

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE CHAPTER 13.16 RELATING TO STORM AND SURFACE WATER MANAGEMENT

WHEREAS, the City of Olympia owns and operates a municipal separate storm sewer system (MS4); and

WHEREAS, pursuant to its National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, the City of Olympia is required to develop a Source Control Program for Existing Development to effectively prohibit and prevent non-stormwater, illicit discharges into the City's MS4; and

WHEREAS, in order to satisfactorily complete this requirement, an ordinance allowing inspection, operational, and structural source control Best Management Practices (BMPs), and escalating enforcement elements is to be adopted and made effective by August 1, 2022; and

WHEREAS, City staff have drafted proposed amendments to Olympia Municipal Code (OMC) Chapter 13.16 – Storm and Surface Water Management in order to meet the requirements of the NPDES Municipal Stormwater Permit (the Proposed Amendments); and

WHEREAS, this Ordinance is consistent with the City of Olympia Comprehensive Plan policy to require prevention and treatment practices for businesses and land uses that have the potential to contaminate stormwater; and

WHEREAS, this Ordinance is consistent with the City of Olympia Comprehensive Plan policy to improve programs and management strategies designed to prevent and reduce contamination of runoff and other sources of stormwater; and

WHEREAS, this Ordinance is consistent with the City of Olympia Comprehensive Plan policy to inspect private and public stormwater systems to identify required maintenance and repairs; and

WHEREAS, this Ordinance meets the goals and requirements of the Growth Management Act; and

WHEREAS, the City Council is concerned about protecting the water quality of local surface waters, Puget Sound, freshwater ecosystems, and marine life, such as Orca, salmon, and shellfish; and

WHEREAS, the City Council hereby approves the Proposed Amendments as required by the City's NPDES Municipal Stormwater Permit;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 13.16. Olympia Municipal Code Chapter 13.16 is hereby amended to read as follows:

Chapter 13.16

STORM AND SURFACE WATER MANAGEMENT

13.16.000 Chapter Contents

Sections:

- 13.16.005 Purpose.
- 13.16.007 Stormwater Management Program.
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- 13.16.030 Prohibited uses of the storm drainage system.
- 13.16.040 Discharge or connection to the storm drainage system.
- 13.16.045 Pollution prevention requirements.
- 13.16.050 Storm drainage service charges.
- 13.16.060 Provision of abutting storm drainage system facilities.
- 13.16.070 Payment for connection to the MS4.
- 13.16.080 Stormwater general facilities charges.
- 13.16.090 Reduction in storm drainage service charge for impervious surface, flow control, stormwater treatment or low impact development.
- 13.16.120 Billing date.
- 13.16.130 Adjustment of charges and appeals.
- 13.16.140 Lien for delinquent charges.
- 13.16.150 Right of entry for inspection, code enforcement, and repair.
- 13.16.160 Authority to maintain, operate, regulate and control the utility.
- 13.16.170 Stormwater facility maintenance.
- 13.16.175 Conflicts.
- 13.16.180 Enforcement – Civil and Criminal Penalties – Public Nuisance.

13.16.005 Purpose

Stormwater runoff poses a potential hazard to the health, safety, and welfare of the residents of Olympia, their property, and the environment. The purpose of the City of Olympia’s Storm and Surface Water Utility is to protect public and environmental health by collecting stormwater runoff and either infiltrating or conveying it to streams, rivers, and Puget Sound with the aim of reducing the frequency and severity of flooding; ~~improving water quality, and protecting, enhancing, and restoring~~ and to protect, enhance, and restore aquatic habitat and water quality. The Storm and Surface Water Utility operates a municipal separate storm sewer system (MS4) that is regulated under the federal Clean Water Act, 33 U.S.C. §1251 et seq. and the state Water Pollution Control Act, ~~RCW chapter 90.48~~ RCW. As required by those laws, the ~~city~~ City holds coverage under the Western Washington Phase II Municipal Stormwater Permit (MS4 Permit). The Storm and Surface Water Utility also conducts ~~a number of several~~ programs and activities required by the MS4 Permit, including a Stormwater Management Program. The purpose of this chapter is to regulate and control stormwater runoff; prevent pollution from entering the MS4, local surface waters, and Puget Sound; and to ensure compliance with the MS4 Permit, including the Stormwater Management Program. Storm drainage service charges are assessed to fund the work of the Utility, including the operation, maintenance, and improvement of the MS4, and the Stormwater Management Program.

