

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB -13

ORDINANCE NUMBER: 2016-13

TITLE: AN ORDINANCE AMENDING THE BLACK HAWK MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE X OF CHAPTER 7 ENTITLED SAND AND OIL SEPARATOR FACILITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. The Black Hawk Municipal Code is amended by the addition thereto of a new Article X of Chapter 7 entitled "Sand and Oil Separators," to read as follows:

ARTICLE X

Sand and Oil Separators

Sec. 7-221. Purpose and Applicability.

(a) The requirements established in this Article shall apply to sand/oil separator facilities for non-domestic dischargers built, constructed, or existing within the City.

(b) Non-domestic dischargers include automotive service facilities, machine shops, automotive care centers, auto body shops, car washes, parking garages, surface parking lots, or any other facility that generates sand, petroleum oil, grease or other petroleum product, grit, gravel or other aggregate that may discharge into a stormwater collection system. Access to the stormwater collection system is often via inlets and floor drains located inside shop areas and parking garages and lots that are not limited to non-polluting wastewater sources; such drains must be connected to a sand/oil separator.

(c) All facilities subject to this Article must comply with the requirements of this Article.

Sec.7- 222. General Control Requirements.

(a) A sand/oil separator facility shall be required when, in the judgment of the City, it is necessary for the proper handling of liquid wastes which may be harmful to, or cause obstruction in the stormwater collection system. It shall be the responsibility of the facility user, here defined as the owner of the property, business or an authorized representative, to contact the City of Black Hawk Public Works Department for the purpose of obtaining a sand/oil separator permit. This process will require submittal of a plan that includes the necessity, size, location, and other

requirements of the separator required to control discharges into the stormwater system. The review of such plans and operating procedures shall in no way relieve the facility user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City. All existing sand/oil separator systems are required to obtain a Sand/Oil Separator Permit. Existing systems must be permitted and approved within six (6) months of enactment of this Ordinance, or no later than December 22, 2016.

(b) The sand/oil separators shall be designed, sized, installed, maintained and operated so as to accomplish their intended purpose of intercepting pollutants from the facility user's stormwater and preventing the discharge of such pollutants to the City's stormwater collection system.

(c) Upon change of ownership of any existing facility which would be required to have a sand/oil separator facility under this Section, the applicant shall have the burden to demonstrate that a properly sized and functioning sand/oil separator facility is installed.

(d) Toilets, urinals and similar fixtures shall not waste or otherwise discharge through a sand/oil separator. Such fixtures shall be plumbed directly into the building sewer and waste system.

(e) The user shall ensure all sand/oil separators are easily accessible for inspection, cleaning, and removal of sand and oil.

(f) The facility user shall maintain the sand/oil separator at its own expense and keep in efficient operating condition at all times by the regular removal of sand and oil.

Sec. 7-223. Required Maintenance.

(a) Sand/oil separators shall be maintained by regularly scheduled cleaning to provide for their operation as intended to efficiently separate the sand and oil from the facility's stormwater system. A sand/oil separator shall be serviced at a minimum once every calendar year.

(b) The City may require more frequent cleaning if such more frequent cleaning is determined by be necessary in the discretion of the Public Works Director. The Public Works Director may also approve a waiver from the minimum maintenance interval requirement if the user can demonstrate less frequent cleaning is necessary.

(c) The facility user shall provide an annual inspection report to the City of Black Hawk Public Works Department by January 31 for the preceding year regarding the maintenance of the sand/oil separators. The report shall indicate the level of sand and oil in the interceptors, the date of cleaning or inspection, the approximate gallons of oil and debris removed (if cleaned), and the method of disposal (if cleaned). Upon reviewing the annual inspection report, the Public Works Director shall have the discretion to determine if additional maintenance is required.

(d) Along with the annual inspection report required hereunder, the facility user shall provide a proposed schedule (subject to change due to weather conditions, truck availability, and other conditions beyond the facility user's control) for regularly scheduled inspection and maintenance in accordance with the City's rules and specifications. Pumping and maintenance of the sand/oil separators shall not unreasonably interfere with the operations of any City service, or unreasonably adversely impact traffic circulation.

(e) Maintenance of sand/oil separators shall be undertaken only by a business/professional normally engaged in the servicing of such plumbing fixtures. In the event a separator is not properly maintained by its user, owner, lessee, or other authorized representative of the facility, the City may authorize such maintenance work be performed on behalf of the separator user. The City will provide notice prior to any maintenance work performed. The costs of such maintenance and an administration fee shall be billed directly to the separator user or property owner and shall become part of the charges due and owed to the City and the City shall have the right to constitute a lien against the property until paid in full.

(f) The facility user must take reasonable steps to assure that all waste is properly disposed of at a facility in accordance with federal, state and local regulations (i.e. through a certification by the hauler included on the waste manifest or trip ticket for each load).

(g) The sand/oil separator user shall be responsible for cleanup of any spills due to pumping, maintenance, or repair of any separator on private or public property after the maintenance activity. All surfaces shall be cleaned and restored to City standards, and all costs of repair, maintenance, restoration and/or cleanup caused by a facility will be that facility user's responsibility.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

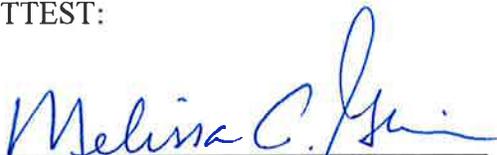
Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 22nd day of June, 2016.



David D. Spellman, Mayor

ATTEST:



Melissa A. Greiner, City Clerk

