

Stormwater Bylaw 2009 (amended 2017)

1.	Introduction.....	2
2.	Definitions and Interpretations	2
3.	Stormwater Drainage.....	4
4.	Site development and management	5
5.	Protection of Public Stormwater Systems	5
6.	Obstructions to Stormwater Systems	7
7.	Responsibility	8
8.	Council monitoring	9
9.	Point of discharge.....	10
10.	Offences and penalties.....	14
11.	Other requirements.....	14
	Appendix A Schedule of Watercourses maintained by Council.....	16



1. Introduction

The intention of this Bylaw is to manage Stormwater within the Matamata-Piako District so as to protect people, property and the environment by minimising the impact of flooding, erosion and environmental pollution.

This Bylaw is in addition to controls on Stormwater imposed by Waikato Regional Council and the Matamata-Piako District Council under the Resource Management Act 1991, the Building Act 2004, or any other Act, Regulation or Bylaw. This Bylaw is made by the Matamata-Piako District Council pursuant to the powers contained in section 145 and 146 of the Local Government Act 2002.

This Bylaw applies over the Matamata-Piako District Council and shall come into force on 3 July 2017.

2. Definitions and Interpretations

Except when the context indicates otherwise the provisions of the Matamata-Piako District Council Introductory Bylaw 2008 shall apply to this Bylaw.

For the purposes of this Bylaw, unless inconsistent with the context, the following definitions and interpretations shall apply:

Catchment means the area of land within which rainfall flows to a water body.

Catchment Management Plan (CMP) is a plan providing an overview of the main Stormwater network and water quality issues within a Catchment to provide a framework for future stormwater management.

Chemical is a substance that is produced by or used in a chemical process.

Consent means Written acceptance or Approval by an authoritative body such as the Matamata-Piako District Council of what is planned or done.

Contaminated means any liquid or material that contains any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:

- a) when discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or
- b) when discharged on to or into land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air on to or into which it is discharged;

or as described or contained in the Resource Management Act 1991.

Council Officer means:

- a) any officer for the time being appointed by the Council to carry out or exercise the duties, offices, or powers of a Council officer referred to in or granted by this Bylaw, his deputy or assistant and in acting as provided by this Bylaw Shall act as an Agent for the Council; and

- b) any officer appointed by the Council as an Enforcement Officer under section 177 or section 179 of the Local Government Act 2002 as an Enforcement Officer with powers of entry as prescribed by sections 171 – 174 of the Act.

Detention Capacity means a device that captures some inflow for subsequent release at a slower rate.

Development means any subdivision, building work or Stormwater works, which alter the Stormwater runoff Characteristics of land.

Disconnect/Disconnection means to sever or terminate a stormwater pipe.

Easement is a right held by one property Owner to make use of the land of another for a limited purpose, such as a right to discharge water.

Flood Plain means low lying areas, which are predicted to flood in a storm exceeding the design capacity of the primary system.

Hazardous Substance has the same meaning as in the Hazardous Substances and New Organisms Act 1996.

Overland Flow Path means any secondary flow path illustrated in a Catchment Management Plan or on Council record plans or the overland route taken by excess Stormwater when the capacity of the primary system is exceeded.

Private Stormwater System means any Stormwater System that serves one or more lots where the lots are in common Ownership or used for a common activity where such systems are constructed by or vested in private Ownership and not managed or maintained by Council.

Public Stormwater System means any Stormwater System that is provided and maintained by Council.

Service Opening means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public Stormwater System.

Sewage is the discharge from any sanitary fixtures or sanitary appliance.

Stormwater means surface water runoff resulting from precipitation.

Stormwater Pipe means any pipe intended for carrying stormwater.

Stormwater System means a set of facilities and devices, either natural or man-made, which are used to convey run-off, reduce the risk of flooding and/or to improve water quality.

Trade Waste(s) means any liquid with or without matter in suspension or solution therein, which is or may be discharged from trade Premises to the Council's Sewerage system in the course of any trade or industrial process or operation in the course of any activity or operation of a like nature; and may include condensing or cooling waters or domestic sewage.

