



Ordinance 5087

Summary of Chapter 45 Updates - Stormwater Drainage and Pollution Prevention

City Code Chapter 45 Revisions to comply with Arizona Department of Environmental Quality (ADEQ) Municipal Separate Storm Sewer System (MS4) Permit (Permit) AZG2021-002 issued on September 30, 2021, and City of Chandler's Engineering & Design Standards Manual requirements (city's drainage requirements) Chapter 3 Storm Drainage System Design.

The ordinance revision is required for the city to enforce sections of the ADEQ MS4 Phase II permit and the city's drainage requirements to address stormwater quality concerns to provide for the health, safety, and general welfare of the citizens of Chandler by establishing procedures and practices that will prevent or minimize, to the maximum extent practicable, the discharge of pollutants to City right-of-way or a stormwater collection system. The revisions to code will allow the city to enforce and issue violations based on Chapter 45 as referenced in the Enforcement Response Plan (ERP). It will also allow enforcement at construction sites that discharge pollutants into the city's MS4 system and continue to allow enforcement on pollutant discharges to the city's MS4 system.

The updated city's drainage requirements have been in place since March 2023 and the updated ordinance will allow the city to enforce the requirement of the City of Chandler Engineering & Design Standards Manual for Public Works Construction, Chapter 3, Storm Drainage System Design, and be able to inspect on private property to ensure parcel owners comply with the maintenance and inspection requirements prescribed in Chapter 3 to minimize and eliminate discharge of pollutants into the MS4. Education will be a large focus of future efforts.

City of Chandler Stormwater Permit Requirements – City Code Ch. 45 Updates	
The city is subject to Clean Water Act requirements as prescribed by Phase II Municipal Separate Storm Sewer System (MS4) Arizona Pollutant Discharge Elimination System (AZPDES) Permit No. AZG2021-002 (Permit). The Permit was issued by the ADEQ in 2021. In accordance with the Permit, the city is required to reduce the discharge of pollutants to the maximum extent practicable to protect water quality.	
Current Code Ch. 45	Updates
If not draining within 36 hours, allows city to enter privately owned property and take action. The ability to assess costs, appeal to Council, service notice, and file lien are included. Non-stormwater discharges are noted, and exceptions are listed.	
None	Added Sec. 45-1 Definitions to clarify terminology used and Sec 45-2 to clarify authority for administration and enforcement (City Manager or Designee).
Sec. 45-1 Uniform Drainage Policies and Standards Adopted. Ensures stormwater assets follow City and County policies for construction and maintenance.	Now 45-3. Updates City and County policies to most recent editions. F. Clarified percolation language to match city manual. G. Adds clarification that if there is a conflict between policies, the city's standard prevails.
Sec. 45-2 Compliance with storm drainage regulations.	Combined with the new Sec. 45-3
Sec. 45-3 Right of City to Drain Basin. Makes it unlawful for any person owning or controlling a retention basin to permit stormwater to stand longer than 36 hours.	Sec. 45-4 Right of City to Drain Standing Water. Minor terminology updates and makes it unlawful for any person owning or controlling a stormwater retention system or facility to permit water to stand longer than 36 hours.

Sec. 45-4 Assessment of costs for drainage.	Now Sec. 45-4.1
Sec. 45-5 Appeal to Council.	Now Sec. 45-4.2 updated to appeal to City Manager.
Sec. 45-6 Service of Notice.	Now Sec. 45-4.3 updated to refer to Sec. 26-5 of code.
Sec. 45-7 Lien for drainage of basin.	Now Sec. 45-4.4 updated to Lien for drainage of standing water.
None	New Sec. 45-5 Declaration of Nuisance. Clarifies what constitutes a violation of the city's Stormwater permit as required by ADEQ. This can include release of materials, pollutants, or stormwater in a manner that causes damage or water quality issues. Clarifies need to maintain stormwater collection systems. Refers to Article II of Ch. 30 for administrative enforcement if considered a public nuisance.
Sec. 45-8 Non-stormwater discharges. Sec. 45-8.1 Exceptions (not prohibited).	Now Sec. 45-6 Prohibition of non-stormwater discharge to the stormwater collection system; exceptions. Clarifies what cannot be discharged into a storm drain. Exceptions already existed.
None	New Sec. 45-7 Construction site stormwater runoff/release control requirements. Clarifies what is required by the EPA, ADEQ, and city standards.
None	New Sec. 45-8 Post-Construction stormwater runoff release and maintenance requirements. Clarifies what is required by ADEQ and the city standards to ensure stormwater collections systems are installed and maintained per city standards.
None	New Sec. 45-9 Inspection and Enforcement. Refers to Article II of Ch. 30 for administrative enforcement and authorizes city staff to enter and inspect real property to assess compliance with this section.
None	New Sec. 45-10 Violations and Penalties. Allows the city to impose violations and penalties to a person who willfully and negligently violates any provision of this chapter. Refers to Article II of Ch. 30 and Section 1-8.7 of the city code.
None	New Sec. 45-11 Appeals. Allows for appeals to the Superior Court of Maricopa County if assessed with a civil penalty.
None	New Sec. 45-12 Habitual Offenders. Clarifies habitual offenders will be penalized through Section 1-8.7 of the city code.