CITY OF GROSSE POINTE PARK
Ordinance No. 226

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GROSSE POINTE PARK BY REVISING AND AMENDING CHAPTER 7, SECTION 14, OF THE CODE OF THE CITY OF GROSSE POINTE PARK RELATING TO GUTTER AND DOWNSPOUT CONNECTIONS,

THE CITY OF GROSSE POINTE PARK ORDAINS:

Sec. 7-14. Gutter and Downspout Disconnection

Purpose. The city council, in order to reduce the sudden inflow of rainwater into the sanitary sewer system, the overflow of the drainage system and the resulting pollution of Lake St. Clair, and the reduction of basement flooding, does hereby adopt the rules and regulations set out in this section requiring the disconnection of rainwater downspouts within the city.

(a) Downspouts, eaves troughs, sump pumps, or any other system or device for the collection and conveyance of stormwater shall not be directly connected to any city sanitary sewer.

(b) No person owning or occupying any property shall be entitled to the issuance of a certificate of occupancy and use or building permit allowing such person to construct, permit, allow or maintain the connection of any gutter downspout with the sanitary sewer system of the City of Grosse Pointe Park or occupy any property where such condition exists, unless an exemption has been granted in accordance with subsection (c) of this Section. Failure or refusal to disconnect any device identified in subsection (a) shall constitute an Illicit Connection under Section 7-15.

(c) Any person who can demonstrate to the Building Official, Ordinance Officer, Department Of Public Works Supervisor or their authorized designated representative that the disconnection from the Grosse Pointe Park sanitary sewer system of some or all of the gutter downspouts located on the property owned or occupied by such person would be impractical, an undue hardship, result in damage to such property or to abutting property, or would:

(1) Cause water to discharge onto a driveway or sidewalk creating a hazardous condition;

(2) Cause water to flow next to a basement wall and tend to create a basement water problem; or

(3) Create a flooding problem because of low grade.

may apply for an exemption entitling such person to receive a certificate of occupancy and use or building permit notwithstanding the requirements of Subsection (b) of this Section, which exemption shall be in writing and shall relieve the person or property designated in such exemption.
from compliance with Subsection (b) of this section. A copy of each exemption shall be recorded with the Department of Public Service. For the avoidance of doubt, any person who received an exemption under any prior version of the Grosse Pointe Park City Code of Ordinances must re-apply for exemption within ninety (90) days of the effective date of this Ordinance. At that time, all previously-granted exemptions not renewed shall be deemed to be revoked.

(d) Demonstration of hardship for exemption: Property owners claiming infeasibility of downspout disconnections shall be required to furnish proof of the hardship for each connected downspout to the sanitary sewer system. The documentation shall generally demonstrate the inability to convey stormwater away from building structures and onto adjacent property. Documentation of this condition requires the following:

1. In instances where connected downspouts are within concrete, asphalt or pavers surfaces where there exists a potential for icing, the property owner shall provide photographic evidence for each downspout connected to the sanitary sewer.

2. For instances where downspouts are connected to provide an existing conditions plot plan or topographic survey plan denoting elevations of the existing property and adjacent property. The document shall include sufficient elevation information to demonstrate overland flow patterns. The plan shall include existing pavements as well as stormwater infrastructure including sewers, catch basins, trench drains and manholes shall be shown on the plan.

3. The property owner or representative is required to explore reasonable alternatives for downspout disconnections. These alternatives generally include surface grading, swales, underground drainage piping, dry wells, rain gardens, infiltration trenches, grated and/or pop-up emitters and connections to storm sewer systems.

4. Provide documentation of the infeasibility of the disconnection for each downspout connected to the sanitary sewer. This shall include written or drawn alternatives with a written narrative explaining the inability to discharge flow.

5. Documentation will be subject to review and acceptance of the Building Official, Ordinance Officer, Department of Public Works or their authorized representative.

