

data showing that the function of the facility will not be hampered. The construction plans for such covering or modification shall be approved by the chief engineer.

(Sec. 16-6.10, R.O. 1978 (1983 Ed.))

Sec. 14-12.11 Fences along improved channels.

- (a) The chief engineer may require that fences be constructed as part of any channel improvement based upon a consideration of the height of the wall or bank, or shape of the channel, or the land use of the adjoining properties, or the depth of normal flow in the channel, or the location of the channel improvement and/or the possibility of people injuring themselves because of the channel improvement.
- (b) Fences when required shall generally be erected on or immediately adjacent to the channel walls and they shall be maintained and repaired by the city.
- (c) The minimum height of such fences shall be 42 inches.

(Sec. 16-6.11, R.O. 1978 (1983 Ed.))

Sec. 14-12.12 Connection to city-owned separate storm sewer system--Violation.

- (a) Private Storm Drain Connection Licenses.
 - (1) All connections from nonmunicipal and private drainage systems to the city-owned separate storm sewer system shall require a storm drain connection license issued by the chief engineer.
 - (2) The license may require if applicable a description of the property owner activity and/or standard industrial classification code which best reflects the principal products or services, and a description and/or analysis of the effluent to be discharged from the private drainage system into the city-owned system. No license is transferrable without the prior written consent of the chief engineer.
 - (3) Nonstorm water discharge into the city-owned separate storm sewer system may be allowed if the discharge has been issued an NPDES permit from the department of health, State of Hawaii, or the United States Environmental Protection Agency, subject to requirements herein.
 - (4) The chief engineer, or the chief engineer's authorized representative, shall be authorized to enter any property, building or premises in the discharge of the chief engineer's official duties to inspect or investigate, measure or test any effluent that is discharged in a private drainage system connected, directly or indirectly, to the city-owned system.
 - (5) Effluent, including NPDES-permitted discharges and nonstorm water discharges, which are not sources of pollutants, may be allowed into a private drainage system, connected directly or indirectly to the city-owned system.
 - (6) All required analysis submitted by property owners on the characteristics of the constituents in the discharge shall be performed by qualified personnel in a laboratory acceptable to the chief engineer.
 - (7) The chief engineer may condition the granting of the license with requirements to prevent drainage and/or pollution problems or mitigative measures which will meet any conditions of the city NPDES permit.
 - (8) Where a private drainage system is common to one or more parcels and is owned by more than one property owner, each property owner is required to have a private drain connection license and be responsible for the maintenance of the common private drainage system.
 - (9) Failure of the property owner(s) to obtain a license shall be a violation of the provisions of Article 12.
- (b) Private Storm Drain Connection License Agreement. A property owner may be allowed to connect the property owner's private drainage system to the city-owned separate storm sewer system if the chief engineer determines that the existing system is adequate to accommodate the potential peak-designed flows of both systems, and if the property owner agrees to the following conditions:
 - (1) That the property owner shall bear the entire cost of engineering, construction and maintenance of the private drainage system.
 - (2) That the property owner shall indemnify and hold the city free and harmless from all suits and actions caused by the property owner's acts or failure to act in connection to the city-owned system.
 - (3) That the construction of the drain connection shall be made in accordance with plans and specifications approved by the chief engineer, and subject to compliance by the property owner with applicable provisions of this section including conditions if any and all applicable statutes, ordinances, and rules and regulations of federal, state or city agencies having the effect of law.
 - (4) That no additions or alterations to the private drainage system will be made without the prior written consent of the city.
 - (5) That the private drainage system shall remain the property owner's property.
 - (6) That in the event the private drainage system within the public right-of-way shall at any time interfere with any public use, the property owner shall relocate the private drainage system at the property owner's expense.
 - (7) That in the event any portion of the city-owned separate storm sewer system is damaged or destroyed during the construction of the private storm drain connection, the property owner shall bear the entire cost of engineering and construction, or replacement of the damaged facility.
 - (8) That in the event the discharge into the city-owned system includes storm water discharge associated with industrial activity, the property owner shall have an NPDES permit and provide data on the characteristics of the constituents, quantity of the effluent and discharge at the property owner's expense within one year after the date of connection, and annually thereafter or as the need may arise as determined by the chief engineer.
 - (9) That any time the property owner or anyone using the property owner's property, discharges pollutants or other objectionable material which exceeds applicable water quality standards into the city-owned system or otherwise misuses the system, or causes a violation of any provisions of the city NPDES permit, the discharge shall be deemed a violation of this section and the city by written notice may terminate this license.
- (c) Termination of License Agreement.

