

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 1
November 22, 2010

SUBJECT: Adoption of Ordinance 10-103.11, an ordinance to amend Chapter 12, "Drainage and Flood Damage Prevention," Article II, "Drainage in Connection with the Construction of Buildings and Improvement of Property," in order to amend the title of the Article; to add a new subsection (f) to Section 12-24, "Prohibited Acts," making it unlawful to cause or permit temporary or periodic drainage of water onto adjacent property without consent; and to add a new Section 12-28, "Discharge of Swimming Pool Water, specifically regulating with the discharge of swimming pool water. **SECOND READING**

SUBMITTING DEPARTMENT: Community Development

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The City Council considered this proposed amendment at its November 8, 2010 meeting and approved it for first reading. The ordinance amends Section 12-24, Prohibited Acts, to add a section generally prohibiting temporary or periodic discharge of water onto adjacent property without the adjacent owner's consent and also a new provision in Section 12-28 specifically addressing the discharge of swimming pool water.

As a result of comments during discussion at first reading, minor amendments have been made for second reading in order to clarify the intent of the ordinance (1) to avoid an actual, noticeable accumulation of water or saturation of soils on the neighboring property, not just incidental discharge, and (2) to allow neutralized pool/hot tub water to be discharged to pave services and to a storm drain, but not **directly** into a stream or other water body. The revisions have been reviewed by the Community Development and Public Services Departments and will comport with their enforcement practices and/or permit requirements.

RECOMMENDED ACTION: Adoption of Ordinance 10-103.11, an ordinance to amend Chapter 12, "Drainage and Flood Damage Prevention," Article II, "Drainage in Connection with the Construction of Buildings and Improvement of Property," in order to amend the title of the Article; to add a new subsection (f) to Section 12-24, "Prohibited Acts," making it unlawful to cause or permit temporary or periodic drainage of water onto adjacent property without consent; and to add a new Section 12-28, "Discharge of Swimming Pool Water, specifically regulating with the discharge of swimming pool water.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gaff				
Council Member Crawford				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

November 12, 2010

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Thomas R. Schultz
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Mayor Landry and City Council
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

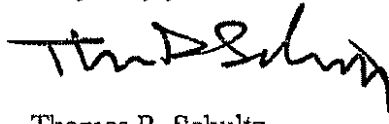
Re: *Swimming Pool Discharge—Revisions to Ordinance for Second Reading*
Our File No. 55142 NOV

Dear Mayor Landry and Councilmembers:

Attached is a revised ordinance amending Chapter 12, relating to drainage and flood damage prevention. The ordinance was considered at the November 8, 2010 City Council meeting. The revisions, which have been prepared with the assistance of the Community Development Department and the Department of Public Services, address the questions raised at the Council meeting. They attempt to clarify the intent of the ordinance to (1) avoid an actual, noticeable accumulation of water or saturation of soils on the neighboring property and (2) allow neutralized water to be discharged to pave services and to a storm drain, but not *directly* into a stream or other water body.

If you have any questions, please do not hesitate to call.

Very truly yours,



Thomas R. Schultz

TRS/jec
Enclosure

cc: Clay Pearson, City Manager
Maryanne Cornelius, City Clerk
Charles Boulard, Community Development Director
Rob Hayes, Engineer

1525254

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 10-103.11

AN ORDINANCE TO AMEND CHAPTER 12, "DRAINAGE AND FLOOD DAMAGE PREVENTION," ARTICLE II, "DRAINAGE IN CONNECTION WITH THE CONSTRUCTION OF BUILDINGS AND IMPROVEMENT OF PROPERTY," IN ORDER TO AMEND THE TITLE OF THE ARTICLE; TO ADD A NEW PROVISION, SECTION 12-24, "PROHIBITED ACTS," MAKING IT UNLAWFUL TO CAUSE OR PERMIT TEMPORARY OR PERIODIC DRAINAGE OF WATER ONTO ADJACENT PROPERTY WITHOUT CONSENT; AND TO ADD A NEW SECTION 12-28, "DISCHARGE OF SWIMMING POOL WATER, REGULATING WITH THE DISCHARGE OF SWIMMING POOL WATER.