Trunk Stormwater drain means a Stormwater drain, generally greater than 150 millimetres in diameter, which conveys Stormwater from outside the immediate vicinity of a Premises and which forms part of the Council's Stormwater system.

Watercourse means every open river, stream, creek, culvert and channel through which Stormwater commonly flows, whether continuously or not.

3. Stormwater Drainage

3.1 On site disposal

- a) In general all Stormwater generated by developments within a Premises boundary shall be disposed of on that site.
- b) Connection to a public drain may be Approved at the discretion of Council where there is sufficient capacity in the Public Stormwater System. Connection may be subject to the provision of detention capacity on the Premises.
- c) It should be noted there is no spare capacity in the Stormwater System throughout much of the District and especially throughout Matamata and in much of Morrinsville.
- d) If on-site soakage is not viable or discharge to a public system is not Approved, an alternative method of disposal must be submitted to Council for Approval, prior to subdivision and/or building construction.

3.2 Acceptance of Stormwater

Where disposal of Stormwater is accepted by Council and provided through a Public Stormwater System in accordance with clause 3.1 b), it will be subject to:

- a) gaining prior Written Approval of the Council which may include setting the maximum daily and/or peak flow rate discharged; and
- b) payment of the appropriate rates and charges in respect of that Premises; and
- c) fulfilment of the requirements of this Bylaw, any relevant consent, the Resource Management Act 1991, Building Act 2004 or any other Acts, Regulations or Bylaws.
- d) Contaminated Stormwater must not be discharged into a public drain.

3.3 Use of a Stormwater system

No Person other than a Council Officer may discharge, make a connection to, alter, or otherwise interfere with any facet of any Public or Private Stormwater System or Overland Flow Path without the prior Written Approval of the Council. Every application for such Approval shall be made in Writing on the prescribed form together with payment of the prescribed charges and include all the details required by the Council. An application shall be made whether or not a Public Stormwater Pipe has already been laid up to the point of discharge as such is defined in clause 9 of this Bylaw. If Written Approval is given, this will be subject to any terms and conditions set by Council.

3.4 Disconnection from a public Stormwater system

A land Owner/Occupier shall give a minimum of seven working days notice in Writing of his or her intention to disconnect from a Public Stormwater System. Such a disconnection would include relaying of any private Stormwater reticulation or the demolition or removal of a building connected to a Public Stormwater System. The demolition or removal of any building(s) shall not commence until the Council has inspected the Stormwater disconnection, and/or the Council has given Written permission for such works to proceed.

3.5 Design constraints

All proposed Stormwater Systems and any proposed alterations to any existing Stormwater Systems, must be designed, constructed and operated in accordance with:

- a) the Council's "Development Manual 2010" and "Infrastructure Code of Practice" (as a minimum) – available on Council's website; and
- b) the relevant Catchment Management Plan (if applicable); and
- c) the Matamata-Piako District Plan; and
- d) in the case of a building development, compliance with the New Zealand Building Code clause E1 Surface Water (or its successor), as a minimum; and
- e) any discharge, building or other consents relevant to the works; and
- f) any Written conditions imposed by Council when Approving the works.

3.6 Works on Stormwater Systems

All works on Public Stormwater Systems must be undertaken by a Council Approved drain layer or plumber as listed in the Licensed contractor document available from Council.

3.7 As-built plans

As-built plans showing details of all new connections or alterations shall be provided to the Council within the time frame specified in Council's Written Approval.

4. Site development and management

Council may require the installation and maintenance of private Stormwater detention and/or treatment devices during the development of a property to retard and/or treat the flow of Stormwater in accordance with the Council's "Development Manual 2010" and "Infrastructure Code of Practice" and the Waikato Regional Plan.