13.16.007 Stormwater Management Program

The Director of Public Works, or the Director of Public Works’ designee, is authorized and directed to prepare a Stormwater Management Program Plan, in accordance with the MS4 Permit. The Stormwater Management Program Plan provides a set of actions and activities designed to reduce the discharge of

pollutants from the MS4 to the maximum extent practicable, and comprising the components required by the MS4 Permit, and any additional actions necessary to meet the requirements of applicable Total Maximum Daily Load requirements. A copy of the Stormwater Management Program Plan shall ~~must~~ be kept on file in the offices of the City Clerk and the Public Works Department and made available on the City's website.

13.16.010 Definitions

The following words, when used ~~herein in this chapter and in OMC 4.24.010 B,~~ shall have the following meanings, unless the context clearly indicates otherwise:

A. "Best management practice" or "BMP" means a schedule of activities, prohibition of practices, maintenance procedure, managerial practice, or structural features that when used singly or in combination prevents or reduces the release of pollutants and other adverse impacts to waters of Washington State.

B. "Billing unit" means the same as "equivalent residential unit", ~~two thousand eight hundred eighty-two~~ 2,882 feet of impervious surface development on a parcel.

~~C. "Combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system.~~

~~D.~~ "Conveyance" means any catch basin, pipe, culvert, curb, gutter, ditch, swale, human-made channel, storm drain, or road that conveys or collects stormwater.

~~E.~~ "Developed" means, with respect to a parcel, any parcel ~~which that~~ has been altered from a natural state with or without a permit from the ~~city~~ City. This includes clearing, grading, or filling, whether or not that work accompanies excavation and construction.

~~F. "Drainage Design and Erosion Control Manual," or "the Manual" means the document adopted in Section OMC 13.16.017.~~

~~G.~~ "Duplex parcel" means a parcel which has been developed and constructed for the purpose of providing habitat for two-family dwelling units on a single property parcel and has been and continues to be used solely for that purpose.

~~H.~~ "Flow control" means a facility designed to mitigate the impacts of increased stormwater runoff flow rates generated by development. Flow control facilities are best management practices specified in ~~Volume III of the~~ Drainage Design and Erosion Control Manual that are engineered to meet the flow control standards of Core Requirement #7 specified in ~~Volume I of the~~ Drainage Design and Erosion Control Manual.

~~I.~~ "Flow control exempt" means a nonresidential parcel that is exempt from the flow control standards of Core Requirement #7 in ~~Volume I of the~~ Drainage Design and Erosion Control Manual.

~~J.~~ "Illicit connection" means any human-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include ~~but are not limited to~~ sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

~~K.~~ "Illicit discharge" means any direct or indirect non-stormwater discharge to the storm drainage system, except as expressly allowed by this chapter.

~~L.~~ "Impervious surface" means a non-vegetated surface area which (1) either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, or (2) causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under

natural conditions prior to development. Common impervious surfaces include, ~~but are not limited to,~~ roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads and parking areas, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

MK. "Low impact development" means one or more best management practices or facilities that are specified in ~~Volumes III and V of the~~ Drainage Design and Erosion Control Manual that are engineered to meet the low impact development standards of Core Requirement #5 specified in ~~Volume I of the~~ Drainage Design and Erosion Control Manual.

NL. "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, and including a system that collects sanitary sewage and stormwater in a single, combined sewer system):

- a. Owned or operated by the City; and
- b. Designed or used for collecting or conveying stormwater.

The municipal separate storm sewer system does not include combined sewers or a publicly owned treatment works used in treatment of municipal sewage or industrial wastes of a liquid nature.

OM. "MS4 Permit" means the National Pollutant Discharge Elimination System and State Waste Discharge General Permit, commonly known as the Western Washington Phase II Municipal Stormwater Permit, issued by the Department of Ecology and periodically re-issued.