THE CITY OF NOVI ORDAINS:

PART I

That the title of Chapter 12, "Drainage and Flood Damage Prevention," Article II, which is currently "Drainage in Connection with the Construction of Building and/or Improvements to Property shall be changed to "Drainage in Connection with Improvements to and/or Use of Property."

PART II

That Chapter 12, "Drainage and Flood Damage Prevention," Article II, "Drainage in Connection with the Improvements to and/or Use of Property," Section 12-24, "Prohibited Acts," to add a new Section 12-24(f), to read as follows:

Section 12-24. Prohibited Acts.

- (a) *Existing or natural drainage.* It shall be unlawful to change the existing or natural drainage of land in the city so as to obstruct, impede, accelerate, channel or concentrate the flow of rain or surface waters onto or from the lands of another so as to cause damage thereto or create a nuisance thereon.
- (b) *Easements and private property.* It shall be unlawful for any person to interfere with or obstruct the flow of surface water over easements for public or private

utilities or to impede the flow of surface water across public or private drainage easements or private property in a manner contrary to the approved grading plan and drainage pattern.

- (c) *Landscaping.* It shall be unlawful to construct landscaping which changes the drainage pattern of any property or which is not in compliance with the approved grading plan for the property without obtaining a land improvement permit and complying with the conditions of this article.
- (d) *Utility systems.* It shall be unlawful to bury and cover over any utility structures, manholes or other appurtenances, or any utility system with fill dirt, landscaping berms, paving, etc.
- (e) *Sanitary sewer.* It shall be unlawful to permit the entry of any roof, footing, or surface water or groundwater into the sanitary sewer system or to direct any roof, footing, ground or surface water in such a manner that it enters the sanitary sewer system
- (f) *Miscellaneous Discharge.* It shall be unlawful to cause or permit the temporary or periodic discharge of any water onto any adjacent property, in such a manner as to cause the accumulation water on the surface of that property or the saturation of the soils thereon, for any period of time, without the consent of the owner of the adjacent property.

PART III

That Chapter 12, "Drainage and Flood Damage Prevention," Article II, "Drainage in Connection with the Construction of Buildings or Improvement and/or Use of Property," Section 12-24, "Prohibited Acts," to add a new Section 12-28, to read in its entirety as follows:

Section 12-28. Discharge of swimming pool and hot tub water.

Swimming pool and hot tub water and backwash shall be discharged as follows:

- (a) Pool or hot tub water and backwash, whether neutralized/dechlorinated or not, may not be drained directly into a stream or other water bodies ~~or into the storm sewer.~~
- (b) ~~Neutralized p~~Pool or hot tub water ~~can~~ may be discharged ~~over a grassy area to allow absorption, filtration and aeration of the water to yard areas, paved surfaces, or storm drains. The discharge should be at a slow enough rate so as to prevent erosion and optimize infiltration. Pool or hot tub water may be if it has been~~ neutralized either naturally, by allowing the water to sit for a period of 7-10 days without adding chlorine, or through the use of a chemical dechlorination additive.
- (c) Pool or hot tub water may not be discharged onto adjacent properties without the consent of the owner of the adjacent property.

PART IV

Savings Clause. That the amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued,

or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART V

Severability. That should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART VI

Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART VII

Effective Date: Publication. That the provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the ____ day of December, 2010.

CITY OF NOVI

By: _____
Maryanne Cornelius, City Clerk

**ADOPTED:
EFFECTIVE:
PUBLISHED:**

1518328

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 10-103.11

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CITY OF NOVI

By: _____
Maryanne Cornelius, City Clerk

**ADOPTED:
EFFECTIVE:
PUBLISHED:**

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