5. Protection of Public Stormwater Systems

5.1 Prohibited activities

No Person shall:

- a) allow any material, Hazardous Substance, Chemical, Sewage, Trade Waste or other substance to enter either directly or indirectly (e.g. via a private Stormwater System) a Public Stormwater System that causes or is likely to cause Nuisance; or
- b) allow any material, Chemical, Hazardous Substance or other substance likely to cause Nuisance on entering a Public Stormwater System to be located so that it is likely to enter a Public Stormwater System (either directly or indirectly) in any storm event; or
- c) do anything or allow any Stock to do anything that damages or is likely to cause damage to any facet of any Public Stormwater System.

5.2 Restricted activities

Without the prior Written Approval of Council, no Person Shall:

- a) cause the crushing load imposed on any facet of a Public Stormwater System to exceed that which it is designed for; or
- b) erect any new Vehicle or Stock crossing over a Watercourse, cross or pass over any Watercourse, within a Public Stormwater System without prior permission of the Council; or
- c) abstract any water from or allow their Stock access to any facet of any Public Stormwater System; or
- d) remove any existing covering material or place any additional material over or near any facet of a Public Stormwater System; or
- e) cover any service opening such as manholes, catch pits or any other surface infrastructure; or
- f) modify the bank structure of an open Watercourse within a Public Stormwater System or strip stabilising vegetation from the banks in such a way as to render them subsequently unstable; or
- g) excavate, or carry out piling or similar work closer than:
 - h) 5 metres from the edge of any Trunk Stormwater drain; or,
 - i) 2 metres from the edge of any public Stormwater drain, without the prior Approval of Council in Writing. Such Approval may impose conditions on the carrying out of any work near the Stormwater drain.

5.3 Building over Public Stormwater Pipes

- a) No building shall be built over public stormwater pipes; and no building shall be built closer than the greater of:
 - i. 1.5 metres from the centreline of any public Stormwater Pipe; or
 - ii. the total of the depth below ground of the centreline of the public pipe, plus the diameter of the pipe, plus 0.2 metres measured from the centre of that pipe.
- b) Subject to Approval, a building developer shall meet the cost of diverting the public stormwater pipe (including any manholes) in accordance with Council standards and satisfy the requirements imposed by Council under section 451 a) of the Local Government Act 1974.
- c) Where a), b) or c) above are found to be impracticable and the building cannot be sited elsewhere on the property or modified to conform to the above conditions, and it is essential for the proposed building to be built of that part of the property, Approval may be granted subject to the building developer:
- d) providing engineering plans for the protection of the public stormwater pipe from a Chartered Professional Engineer for consideration, condition and Approval by an Authorised Officer; and
- e) protecting the public stormwater pipe and trench from any loading as per the Approved design; and
- f) providing physical access to the public Stormwater Pipe for maintenance and replacement without structural effect on the building; and
- g) registering an Encumbrance on the property title for the public Stormwater Pipe for the purpose of maintenance and access; and

- h) indemnifying Council for any loss, damage or other liabilities as a result of a building being built over the public Stormwater Pipe and
- i) all works are undertaken to Approved Council standards.

5.4 Other restrictions

Following receipt of an application for works to be undertaken on or near a Stormwater System, and after consideration of the proposed work methods, depth of excavations, soil properties and other site specific information, the Council may apply other restrictions for the protection of a Public Stormwater System.

5.5 Buried Services

Any Person proposing to carry out excavation work shall view the as-built information as a guide to establishing whether or not Council services are located in the vicinity. Locating the actual position and depth of existing lines is the responsibility of the Person undertaking the work or their representative. When excavating and working around Buried Services, due care shall be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification.

6. Obstructions to Stormwater Systems

6.1 Prohibited activities

No Person shall:

- a) obstruct any facet of any public or Private Stormwater System in a manner that is likely to cause Nuisance; or
- b) erect any structure or stopbank, grow any vegetation, deposit any rubbish or other debris or carry out any activity in a place or manner that is likely to cause Nuisance to a Public Stormwater System during a storm event or without the prior permission of Council; or
- c) obstruct any Overland Flow Paths or flood plains with any material or structures such as buildings, solid or panel fences, retaining walls and rock gardens without the prior permission of Council.

