

ORDINANCE NO. 243-25

AN ORDINANCE ESTABLISHING THE CONTROL OF DISCHARGES TO AND
FROM THE MUNICIPAL SEPARATE STORM SEWER

ARTICLE I. GENERAL

Section 1. Title

This ordinance shall be known and may be cited as the "Storm Water Discharge Control Ordinance of the City of Prichard".

Section 2. Purpose

The purpose of this ordinance is to consolidate all regulations pertaining to stormwater and to accomplish the following:

- (a) Reduce the increases in peak flows of stormwater runoff caused by urban development of watersheds.
- (b) Control the discharge of pollutants to the storm water system.
- (c) Improve public safety.
- (d) Establish procedures to accomplish the above purposes.

Section 3. Administration of chapter

The Storm Water Coordinator and the engineering staff under the Coordinator's supervision shall administer the provisions of this article.

Section 4. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed by this Chapter. Words and phrases not ascribed by this Chapter shall have the meanings ascribed by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act 402 of the Clean Water Act, 33 U.S.C. 1342, as they may be amended from time to time, if defined therein, and if not, to the definitions in an applicable permit issued by the Alabama Department of Environmental Management, as such permits may be amended from time to time.

- (a) *1-year frequency storm* - A storm event defined to be 2.5 inches in 24 hours or other such magnitude the Storm Water Coordinator shall establish based upon scientific and engineering information.

- (b) *2-year frequency storm* - A storm event with a fifty (50) percent chance of being equaled or exceeded in a given year. Defined to be 3.3 inches in 24 hours or other such magnitude the Storm Water Coordinator shall establish based upon scientific and engineering information.
- (c) *5-year frequency storm* - A storm event with a twenty (20) percent chance of being equaled or exceeded in any given year. Defined to be 4.1 inches in 24 hours or other such magnitude the Storm Water Coordinator shall establish based upon scientific and engineering information.
- (d) *10-year frequency storm* - A storm event with a ten (10) percent chance of being equaled or exceeded in any given year. Defined to be 4.8 inches in 24 hours or other such magnitude the Storm Water Coordinator shall establish based upon scientific and engineering information.
- (e) *25-year frequency storm* - A storm event with a four (4) percent chance of being equaled or exceeded in any given year. Defined to be 5.5 inches in 24 hours or other such magnitude the Storm Water Coordinator shall establish based upon scientific and engineering information.
- (f) *50-year frequency storm* - A storm event with a two (2) percent chance of being equaled or exceeded in any given year. Defined to be 6.1 inches in 24 hours or other such magnitude the Storm Water Coordinator shall establish based upon scientific and engineering information.
- (g) *100-year frequency storm* - A storm event with a one (1) percent chance of being equaled or exceeded in any given year. Defined to be 6.5 inches in 24 hours or other such magnitude the Storm Water Coordinator shall establish based upon scientific and engineering information.
- (h) *ADEM* - Alabama Department of Environmental Management.
- (i) *BMP* - Best Management Practice.
- (j) *Detention* - A practice to store stormwater runoff by collection as a temporary pool of water and provide for its gradual (attenuated) release and thereby control peak discharge rates.
- (k) *Development* - To make a site available for use by physical alteration. Development includes but is not limited to providing access to a site, clearing of vegetation, grading, earth moving, providing utilities and other services such as parking facilities, stormwater management and erosion control systems, potable water and wastewater systems, altering land forms, or construction or demolition of a structure on the land.

- (l) *Development, Commercial* - Any development which has a building or structure that is not a single-family residential development or a residential development. Commercial Development includes multifamily residential developments of two (2) acres or more.
- (m) *Development, Single Family Residential* - Development of multiple residential lots as in a subdivision, or development of a single residential lot or accessory use with a disturbed area greater than 10,000 square feet.
- (n) *Development, Residential* - Development of a single recorded residential lot with less than 10,000 square feet of disturbed area.
- (o) *Development, Other* - Any development other than single family residential development, residential development, or commercial development.
- (p) *Discharge* - Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the Municipal Separate Storm Sewer System by any means intentional or otherwise.
- (q) *DMR* - Discharge Monitoring Report.
- (r) *EPA* - Environmental Protection Agency.
- (s) *Erosion* - The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.
- (t) *Extended Detention* - A practice to store stormwater runoff by collection as a temporary pool of water and provide for its gradual (attenuated) release over 24 hours or more and thereby control peak discharge rates and allow for gravity-driven settling of some types of pollutants. A practice which is used to control peak discharge rates, and which provides gravity settling of pollutants.
- (u) *First Flush* - The initial or early stages of Stormwater runoff from a storm event which commonly delivers a disproportionately large amount of previously accumulated pollutants due to the rapid rate of runoff. The first flush is defined as the first one-half (1/2) inch of direct runoff from the contributing drainage basin.
- (v) *Flood Plain* - For a given flood event, that area of land temporarily covered by water which adjoins a watercourse.