PN. "Nonresidential parcel" means a parcel which has been developed for any purpose other than a single-family dwelling unit or duplex and includes, among others, all multifamily apartments and condominiums with three or more units and all property owned by governmental and nonprofit entities.

QO. "Non-stormwater discharge" means any discharge to the storm drainage system that is not composed entirely of stormwater.

RP. "Owner" has the meaning given in OMC ~~1.04.010.K~~ 1.04.010(K) In addition, for purposes of this chapter, "owner" includes a person that controls a parcel on behalf of a parcel's owner.

SQ. "Parcel" means any area of land within the City of Olympia which is deemed a distinct property as identified by the county assessor, whether or not the parcel is considered taxable.

TR. "Single-family residential parcel" means a parcel ~~which that~~ has been developed and constructed for the purpose of providing a habitat for a single-family dwelling unit with or without an accessory dwelling unit, and has and continues to be used solely for that purpose.

US. "Source control" means preventing pollutants from contacting and entering stormwater runoff.

VT. "Source control BMP" means structures or operations that are intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. Source control BMPs are separated into two types. Structural source control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. See the Drainage Design and Erosion Control Manual for details.

U. "Storm drainage system" means all manmade and natural systems that are used for the collection, conveyance, and disposal of stormwater. The storm drainage system may include lands outside of the ~~city~~ City, but such lands will only be subject to this code when they are annexed to the ~~city~~ City or by interlocal agreement with the governmental entity in which the property is located. The storm drainage

system includes the MS4; all stormwater facilities; appurtenances; wetlands; streams, whether intermittent or perennial; ponds; lakes; creeks; rivers; tidelands; or outfalls subject to stormwater runoff from the land area of the ~~city~~City or from property covered by an interlocal agreement.

V. "Stormwater" means that portion of precipitation, including snowmelt, that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, or other conveyance into a receiving water or storm drainage system.

W. "Stormwater facility" means one or more constructed or natural features, other than the MS4, that collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater. Stormwater facilities include, but are not limited to, conveyances, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

X. "Stormwater treatment" means one or more best management practices or facilities that are specified in ~~Volume V of the Drainage Design and Erosion Control Manual~~ to remove pollutants from stormwater and engineered to meet the treatment standards in Core Requirement #6 specified in ~~Volume I of the Drainage Design and Erosion Control Manual~~.

Y. "Undeveloped parcel" means any parcel ~~which that~~ has not been altered from its natural state by logging, clearing, or grading since 1996, or by filling, excavation, or construction at any time.

Z. "Utility" means the City of Olympia's storm and surface water utility, which operates and maintains storm or surface water conveyances and facilities or outfalls for such waters and the rights and interests in other properties relating to the system.

13.16.015 Water quality standards

The City of Olympia hereby adopts by reference the water quality standards established under the authority of chapter 90.48 RCW and contained within chapter 173-201A WAC as written as of the effective date of this ordinance or thereafter amended.

13.16.017 Drainage Design and Erosion Control Manual – Adopted

~~A certain document entitled The City of Olympia Drainage Design and Erosion Control Manual for Olympia, 2016 Edition ("the Manual"), as amended and updated, is adopted by reference as though fully set forth herein in this chapter. One copy of the Manual is to~~ must be placed and held in the office of the ~~director of administrative services for the city~~ City Clerk and be available to the public.

13.16.018 Drainage Design and Erosion Control Manual – Provisions to prevail in event of conflict

The provisions of the Drainage Design and Erosion Manual adopted in ~~Section OMC 13.16.017~~ shall control and prevail over any provisions of current ordinances, development standards, and/or policies insofar as a conflict may occur.

13.16.020 Permit required

Before stormwater may be discharged to any part of the storm drainage system, the owner of the parcel on which the stormwater is generated shall apply to the ~~city department of community planning and development~~ Community Planning and Development Department for an engineering permit. The issuance of and terms and conditions to be attached to said permit shall ~~be~~ is governed by the Manual.

13.16.030 Prohibited uses of the storm drainage system

No one may discharge or cause to be discharged any materials of any kind into the MS4, except stormwater, clean groundwater, and clean city potable water with chlorine concentrations less than 0.1 ppm.