6.2 Blockages

A land Owner/Occupier who suspects a blockage of a Public Stormwater System shall contact the Council immediately. The Council will arrange to have the Stormwater System inspected and cleared of all blockages, provided that the blockage has not been forced downstream into a Public Stormwater System in an act of clearing it from the private system, or that the land Owner/Occupier has breached any clauses of this Bylaw.

6.3 Tree roots

In the event of the roots of any tree on any private property causing or being likely to cause damage, interference to the flow, or blockage to any facet of a Public Stormwater System, the Council shall follow the procedure set out in section 468 of the Local Government Act 1974.

7. Responsibility

7.1 Maintenance

All privately owned Stormwater Systems shall be designed, constructed, managed and maintained by the Owner or at the Owner's expense and in accordance with their design or the manufacturer's instructions.

In particular all Stormwater soakage systems including detention chambers shall be maintained so as to operate at their design capacity at all times.

Every Owner and/or Occupier must ensure that Stormwater is not allowed to inflow to, or otherwise access, the wastewater system. There should be a minimum of 150 millimetres freeboard from the entry point of a gully trap to the highest Stormwater level adjacent.

There should be a minimum freeboard of 150 millimetres from floor level of any Dwelling to the ground level adjacent or to the maximum flood level if higher and care must be taken when landscaping properties to maintain this minimum freeboard.

It should be noted that, there also is a requirement that the top of the gully trap shall be a minimum of 150 millimetres below the overflow level of the lowest sanitary fixture served by the drainage system. This includes 'wet floor' showers so in these cases the adjacent ground level must be 300 millimetres below the floor level of the wet floor shower.

Every Owner and/or Occupier must ensure that when undertaking any works, either personally or through an Agent, that sediment is controlled so that it does not enter Stormwater drains. If any Person fails to prevent sediments from entering Stormwater drains, they must remove the sediments from the Stormwater drains and undertake remedial work as instructed by, and to the satisfaction of, Council Officers.

7.2 Open Watercourses

All open Watercourses (and any sections piped by the Owner) in the District are the responsibility of the property Owner through which they flow, except for the particular sections of Watercourses set out in appendix A. In the case of the sections of Watercourse set out in appendix A, Council has taken over the responsibility of the property Owner to remove obstructions but not the control of erosion.

All privately owned open Watercourses, stopbanks and other defences to water are to be maintained by or at the expense of the Owner to ensure free flow of water. Rubbish or debris shall not be left on a property in a manner that is likely to cause a Nuisance during a storm.

Except where specifically provided for in easement documents, all material resulting from the cleaning of a public Watercourse shall be the responsibility of the property Owner to remove or otherwise dispose of.

The responsibility for preventing the erosion of the banks of any Watercourse causing damage to adjoining property is that of the property Owner affected.

7.3 Discharging into neighbouring properties

No Person shall allow their Stormwater to discharge on to a neighbouring property via surface flow, other than what would naturally occur from pervious areas and from designated Overland Flow Paths.

No Person shall obstruct the flow from a neighbouring property that would occur naturally from pervious areas and Overland Flow Paths.

7.4 Reporting to Council

The following shall be reported to Council immediately following their occurrence:

- a) any substance entering a Public or Private Stormwater System causing or likely to cause Nuisance; or
- b) any damage or blockage to any facet of a Private Stormwater System causing or likely to cause Nuisance; or
- c) any damage or blockage to any facet of a Public Stormwater System causing or likely to cause Nuisance.

7.5 Loss, damage or inconvenience

The Council shall endeavour to meet the level of service requirements of the Long Term Plan, but shall not be liable for any loss, damage or inconvenience, which any Person may sustain as a result of deficiencies in a Public Stormwater System.

7.6 Natural hazard emergencies

Natural hazards (such as floods or earthquakes) or accidents beyond the control of Council, which result in large scale disruptions to the ability of Public Stormwater Systems to receive Stormwater, will be deemed an emergency.

7.7 Stormwater runoff on to public roads

All new access ways sloping up from the road shall have a Stormwater collection and discharge system at the road Reserve boundary so as to prevent Stormwater runoff and debris migration on to the public road (including the Footpath).