- (w) *Hydraulic* - Pertaining to, involving, moved or operated by a fluid, especially water, under pressure or under a gravity-driving force.
- (x) *Hydrologic* - Pertaining to the scientific study of the properties, distribution, and effects of water on the earth's surface, in the soil and underlying rocks, and in the atmosphere.
- (y) *Illicit Discharge* - any discharge to the stormwater system that is not composed entirely of stormwater and not specifically exempted in Section 3(a).
- (z) *Impervious Area* - Impermeable surfaces, such as pavement or rooftops, which prevent the percolation of water into the soil.
- (aa) *Infiltration* - A practice designed to promote the recharge of groundwater by containment and concentration of stormwater in porous soils.
- (bb) *Infiltration Basin* - An impoundment made by excavation or embankment construction to contain and infiltrate runoff into the soil layer.
- (cc) *Main Stream* - A stream on which floods are controlled by the Alabama Valley Authority reservoir system, i.e., the Alabama and Holston Rivers.
- (dd) *Major Storm* - A 100-year, design storm or a storm which has a probability of one-percent chance in any given year.
- (ee) *MS4* - Municipal Separate Storm Sewer System.
- (ff) *NOI* - Notice of Intent.
- (gg) *NPDES* - National Pollutant Discharge Elimination System.
- (hh) *Outfall* - The terminus of a storm sewer system where the contents are released.
- (ii) *Peak Flow* - The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- (ij) *Peak Flow Attenuation* - The reduction of the peak discharge of a storm.
- (kk) *Person* - Any individual, firm, corporation, partnership, association, organization or the entity, including governmental entities, or any combination thereof.
- (ll) *Restaurant* - An establishment or facility where food is prepared and sold.

- (mm) *Retention* - A practice designed to store stormwater runoff by collection as a permanent pool of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds storage capacity of the permanent pool.
- (nn) *Riprap* - A combination of large stone, cobbles and boulders used to line channels, stabilize stream banks, and reduce runoff velocities.
- (oo) *Runoff* - The water resulting from precipitation that is not absorbed by the soil.
- (pp) *Sanitary sewer* - A system of underground conduits that collect and deliver sanitary wastewater to a wastewater treatment plant.
- (qq) *Sanitary wastewater* - Wastewater from toilets, sinks and other plumbing fixtures.
- (rr) *Sewage* - Human wastes carried by water from residences, buildings, industrial establishments or other places, together with such industrial wastes, stormwater or other water as may be present.
- (ss) *Stormwater system* - The system of roadside drainage, roadside curbs and gutters, curb inlets, swales, catch basins, manholes, ditches, pipes, lakes, ponds, sinkholes, channels, creeks, streams, storm drains, and similar conveyances and facilities, both natural and manmade, located within the City of Prichard which are designated or used for collecting, storing, or conveying Stormwater, or through which Stormwater is collected, stored, or conveyed, whether owned or operated by the municipality or other person.
- (tt) *Stormwater* - Runoff from rain, snow or other forms of precipitation, resulting in surface runoff and drainage.
- (uu) *Swale* - A natural or manmade depression or wide shallow ditch used to route, or filter runoff.
- (vv) *SWMP* - Storm Water Management Program.
- (ww) *Vegetation* - Collection of plant life, including trees, shrubs, bushes, and grass.
- (xx) *Wastes, Industrial/Commercial* - Liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

- (yy) *Waste, Other* - Decayed wood; sawdust; shavings; fallen bark; fallen leaves; lawn clippings; animal wastes; used or previously applied lime; garbage; trash; refuse; loose used paper, paper products, plastic containers, or metal containers; ashes, offal, discarded tar; discarded paint; discarded or uncontained solvents; used, discarded, or spilled petroleum products, antifreeze, motor vehicle fluids; used or discarded tires, gas tanks, or chemicals; or other used, unconfined, or unpackaged, or disposed of materials which may discharge to or otherwise enter the stormwater system.