- (1) The chief engineer may order a license to be terminated upon finding that the property owner has violated a provision of the agreement or any provisions of this section.
 - (2) A property owner whose license has been terminated shall immediately stop the discharge of any pollutant if applicable covered by the license into the city-owned separate storm sewer system. The chief engineer may disconnect or permanently block from the city-owned separate storm sewer system, the private storm drain connection from any property owner whose license has been terminated if such action is necessary to insure compliance with the order of termination.
 - (3) A property owner whose license has been terminated may apply for a new license and pay all delinquent charges, penalties, and such other sums as may be due to the city. Any cost that might be incurred by the city in terminating the prior license and disconnecting the private storm drain connection shall be paid by the property owner before issuance of a new license.
- (d) Private Storm Drain Connections.
- (1) All licenses for private storm drain connections to the city-owned separate storm sewer system issued to the property owner of record shall remain in force. The city may reissue new license agreements for those connections which are discharging nonstorm waters or any effluent which requires an NPDES permit into the city-owned separate storm sewer system.
 - (2) Any private storm drain system that is connected to the city-owned separate storm sewer system without a license issued to the property owner of record shall be considered an illegal storm drain connection.
 - (3) Whenever a property owner is cited for an illegal private storm drain connection to the city-owned separate storm sewer system, the property owner shall be given 90 days after the date of the citation to obtain a connection license. The city will issue a connection license to the property owner without penalty within the 90-day period provided, however, no nonstorm water is being discharged into the city-owned separate storm sewer system. After the 90-day period, the property owner shall be in violation of the provisions of Article 12 of this chapter.
 - (4) Whenever a property owner caused or is causing a discharge of storm water runoff associated with industrial activity or polluted industrial process water or other objectionable material into the city-owned separate storm sewer system, the property owner within 10 days after being notified by the city of such violation shall cease such discharges. If an NPDES permit is obtained by the property owner for such discharge, said discharge may be resumed.
- (e) Any other storm drain connections to the city-owned separate storm sewer system requires approval by the chief engineer in writing.
- (f) Private Storm Drain Connection Fee.
- (1) A license fee of \$200.00 shall be collected prior to the issuance of a private storm drain connection license. All license fees collected shall not be refundable.
 - (2) When the license is issued on behalf of the city, state or federal government, the chief engineer shall waive the collection of the license fee.
 - (3) All license fees shall be deposited into the highway fund.
- (Sec. 16-6.12, R.O. 1978 (1983 Ed.); Am. Ord. 92-122, 96-34, 03-12, 14-4)

Sec. 14-12.13 Allocation of costs.

- (a) Except as otherwise provided, the city may pay the entire cost for the following types of drainage facilities:
- (1) Public stream improvements;
 - (2) Bridge to replace an existing bridge;
 - (3) Relief drains which will take care of the drainage requirements of the existing land use; provided, that if a property owner desires the construction of a larger facility to meet the drainage requirements attributable to a proposed higher land use of such person's property, the city may construct such larger facility provided that the property owner bears the additional cost of such enlarged facility; and
 - (4) Remedial work for the disposal of water collected or accumulated on public streets and/or remedial work necessitated by the disposal of such water over land not heretofore subject to such disposal.
- (b) Except as otherwise provided, the city may participate in remedial work to existing private drainage facilities, situated in or abutting on private properties, for the resolution of localized drainage problems to the extent of the cost of engineering and 50 percent of the cost of construction. Examples of such drainage facilities are:
- (1) Stream walls to minimize erosion or to prevent flooding where such walls will show some public benefit; and
 - (2) Drainage facilities to resolve seepage problem in the sidewalk area.
- (Sec. 16-6.13, R.O. 1978 (1983 Ed.))

Sec. 14-12.14 Improvements under the improvement district assessment ordinance.

Nothing contained in this article shall be deemed to affect the initiation and construction of drainage improvements under the improvement district assessment ordinance. (Sec. 16-6.14, R.O. 1978 (1983 Ed.))

Sec. 14-12.15 Election by property owners to pay additional amounts.

Notwithstanding any provision above mentioned as to apportionment of costs, owners of properties may pay more than the amounts required by such provisions relating to apportionment of costs. (Sec. 16-6.15, R.O. 1978 (1983 Ed.))

Sec. 14-12.16 Land requirements and maintenance of drainage facilities.

- (a) Except as otherwise provided, the city shall acquire the land or any interest in land necessary for the construction, maintenance and repair (and operation as the case may be) of drainage facilities which are to be constructed by the city by way of easements or in fee simple. Nothing herein shall prevent the city from acquiring easements for other improvements or for utilities or other uses through the same land.