Where in the opinion of a Council Officer the runoff from an existing access way is causing a danger to users of the Footpath and/or roadway, the Owner shall be required to retrospectively install a Stormwater collection and discharge system.

8. Council monitoring

8.1 Access to Stormwater systems

A land Owner/Occupier shall allow the Council access to and about all facets of all Public and Private Stormwater Systems for the purposes of monitoring, testing and maintenance work between 7:30 am and 6 pm on any day. The Council shall give a minimum of 24 hours' notice to any land Owner/Occupier of an intended entry.

8.2 Access during emergencies and misuse

In emergency conditions, or for the purpose of ascertaining whether a Stormwater System is being misused, a land Owner/Occupier shall allow the Council free access to and about all facets of all Public and Private Stormwater Systems at any hour.

8.3 Non-compliance enforcement

Scheduled monitoring of Private Stormwater Systems shall not incur any costs to the land Owner/Occupier, provided no issues are discovered. If during the monitoring or at any other time a land Owner/Occupiers Private Stormwater System is found to be non-compliant, the culprit and/or land Owner/Occupier may be subject to enforcement action by Council in accordance with clause 10 of this Bylaw.

9. Point of discharge

9.1 Boundary of responsibility

Where Approval has been given to discharge to a Public Stormwater System, the point of discharge from a Customer shall be the point on the public system, which marks the boundary of responsibility between the Customer and the Council, irrespective of property boundaries.

Unless otherwise Approved there shall be one point of discharge only for each Premises, and any private drain shall not extend by pipe or any other means to serve another Premises unless it is a common private drain.

Where Approval has been given to discharge to the street channel, the point of discharge is the street channel; and in all other cases the point of discharge is as set out below.

9.2 Single ownership

For single Dwelling units the point of discharge shall be located at the boundary as shown in 'With Street Frontage' of figure 9.5.1, or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The Approval of other positions must be by the Council and recorded on the drainage plan.

Where a private line discharges into a public line on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public line.

9.3 Multiple ownership

The point of discharge for the different forms of multiple ownership of Premises and/or land shall be as follows and as shown in figure 9.5.1:

- a) For company share/block scheme (body corporate) as for single ownership.
- b) For leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate). Where practicable each Owner shall have an individual line with the point of discharge determined by agreement with the Council. If not practicable there shall be a common private line which shall be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual Approval.

Each Owner's point of discharge must be Approved by the Council and recorded on the drainage plan. Other arrangements shall be considered only where there are advantages to the Council.

9.4 Common private Stormwater Systems

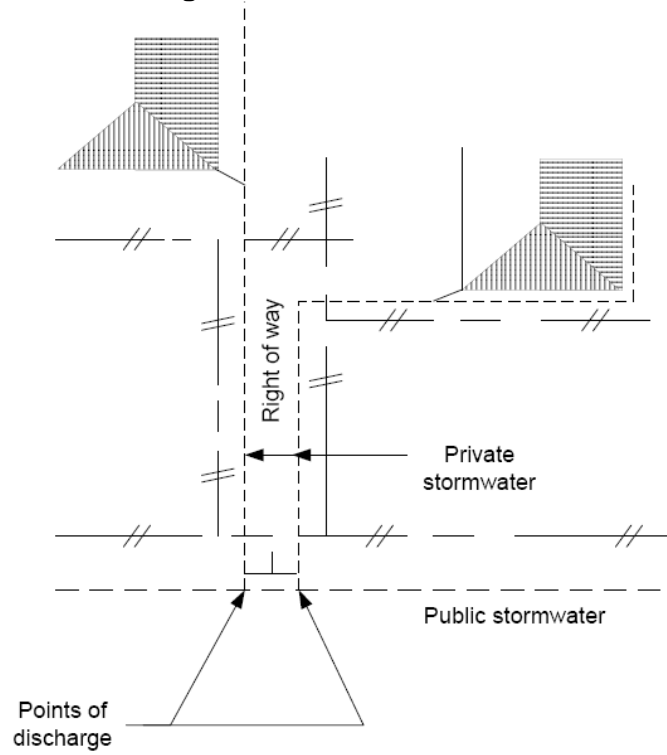
Common private stormwater systems should, where practicable, be laid along Right of Ways and not through individual lots and shall serve a maximum of eight single Dwellings

Common private stormwater pipes shall be covered by an Easement recording the rights and responsibilities of each party, which is registered against the Certificate of Title.