Section 5. Right of entry

The Stormwater Coordinator or his designated representatives may enter upon any property which discharges or contributes, or is believed to discharge or contribute, or should be discharging or contributing, to stormwater runoff; stream; or natural drainage way; in order to monitor, remove foreign objects or blockages, and to inspect for compliance.

Section 6. Notice of violation

Whenever the Storm Water Coordinator or his representative determine that work does not have a required plan or permit, does not comply with an approved plan or permit, or violates any provision of this Ordinance, he may issue a notice of violation. The notice of violation of the provisions of this article or of any rule or regulation adopted pursuant thereto may be issued in the form of a storm water ticket to the owner of the property or his agent, the lessee, contractor, permittee, and/or the equipment operator doing work on the site.

The storm water ticket must:

- (a) Be in writing.
- (b) Include a description of the property sufficient for identification of where violation has occurred.
- (c) List the violation(s).
- (d) Advise the owner, lessor, contractor, and/or equipment operator to immediately correct the violation or to stop work until the Inspection Department approves the continuance of work.

Section 7. Penalties

- (a) Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and punished as provided in the General Provisions of the City of

Prichard Code. Each day that a continuing violation of this ordinance is maintained or permitted to remain shall constitute a separate offense.

- (b) Any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Prichard of not less than one hundred dollars (\$100.00) or not more than five thousand dollars (\$5,000) per day for each day of violation. Each day of violation shall constitute a separate violation.
- (c) In assessing a civil penalty, the municipality may consider:
 - (1) The harm done to the public health or the environment;
 - (2) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - (3) The economic benefit gained by the violator;
 - (4) The amount of effort put forth by the violator to remedy this violation;
 - (5) Any unusual or extraordinary enforcement costs incurred by the municipality;
 - (6) The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - (7) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
- (d) In addition to the civil penalty in subsection (b) above, the City may recover all damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations and enforcing violations of this ordinance.
- (e) The City of Prichard may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or in equity, shall be no defense to any such actions.
- (f) The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

Section 8. Enforcement Procedures

- (a) When any officer, inspector, auditor or other employee of the City, designated by the City Code, ordinance or appointment by the mayor, as an enforcement officer finds any violation (s) of any provision of this ordinance which he is authorized and required to enforce, the city employee may issue a storm water ticket. The storm water ticket shall direct the person to appear in the environmental court of the City at a time and date stated therein to answer the charge(s) for violating such municipal law, which shall be stated therein. In lieu of appearing in court pursuant to the storm water offense ticket, such person may pay the appropriate fine pursuant to terms stated in Article I Section 7b., in addition to either of the following:
- (b) If any person so cited shall fail to appear in the City's environmental court at the time

and place stated in an issued storm water offense ticket or fail to pay as set forth in the ticket, City employee issuing such citation is hereby authorized and directed to swear out a warrant or execute and affidavit or complaint charging such person with a violation of the municipal law(s) listed on such storm water offense ticket.

- (c) The officers, inspectors, investigators, auditors or other employees of the city, designated by municipal law as enforcement officers and authorized to issue storm water offense tickets.

ARTICLE II. Development Criteria

Section 1. Purpose

This article is adopted to improve storm water runoff, to control the rate of flow of stormwater, to minimize increases in the peak flow rates of stormwater runoff caused by development within the city, to control new development, to minimize any detrimental effect on water quality by the completed facility, and to avoid such effects during construction.

