



cityofnovi.org

# CITY of NOVI CITY COUNCIL

**Agenda Item 4  
November 8, 2010**

**SUBJECT:** Introduction 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. **FIRST READING**

**SUBMITTING DEPARTMENT:** Community Development

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:**

Recently, an issue has been raised about the lack of clear regulation in the City's Code of Ordinances regarding the discharge or drainage of swimming pool water onto adjacent or neighboring property. After reviewing the code, with regard to drainage limitations generally, and after input from the Department of Public Services with regard to the impact of the drainage of chlorinated swimming pool water into the City storm drain system (which then leads eventually to the waters of the state), City staff is proposing a two-part solution involving amendments to Chapter 12, "Drainage and Flood Damage Prevention."

The first action is to amend 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. The second action is to add a new provision in Section 12-28, which specifically addresses the discharge of swimming pool water. This provision, in addition to confirming the need to have the consent of a neighboring property owner to discharge their property, also states that pool water and backwash should not be drained directly into a stream or storm sewer, and that the chlorine in pool water should be neutralized before discharge, either chemically or by allowing the water to sit for a period of time without adding chlorine.

**RECOMMENDED ACTION:** Introduction 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 Gatt				
Council Member Crawford				
Council Member Fischer				

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

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 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 may not be drained directly into a stream or other water bodies or into the storm sewer.**
- (b) **Neutralized pool or hot tub water can be discharged over a grassy area to allow absorption, filtration and aeration of the water. The discharge should be at a slow enough rate so as to prevent erosion and optimize infiltration. Pool or hot tub water may be 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