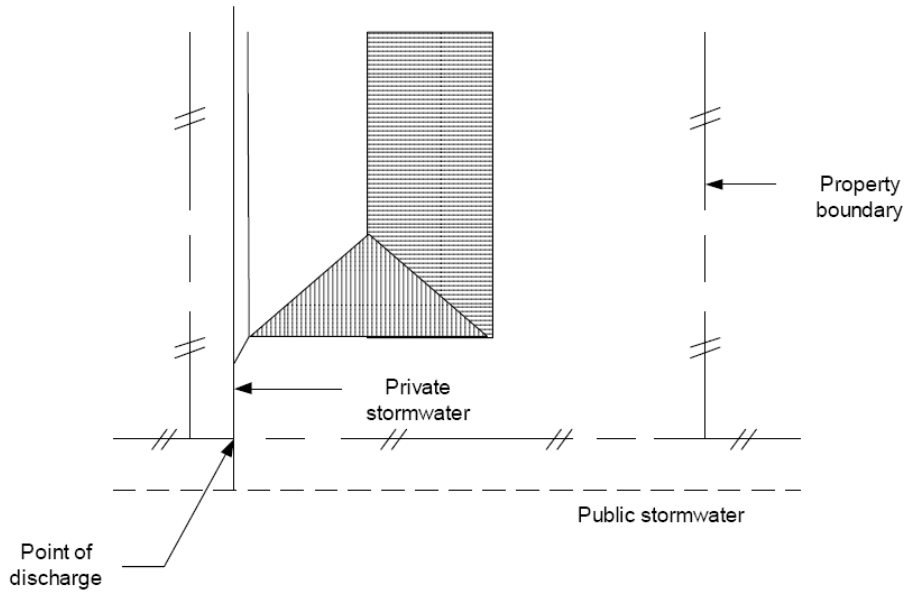
9.5 Point of discharge locations

Typical Point of discharge locations for Approved discharges to a Public Stormwater System (other than to street channels via a kerb outlet) are set out in the diagrams below:

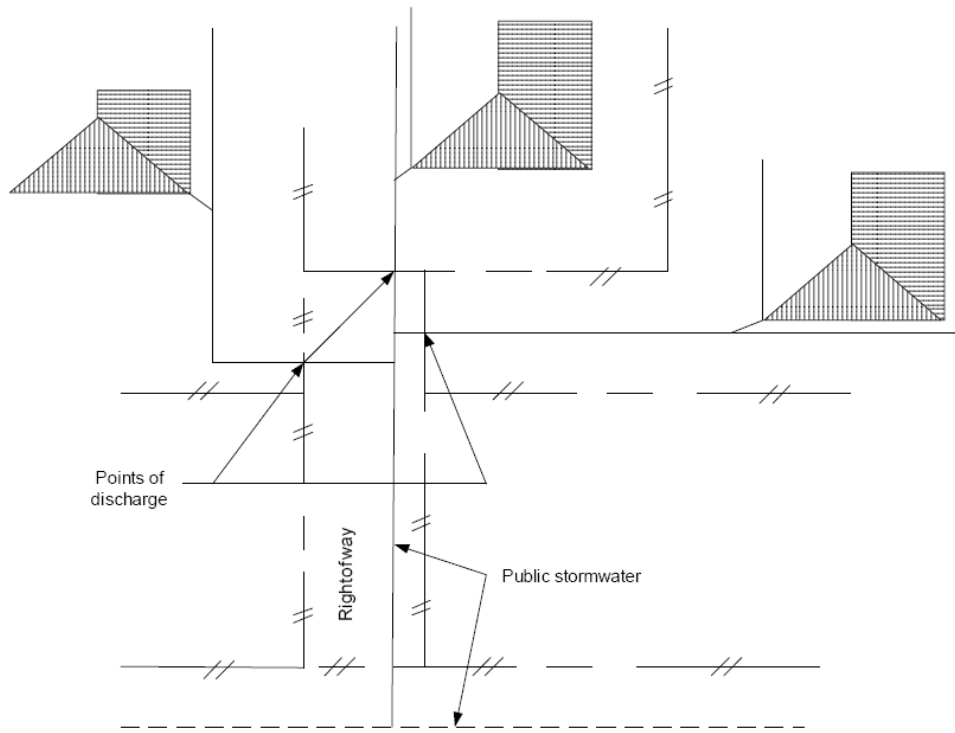
Figure 9.5.1 Point of Discharge Locations