Section 2. General design criteria

- (a) The Storm Water Coordinator or his representative has the authority to adopt development design criteria.
- (b) The standard method of drainage computation shall be as set forth in Section 13 Hydrologic and hydraulic computations.
- (c) The storm water system, excluding stormwater detention ponds, water-quality control facilities and sinkholes, shall be designed to accommodate a 10-year return frequency 24-hour duration storm, except for those facilities which would flood public roads classified as locals, collectors or arterials. A 25-year storm runoff prevention plan shall be used to prevent flooding of local roads and collectors and a 50-year storm runoff prevention plan shall be used to prevent flooding of arterial streets.
- (d) For drainage generated by areas greater than 200 acres, the flow for a major storm shall be computed. Such flow may exceed the capacity of facilities designed to comply with the requirements of lesser floods as noted in Paragraph C above and shall be contained in the public right-of-way or a permanent drainage easement on the property being improved or developed. Pipes and culverts designed for a major storm shall be constructed of concrete if such pipes or culverts lie in public lands or easements. Pipe materials other than concrete may be used on privately-owned lands if there exists industrial, commercial, or engineering standards for use of such pipes in the application on the private land in question and the Storm Water Coordinator approves the use of such materials in such private applications.
- (e) Where buildings are located close to a stormwater system, the proposed drainage shall be designed to prevent structural flooding in the event of a major storm.

- (f) Pipes and culverts under City streets and joint permanent easements shall be of reinforced concrete construction.

Section 3. Development design manual

The Inspection Department may furnish such additional policy, criteria and information including specification and standards, for the proper implementation of the requirements of this chapter and may provide such information in the form of a design manual.

Section 4. Stormwater detention ponds

- (a) The requirement for stormwater detention ponds shall apply to subdivisions, road construction, commercial, industrial, educational, institutional, and recreational developments.
- (b) If in the developer's judgment, stormwater detention is either unwarranted or impractical, hydrologic and hydraulic computations to support such a conclusion and demonstrate that stormwater runoff shall not be increased in peak rate for storm events identified in the design standards for detention ponds in this ordinance shall be furnished to the Stormwater Coordinator for review.
- (c) Where the development's storm drainage discharges directly into a main stream, detention basins for peak flow attenuations are not required unless deemed necessary by the Storm Water Coordinator.

Section 5. Approval of plan required prior to issuance of building permit

No building permit shall be issued until the required site development permit and stormwater facilities are approved by the Storm Water Coordinator, and the portion of the property required for stormwater facilities is recorded as a permanent drainage easement.

Section 6. Erosion and sediment control

Erosion and sediment control shall be regulated by this article because of the following water quality impacts:

- (a) Stormwater runoff can carry pollutants into receiving water bodies; thereby degrading water quality;
- (b) The increase in nutrients in stormwater runoff such as phosphorus and nitrogen accelerates eutrophication of receiving waters;
- (c) Construction requiring land clearing and the alteration of natural topography tend to increase erosion;

- (d) Siltation of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation, and harms flora and fauna;
- (e) Substantial economic losses can result from these adverse impacts on community waters.

Section 7. Objectives of erosion and sediment control

In order to protect, maintain and enhance the immediate and long-term health, safety and general welfare of the citizens of Prichard, this Section has the following objectives:

- (a) Control erosion and sedimentation to limit deposition in streams and other water bodies;
- (b) Facilitate the removal of pollutants in stormwater runoff to perpetuate the natural biological functions of streams.

Section 8. Site development permit required before development

No person shall:

- (a) Grade, dump, alter natural or existing topography, move or place fill material, excavate, remove any vegetation, or begin any development activities without first obtaining a site development permit from the Inspection Department.
- (b) Alter any natural or manmade drainage system so as to divert, constrict, increase or change in any manner the natural or existing flow of any stream, or natural or existing drainage of any area without obtaining a site development permit from the Inspection Department.
- (c) Commence development and/or construction of any building or structure without obtaining a site development permit from the Inspection Department.

Section 9. Site development permit requirements

- (a) A site development plan shall be required for any development except when:

1. The developed area is used for gardening or agricultural purposes.
2. The proposed work does not, in the opinion of the Storm Water Coordinator, affect the drainage on the site or the quality of stormwater runoff from the site.