This prohibition does not include:

1. Water from emergency ~~fire-fighting~~ firefighting activities.
2. Non-stormwater discharges covered by a National Pollutant Discharge Elimination System (NPDES) permit, provided the discharger is in full compliance with all requirements of the permit.
3. Air conditioning condensation.
4. Irrigation water from agricultural sources that is commingled with urban stormwater.
5. Springs.
6. Uncontaminated water from crawl space and basement pumps.
7. Discharges from lawn watering and other irrigation runoff, unless the discharges or other runoff are of water from the ~~city~~City's water supply system that has been wasted in violation of OMC 13.04.080.
8. Dechlorinated swimming pool, spa, and hot tub discharges. The discharges must be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Discharges ~~shall~~must be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash ~~shall~~may not be discharged to the MS4.
9. Uncontaminated pumped groundwater.
10. Street and sidewalk wash water when the surfaces are swept prior to washing, detergents are not used, and water use is minimized.
11. External building wash water when detergents are not used and water use is minimized.
12. Water used to control dust when water use is minimized.
13. Other non-stormwater discharges that are in compliance with the requirements of a pollution prevention plan that addresses control of such discharges and is approved by the Director.

13.16.040 Discharge or connection to the storm drainage system

A. All stormwater facilities that discharge to the storm drainage system ~~shall~~must be inspected by the ~~department of public works~~Public Works Department prior to final approval or occupancy to ensure proper installation of such stormwater facilities.

B. The construction, use, maintenance, or continued existence of illicit connections to the MS4, is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is in violation of this chapter when that person connects a line conveying sewage to the MS4, or allows such a connection to continue.

C. If, after notice and opportunity to cure as provided in OMC 4.44.030, the owner does not abate the illicit connection(s) as directed by the ~~city~~City, the ~~city~~City ~~shall have the authority to~~may abate such connection(s) and bill the owner for all reasonable costs. Any delinquent payments ~~shall~~constitute a lien on the parcel.

D. If the discharge is occurring from a vehicle, trailer, or other mobile equipment or a vehicle, trailer, or other mobile equipment is blocking access to any public facility for testing and cleanup of a discharge, the vehicle or equipment is subject to being tagged by Parking or Code Enforcement staff and a warning issued to the owner, agent, lessee, or other person occupying or having charge or control of the

equipment or vehicle requiring access to said public facility that may be blocked immediately. Failure to do so may result in removal by the City at the owner's expense and will be a violation per OMC 13.16.180 and subject to OMC 10.16.030.

13.16.045 Pollution prevention requirements

A. Any person, business, or entity storing or using materials containing contaminants in any manner that may result in a prohibited discharge shall implement the source control BMPs described in the Drainage Design and Erosion Control Manual.

B. Any person operating a facility or performing an activity described in the Drainage Design and Erosion Control Manual shall implement the source control BMPs described therein for the facility or activity.

C. Full implementation of all stormwater BMPs required by an NPDES industrial stormwater permit or State Waste Discharge Permit constitutes compliance with this section.

D. Full implementation of the source control BMPs described in subsections A through C of this section constitutes the minimum required actions an owner, occupant, or operator of real property must take toward preventing prohibited discharges from the real property. Full implementation of the BMPs required by this section does not exempt a person from also complying with any other requirement of this chapter.

E. Technical assistance and education may be provided by stormwater staff.

F. If an illicit discharge occurs through failure to implement effective BMPs, the City may take enforcement action as described in OMC 13.16.180.

13.16.050 Storm drainage service charges

A. A storm drainage service charge is imposed on every parcel, including vacant parcels, within the ~~city~~City and the owner(s) thereof, except for the following:

1. Undeveloped parcels.
2. City streets, roads, alleys, and rights-of-way. All such streets, roads, alleys, and rights-of-way collect and convey stormwater to the storm drainage system, the value of which is equal to the storm drainage service charge that would otherwise be imposed.
3. State of Washington highways, so long as the State of Washington maintains, constructs, and improves all conveyances associated with such highways in conformance with all ~~city~~City standards, including standards ~~hereafter~~established after the effective date of this ordinance, at no cost to the ~~city~~City.
4. Other streets (excluding driveways and parking areas) not dedicated to the ~~city~~City, but established with a separate right-of-way tract, so long as the owner(s) constructs, maintains, and improves all conveyances and stormwater facilities associated with such streets (except for the streets themselves) in conformance with all ~~city~~City standards in effect as of 2017, or later, at no cost to the ~~city~~City.