(e) Any person failing to receive an exemption pursuant to this Section, or any person affected by a decision of the Building Official, Ordinance Officer, Department Of Public Works Supervisor or their authorized representative under this Section may appeal such action or decision to the Appeal Board, which shall have the power to confirm, revoke or modify any decision so appealed, or direct such action as may be appropriate. Appeals shall be made in writing filed with the City Clerk and shall not be considered until payment of an appeal fee is received by the City Treasurer in such amount as may be prescribed by resolution of the City Council. Appeal must be submitted within thirty (30) days of the decision that is the subject of the appeal.
(f) Appeal Board. There is created a board of appeals which will consist of three members appointed by the mayor. One member shall be an employee of the city department of public works, one member shall be an employee of the city engineering firm and one member shall be a citizen resident of the City. The mayor may appoint an alternate member from the department of public works to serve in the absence of a regular appointed member. The terms of office of each board member shall be three years, excepting those members first appointed, of whom each one shall be appointed for terms of one, two, and three years. The alternate member shall be appointed for a term of three years. The terms of office shall expire September 30 of the year and members, other than those first appointed, shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term. The first members of the board shall be appointed within thirty (30) days after the effective date of the ordinance creating this board.

(g) Appeal Procedures. The board of appeals shall hear appeals from property owners who have been notified by the City to disconnect their downspouts and who believe that their property should be exempt from the requirements of this Code. The Appeal Board shall meet as needed, but must meet to discuss any pending appeal(s) within thirty (30) days of the appeal’s filing date. A meeting shall require three members, or two members and the alternate member, in attendance. The decisions of the board of appeals shall be final. No violation complaints shall be issued while an appeal is pending.

(h) Exemption by hazardous condition. In order for property to be exempt from the provisions of this ordinance related to downspout disconnection, the Appeal Board, by a vote of at least two members of the board, must find that disconnection of each downspout would lead to a hazardous condition, or that the property owner satisfies the criteria for exemption under Section 7-14(c). Hazardous conditions shall be such conditions that would be likely to cause structural damage to an existing building and which are not reasonably capable of correction or of being prevented.

(i) Appeal document submission. The appeal documents submitted by the property owner shall show the lot size, the dimensions of the buildings thereon, the location of the connected downspouts, the cost of removing the downspouts from the sewer system and the reason for requesting an exemption from the provisions of this Code. The property owner must establish entitlement to exemption for each downspout. Any exemption granted by the Appeal Board shall remain in effect until changing circumstances cause the Appeal Board to revoke such exemption. The building inspector shall review the appeal documents and make a recommendation to the Appeal Board.

Sec. 7-15. Illicit Discharges and Connections.

(a) An “Illicit Connection” is defined as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of
whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or;

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency or;

(3) Any drain or conveyance, whether on the surface or subsurface which allows stormwater runoff or groundwater to enter the sanitary sewer system including but not limited to footing drains, downspouts, catch basins, surface runoff regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

(b) An “Illicit Discharge” is defined as any discharge into the municipal separate storm water system (MS4) or watercourses of any material, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of any applicable water quality standard, and including stormwater discharged from any Illicit Connection as defined above.

(c) Prohibition of Illicit Discharges and Connections:

(1) The construction, use, maintenance or continued existence of Illicit Connections to the storm drain system or sanitary sewer system is prohibited.

(2) 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, including under prior versions of the Grosse Pointe Park City Code of Ordinances.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Sec. 7-16. Enforcement.

(a) Notice of Violation. Whenever the Grosse Pointe Park Building Department or Public Works Department finds that a person has violated a prohibition or failed to meet the requirements of Sections 7-14 and 7-15 of these Ordinances, the authorized enforcement agency may order compliance by a written notice of violation to the responsible person. Such notice may require without limitation:

(1) The performance of monitoring, analyses, and reporting;

(2) The immediate elimination of Illicit Connections and immediate cessation of Illicit Discharges;

(3) That violating discharges, practices, or operations shall cease and desist;
(4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and

(5) Payment of a fine to cover administrative and remediation costs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(b) Misdemeanor Violation; continuing violation; penalties for conviction.

(1) It shall be unlawful for any person to violate any provision of Sections 7-14 and 7-15, maintain any Illicit Connection, engage in any Illicit Discharge, or fail to comply with any Notice of Violation issued under Section 7-16(a) of this Code within the time limit provided for in the violation notice. Violations shall be subject to the penalties set forth herein:

i. The first violation within thirty-six months shall be a civil infraction with a maximum penalty of a $50 fine.

ii. The second violation within thirty-six months shall be a civil infraction with a maximum penalty of a $150 fine.

iii. The third or subsequent violation within thirty-six months shall be a misdemeanor with a maximum penalty of a $500 fine and/or 90 days in jail. The fines described in this Section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.

(2) For the avoidance of doubt, any person violating the provisions of this section shall be liable to the City for any penalties, fines, loss, costs, or damage incurred by the City by reason of such violation, including the cost of disconnecting any Illicit Connection.

This ordinance shall take effect September 12, 2021