- (b) A site development plan shall contain the following:

1. The name, address, and telephone number of all persons having a legal interest in the property;

2. The tax map number, group, and parcel number of the property or properties affected;
3. Site information must be provided as follows:
 - (a) Residential Development requires only a topographic map unless the Storm Water Coordinator requires other information.
 - (b) Commercial Development requires existing and proposed 2-foot contours as they relate to the roadway, parking lot, drainage facilities, and cut and fill slopes, etc. all stormwater pipe's size, material and location, erosion and sediment control measures, detention pond data including size, location, slope of bottom, outlet, invert, top elevations, and spillway size and elevation. Also, catch basin location, elevation and slope, swales, ditches, and their stabilization treatment. Roadway cross sections showing clear zone, utility strip and greenway. Building pad contours and building pad elevations are also required when existing elevations are altered by more than four feet. The plan must be stamped by an engineer licensed in the State of Alabama.
 - (c) Single Family Residential Development and Other Development require existing and proposed 2-foot contours as they relate to the roadway, parking lot, drainage facilities, and cut and fill slopes, etc., all stormwater pipe's size, material, and location, erosion and sediment control measures, and detention pond data including size, location, slope of bottom, outlet, invert, top elevations, and spillway size and elevation. Also, catch basin location, elevation, slope, swales, ditches, and their stabilization treatment. Roadway cross sections showing clear zone, utility strip, greenway, cross slope and limits of constructing section design. Building pad contours and building pad elevation are also required when the existing elevations are altered by four feet or more. The plan must be stamped by an engineer licensed in the State of Alabama.
 - (d) When a site development plan includes a street to be dedicated to the City, a complete set of roadway plans must be submitted including profiles, grades, and cross sections showing cross slope, limits of construction, clear zone, utility strip, and greenway/pedestrian space. The plan must be stamped by an engineer licensed in the State of Alabama.
 - (e) A site development plan for Commercial Development and Single Family Residential Development must furnish certification prior to the bond being released whereby the licensed engineer certifies that the roadway lines, grades, cross slopes, and locations agree with the approved plan and the drainage facilities, including all detention

facilities, size, slopes, locations, and elevations agree with the approved plan.

4. An erosion and sediment control plan must be provided as follows:

- (a) All new Residential Subdivision Development requires erosion and sediment control.
- (b) Commercial Development requires an erosion and sediment control plan that complies with the Erosion and Sediment Control Handbook produced by the Alabama Department of Environmental Management or as amended by supplemental regulations by the Inspection Department.
- (c) A commercial or general site development permit is required when a construction of a joint permanent easement or public road, or the site drains into a sinkhole. A \$5,000 minimum cash bond or \$10,000 Letter of Credit as determined by the Inspection Department is required which is based on a remediation estimate.

6. Other requirements deemed necessary by the Storm Water Coordinator.

Section 10. Fees

The fee for review of a site development plan shall be as follows:

In House Review Fee of \$25.00

Note: If site development requires review by an Engineer, Review Fees are as follow:

Review Fee for the first Five Acres - \$350.00

Review Fee for each Additional Acre - \$50.00

Section 11. Violations of a site development permit

The fee for a site development permit issued after development has begun without a permit shall be four times the standard fee.

Section 12. Design standards for detention ponds

- (a) The calculated peak flow rate of stormwater runoff resulting from a 1-year, 2-year, 5-year, and a 10-year return frequency 24-hour duration storm shall be no greater after development of the site than that which would result from a 1-year, 2-year, 5-year, and a 10-year return frequency 24-hour duration storm on the same site prior to development of the site.

- (b) Adequate attention must be given to safety and sanitation in the design of any detention facility.
- (c) The plans shall include sufficient design information to show that the facility will operate as required. This shall include the existing or before development peak flow discharges, the after development peak flow discharges, and volumes of stormwater runoff based on the proposed development, as well as all necessary computations used to determine the reduced peak flow rates for the design storms. The capacity of the facility shall be sufficient to control the volume of stormwater runoff resulting from a 1-year, 2-year, 5-year, and a 10-year frequency 24-hour duration storm within the peak rate of flow requirements stated in the subsection.
- (d) Discharge from the stormwater detention pond shall be routed to an existing natural or manmade stormwater facility. Calculations showing the capacity of the receiving stormwater facility and its capability to convey both a 2-year and a 10-year frequency storm shall be provided. The above calculations will be routed to the closer of the second street crossing or blue line stream.

Section 13. Hydrologic and hydraulic computations

- (a) All hydrologic and hydraulic computations utilized in the design of stormwater detention facilities must be prepared by a Registered Engineer proficient in the field of hydrology and hydraulics and licensed in the State of Alabama.
- (b) The required hydrologic and hydraulic computations shall be in accordance with SCS Unit Hydrographic procedures using AMC II curve numbers and Type II rainfall distribution, or other criteria, which the Storm Water Coordinator shall establish based on scientific and engineering information.