B. The storm drainage service charges are set forth in the schedule in OMC ~~Section 4.24.010~~.

13.16.060 Provision of abutting storm drainage system facilities

Whenever a parcel is developed, the applicable development permit ~~shall~~must require the owner(s) to construct that portion of the MS4 abutting said parcel in accordance with the ~~city's~~City's comprehensive

plan and applicable development policies and standards for stormwater. Provided that the ~~department of public works~~Public Works Department shall establish policies and procedures for applying local improvement districts, latecomers agreements, and city~~City~~ participation.

13.16.070 Payment for connection to the MS4

The owner(s) of a parcel shall pay all costs of connecting to the MS4. This obligation ~~shall be~~is in addition to any permit fee or other storm drainage service charges assessed pursuant to this chapter.

13.16.080 Stormwater general facilities charges

A. In recognition of the city~~City~~'s investment in the MS4, each applicant for a development permit who will discharge into the MS4 shall pay a MS4 general facilities charge ("MS4 GFC") in an amount as set forth in Title 4 of this code at the time of issuance of a building or engineering permit.

B. In recognition of the city~~City~~'s investment in stormwater water quality treatment, each applicant for a development permit who will connect to city~~City~~ streets shall pay a water quality general facilities charge ("Water Quality GFC") in an amount as set forth in Title 4 of this code at the time of issuance of a building or engineering permit.

C. All monies collected from the MS4 GFC ~~will~~must be deposited in an account to be used for the capital improvements program of this utility.

13.16.090 Reduction in storm drainage service charge for impervious surface, flow control, stormwater treatment or low impact development.

A. Nonresidential Parcels. An owner may submit to the ~~department of public works~~Public Works Department an application for reduction in the storm drainage service charge that includes proof of the quantity of impervious surface or proof that a stormwater facility approved by the city~~City~~ is providing flow control or stormwater treatment consistent with the definition provided in ~~Section 13.16.010.H or Section 13.16.010.X~~OMC 13.16.010(H) or OMC 13.16.010(X) or fully utilizes low impact development consistent with the definition provided in Section 13.16.010.M OMC 13.16.010(M)) or is located in a flow control exempt area as defined in OMC 13.16.010(I) ("Application"). The owner ~~must, prior to approval of a reduction, execute an approved agreement to maintain the stormwater facility prior to approval of a reduction.~~ After reviewing an Application~~application~~ and inspecting the stormwater facility, if deemed appropriate, the ~~director~~Director may approve a reduction in the storm drainage service charge for the parcel or parcels receiving flow control or stormwater treatment, ~~or fully using low impact development as provided in Section OMC 4.24.010(4), or located in a flow control exempt area as provided in OMC 4.24.010(4) of this code.~~ That reduction will be accomplished by reducing the rate category of the affected parcel as appropriate and calculating storm drainage service charges accordingly.

B. If the city~~City~~ approves a reduction in the storm drainage service charge for a parcel or parcels and later determines that the stormwater facility for such parcel or parcels is not providing flow control or stormwater treatment or is not fully using low impact development, the city~~City~~ may reduce or revoke the reduction.

13.16.120 Billing date

The monthly or bimonthly billing date for the storm drainage service charges ~~shall~~must coincide with the billing date for the other city~~City~~ utilities, except that the owner(s) of parcels that do not receive services from other city~~City~~ utilities ~~shall~~must be billed on the date established by the ~~director of administrative services~~Finance Director as set forth in Chapter 4.24 of this code.