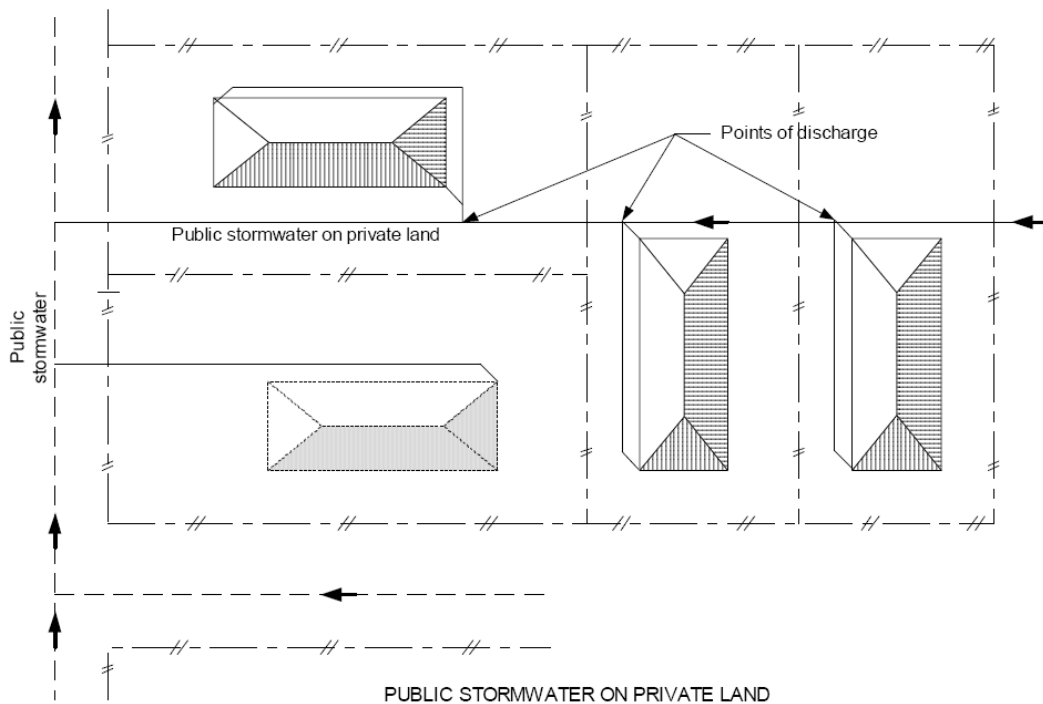
REAR LOTS ON RIGHT OF WAY (up to 2 customers)



WITH STREET FRONTAGE



REAR LOTS ON RIGHT OF WAY (3 or more customers)



PUBLIC STORMWATER ON PRIVATE LAND

10. Offences and penalties

Every Person who fails to comply with the requirements of this Bylaw commits an Offence under section 239 of the Local Government Act 2002, and is liable to enforcement action by the Council. The type of enforcement action carried out by Council will depend on the severity of the situation and may include:

- a) non-compliant notification to the land Owner/Occupier including a time period to rectify the issue. If compliance is not reached within the specified time period of the notification, then Council will rectify or organise for the issue to be rectified, and recover all costs from the culprit and/or land Owner/Occupier in doing so; or
- b) Council rectifying or organising the rectification of the issue if the situation is creating Nuisance or if that is the preference of the land Owner/Occupier, and all costs will be recovered from the culprit and/or land Owner/Occupier in doing so; or
- c) prosecution; or
- d) issuance of an infringement notice as specified in section 245 of the Local Government Act 2002.