Section 14. Maintenance of detention facilities

- (a) A permanent maintenance agreement for the stormwater detention facilities will be required, including those components required for water quality control. Maintenance will be the responsibility of the property owner on which the facility is located and will be recorded as such on the plat with the appropriate notation on the particular lot unless that responsibility has been legally transferred to another person or entity by a properly recorded legal agreement.
- (b) Minimum maintenance requirements of the water quality facility will be developed to ensure that the facility is kept functional. The maintenance agreement will specify minimum maintenance requirements and intervals to be performed by the property owner. Minimum maintenance requirements will include both annual cutting by bushhog or mower and sediment removal when required. The maintenance agreement will also grant permission to the City to enter the subject property and to inspect the stormwater detention facilities as deemed necessary. If the facility is not being maintained, the City will notify the property owner to repair/maintain the facility

within a reasonable period of time. If the property owner fails to repair/maintain the facility within the allotted time, the Director shall authorize the required maintenance to be performed or paid by the City. Double the expense to the City shall be a lien against the property. Additional requirements and procedures for sediment disposal will be designated in the development design manual or other such information provided or identified by the Storm Water Coordinator.

Section 15. Acceptance of streets and stormwater facilities within public rights-of-way

No street or stormwater facility shall be dedicated to the City of Prichard for public use, or accepted or maintained by the City of Prichard as a public street until said street and stormwater facilities have been approved in writing by the Storm Water Coordinator. The Storm Water Coordinator shall only approve streets constructed according to a current version of a policy on geometric design of highways and streets, published by the American Association of State Highway and Transportation Officials and designed by a registered engineer licensed in the State of Alabama. The design speeds for local streets in residential subdivisions shall be a minimum of 20 miles per hour unless a different design speed is deemed appropriate by the Storm Water Coordinator. Additionally, the streets must conform to the City of Prichard standard specifications and the City of Prichard construction standards.

Section 16. Water quality requirements for detention ponds

- (a) The requirements of this article shall not apply to those developments built or approved before the passage of this article.
- (b) All requirements of sections 1 through 15 shall apply to this article.
- (c) All stormwater detention ponds that are required under Section 15 and which are approved after the adoption of this article shall be built to control water quality by using the best management practices outlined in this section. The standard management method shall be to collect the first flush or the first 4000 cubic feet, whichever is greater, of stormwater runoff in a pond and release that runoff over a minimum 24-hour period. Other methods of controlling water quality may be approved by the Storm Water Coordinator if valid documentation is provided which indicates that a higher level of water quality will result from the alternate method.

Section 18. Additional development permits required

- (a) Specific land uses are known to produce pollutants that are detrimental to water quality that would not be corrected by the standard methods outlined in the preceding section. A special pollution abatement permit is required to ensure that best management practices are used to control water quality for these uses. These special pollution abatement permits will be valid for a period of three years, at which point they must be renewed. At the time of renewal, any deficiency in the management

method must be corrected. Any land use, which occurs without a required permit, shall be a violation of this chapter of the code.

- (b) Where a federal National Pollutant Discharge Elimination System (NPDES) permit has been issued for NPDES regulated stormwater discharges from a facility, no local permit will be required for those NPDES regulated stormwater discharges from the facility for which such permit has been issued.

Section 19. Requirements for sinkholes

Development of property, which includes a sinkhole, will require copies of the appropriate permits from the Alabama Department of Environmental Management prior to site development approval. After review, other requirements related to the structural integrity and flood protection may be deemed necessary by the Storm Water Coordinator.

Section 20. NPDES permits

- (a) Any person who holds an individual National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the City of Prichard Storm Water Management Division no later than thirty (30) calendar days after issuance of the permit.
- (b) Any person who holds a NPDES general permit and/or multi-sector permit (as distinct and different from an individual permit) shall provide either a copy of such permit or the permit number assigned to them by the Alabama Department of Environmental Management to the City of Prichard Storm Water Management Division no later than thirty (30) calendar days after issuance of the permit.
- (c) Any business that holds a NPDES permit shall provide the City of Prichard Storm Water Management Division a copy of all Discharge Monitoring Reports (DMRs) no later than thirty (30) calendar days after issuance to ADEM.
- (d) Any business failing to provide DMRs shall be in violation of the provision of this ordinance and shall be guilty of a misdemeanor and punished as provided in the general provisions of the City of Prichard code.