Except as otherwise provided ~~herein~~in this chapter, all monies collected by the utility ~~shall~~must be deposited in the storm and surface water utility fund which was established under ~~Section OMC 3.22.030 of the Olympia Municipal Code.~~

13.16.130 Adjustment of charges and appeals

Any person who considers that the charges established for their parcel are in error may apply in writing to the ~~public~~ ~~Public works~~ ~~Works department~~ ~~Department~~ for an adjustment. The complainant shall explicitly state the grounds of the complaint ~~shall be explicitly stated in the written complaint~~. The ~~public~~ ~~Public works~~ ~~Works department~~ ~~Department~~ shall review each complaint and respond to it in writing. The ~~Public Works Department shall forward~~ A copy of the response shall be forwarded to the complainant and the department of administrative services.

13.16.140 Lien for delinquent charges

The ~~city~~ City shall ~~have~~ has a lien against parcels to which storm drainage service charges have been assessed, which lien shall be in the amount of the charges due and owing.

13.16.150 Right of entry for inspection, code enforcement and repair

Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever there is reasonable cause to believe there exists a violation of this chapter upon a parcel within the jurisdiction of the ~~city~~ City, any authorized official of the ~~city~~ City may, upon presentation of proper credentials and consent of any owner or occupant, enter such parcel at all reasonable times to inspect the same or to perform any duty imposed upon him or her by this chapter. If no owner or occupant consents to entry, the official may apply to any court of competent jurisdiction for an order allowing such entry.

13.16.160 Authority to maintain, operate, regulate and control the utility

The ~~city~~ City elects to exercise all lawful powers necessary to maintain, operate, regulate, and control a storm and surface water utility as it exists and may be modified in the future.

13.16.170 Stormwater facility maintenance

Parcel owners shall inspect all stormwater facilities located on their parcels and maintain the facilities in accordance with the Manual, so they function as designed.

If the ~~city~~ City determines that maintenance or repair is required for a stormwater facility on a parcel not owned by the ~~city~~ City, the ~~city~~ City shall notify the owner of the parcel of the specific maintenance or repair required. The ~~city~~ City shall set a reasonable time in which such work is to be completed by the person given notice. The owner shall complete the maintenance or repair within the time for completion established by the City. If the required maintenance or repair is not completed within the time set, the ~~city~~ City will notify the owner that the ~~city~~ City intends to perform the maintenance or repair and to bill the owner for the expenses incurred. The expenses charged to the owner shall become a charge on the owner's storm drainage service charge bill and may be collected by the ~~city~~ City in the manner authorized for collection of such bills.

If at any time the ~~city~~ City determines that a stormwater facility on private property creates an imminent threat to public health or welfare, the ~~city~~ City may take immediate measures to remedy such threat, without providing notice to the owner.

13.16.175 Conflicts

If any provision of any other chapter of the Olympia Municipal Code, including Title 18, Unified Development Code, conflict with this chapter, that which provides more environmental protection applies, unless specifically provided otherwise in this chapter.

13.16.180 Enforcement – Civil and criminal penalties – Public nuisance

A. The Code Enforcement Officer shall enforce the provisions of this chapter.

B. ~~It shall be~~ is a civil infraction for any person to violate or fail to comply with the provisions of ~~Olympia Municipal Code Sections OMC 13.16.017, OMC 13.16.020, OMC 13.16.030, OMC 13.16.040, and OMC 13.16.170.~~ Each day shall be in which the person violates or fails to comply with these provisions is a

separate infraction. A person found to have committed a civil infraction ~~shall~~must be assessed a monetary penalty as follows:

1. First offense: Class 3 (\$50), not including statutory assessments.
2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also ~~OMC Chapter 4.44~~ chapter 4.44 OMC, Uniform Code Enforcement.

C. As a separate and concurrent remedy, any person who violates or fails to comply with ~~Section OMC 13.17.170~~ shall be liable to the ~~City~~City for the actual expense of maintenance or repair.

D. It ~~shall be~~ a public nuisance to violate or fail to comply with any of the following sections of this chapter: OMC 13.16.017, OMC 13.16.020, OMC 13.16.030, and OMC 13.16.040.

E. In cases resulting in a violation of the MS4 Permit requirements, particularly those resulting from negligence or knowingly violating this chapter, a person, business, or both, may be referred to the Washington State Department of Ecology for further enforcement, in addition to any enforcement actions taken by the City.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance will be effective 30 days after passage and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: