** In the event that this ordinance is passed by a two-thirds (2/3) majority of
6 City Council members serving, it shall be given immediate effect and become effective upon
7 publication in accordance with Section 4-118 of the 2012 Detroit City Charter. In the event that
8 this ordinance is passed by less than a two-thirds (2/3) majority of the City Council members
9 serving, it shall become effective on the thirtieth (30) days after enactment, or on the first business
10 day thereafter, in accordance with Section 4-118 of the 2012 City Charter.

Approved as to form:



Lawrence T. García
Corporation Counsel