ARTICLE III. ILLICIT CONNECTIONS AND ILLEGAL DUMPING

Section 1. Findings of fact

The City Council finds that the uncontrolled discharge of pollutants to the storm sewer system has an adverse impact upon the water quality of the receiving waters.

- (a) The 1987 amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) program, which requires permits for discharges from municipal

stormwater systems into waters of the United States. The Environmental Protection Agency has promulgated regulations implementing the NPDES Program.

- (b) The NPDES regulations for stormwater discharges require certain municipalities, including the City of Prichard, to:
- (1) Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to municipal storm sewers by stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industrial activity;
 - (2) Prohibit through ordinance, order or similar means, illicit discharges to the municipal stormwater system;
 - (3) Control through ordinance, order or similar means, discharges to municipal stormwater system of spills, dumping or disposal of materials other than stormwater;
 - (4) Require compliance with conditions in ordinances, permits, contracts or orders; and
 - (5) Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition of illicit discharges to the municipal stormwater system.

Section 2. Objectives

This ordinance is adopted as part of the City stormwater management program in order to prevent certain non-stormwater discharges to, and improper disposal of substances in, the stormwater system, as to reduce, to the maximum extent practicable, pollutants that may be present in discharges from the stormwater system.

Section 3. Prohibitions

(a) No person shall:

- (1) Cause or allow an illicit discharge to the stormwater system, or any component thereof, or onto driveways, sidewalks, parking lots, sinkholes, creek banks, or other areas draining to the stormwater system;
- (2) Connect, or allow to be connected, any sanitary sewer to the stormwater system, including any sanitary sewer connected to the storm sewer system as of the date of adoption of this ordinance; or
- (3) Connect, or allow to be connected, any stormwater system to the sanitary sewer without permission of the owner of the wastewater system. (b) Subject

to the provisions of subsection (c), the following activities shall not be in violation of this ordinance:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverting stream flows
- (4) Rising groundwater;
- (5) Uncontaminated ground water infiltration;
- (6) Uncontaminated pumped ground
- (7) Discharges from potable water sources
- (8) Foundation drains
- (9) Irrigation waters
- (10) Springs
- (11) Water from crawl space pumps
- (12) Footing drains;
- (13) Lawn watering;
- (14) Individual car washing
- (15) Dechlorinated swimming pool discharges;
- (16) Flows from riparian habitats and wetlands
- (17) Street wash water

(c) If the Director finds that any of the activities listed in subsection (b) above are found to cause or may cause sewage, industrial wastes or other wastes to be discharged into the stormwater system, the Director shall so notify the person performing such activities, and shall order that such activities be stopped or conducted in such a manner as to avoid the discharge of sewage, industrial wastes or other wastes into the stormwater system.

Section 4. Notification of spills

As soon as any person has knowledge of any discharge to the stormwater system in violation of this ordinance, such person shall immediately notify the Director by telephone, and if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such telephone notification in writing to the Director within 24 hours.

Section 5. Requirements for monitoring

The Director may require any person engaging in any activity or owning any property, building or facility (including but not limited to a site of industrial activity) to undertake such reasonable monitoring of any discharge(s) to the stormwater system operated by the City and to furnish periodic reports of such discharges.

ARTICLE IV. SEVERABILITY

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such provision and such holding shall not affect the

validity of any other provision and, to that end, the provisions of this ordinance are hereby declared to be severable.

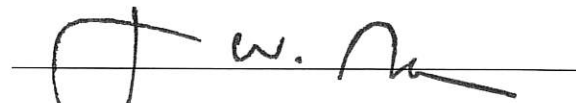
ARTICLE V. EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its adoption and publication.

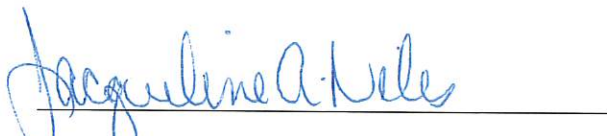
ADOPTED this the 2nd day of October 2025.


George E. McCall Jr., Council President

APPROVED this the 2nd day of October 2025.


Jimmie Gardner, Mayor

ATTEST:


Jacqueline A. Niles, City Clerk-Treasurer