11. Other requirements

The provisions of this Bylaw do not remove the need for any resource or other consent required and do not cover the obligations or requirements set out under the Resource Management Act 1991, Building Act 2004, Local Government Act 1974, Local Government Act 2002 or any other Acts, Regulations or Bylaws.

In compliance with the provisions of the Local Government Act 2002 and the Bylaws Act 1910, this Bylaw is passed by the Matamata-Piako District Council on 24 June 2009 and confirmed by the Council on 24 June 2009.

The common seal of the Matamata-Piako District Council was affixed on this 25 day of June 2009 in the presence of




Mayor



Chief Executive

Record of Bylaw Amendments (from 2017)

Approved by Council:	17 May 2017
Amendments:	Clauses 1 and 2 and other minor amendments throughout. Clause 9.4 has been amended to clarify common private stormwater requirements.
Date Amendment came into force:	3 July 2017
Review Date:	17 May 2027

Appendix A Schedule of Watercourses maintained by Council

Note: Maintenance is limited to taking over responsibility of property Owner in terms of section 511 of the Local Government Act 1974. This in particular requires the removal of obstructions but not the responsibility for controlling erosion of banks.

Te Aroha (Note: There are no number 6, 8, 10, 21 & 28)

Drain #	Locality	Start	End
1	Hanna Street/Stanley Ave	Opposite 2 Hanna Street	Opp. 144 Stanley Avenue
3	Clarke Avenue	16 Clarke Avenue	Back of 1 Clark Avenue North
4	Clarke Avenue	29 Clark Avenue	27 Dunlop Crescent
5	Dunlop Crescent	Back of 5 Dunlop Crescent	Back of 15 Dunlop Crescent
7	Stanley Avenue/Gordon Avenue	72 Stanley Avenue	Back of 2 Gordon Avenue
9	Gordon Avenue	Left of 22 Gordon Avenue	Back of 2 Gordon Avenue
11	Ritchie Street	11 Ritchie Street	11 Ritchie Street
12	King Street/Whitaker Street	Opposite 5 King Street	Left of 1 Whitaker Street
13	Whitaker Street/ King Street	Left of 18 King Street	Right of 23 Whitaker Street
14	Rewi Street	Opposite 12 Rewi Street	Waihou River
15	Kenrick Street	Back of 35 Kenrick Street	Waihou River
16	Honi Street	Back of 1 Honi Street	Waihou River
17	Ema Street/Millar Street	Ema/Millar Street	Waihou River
18	Miro Street	Right of 18 Miro Street	Left of 1 Miro Street
19	Manuka Street	Left of 10 Manuka Street	10B Manuka Street
20	Gilchrist Street	Back of 37 Gilchrist Street	Back of 9 Gilchrist Street
22	Puriri Street	Back of 12 Puriri Street	Back of 4 Puriri Street
23	Farmer Street	4 Farmer Street	1 Farmer Street in main stream
24	Farmer Street/Gallagher Street	Left of 19 Farmer Street	Back of 14 Gallagher Street
25	Gilchrist Street	53 Gilchrist Street	Opposite 53 Gilchrist Street
26	Spencer Street	Back of 5 Spencer Street	Back of 9 Spencer Street
27	Kennedy Street	Right of 4 Kennedy Street	Right of 4 Kennedy Street
29	Stirling Street	47 Stirling Street	47 Stirling Street
30,31&32	East /Centennial Avenue etc	53 East Avenue	Rear of 115 Centennial Avenue
33	Tui Street	Back of 16 Tui Street	Front of 16 Tui Street

Morrinsville (Note: There are no number 6, 8, 9, 13 & 14)

1	Strathmore Street	Back of 13 Strathmore Street	Back of 13 Strathmore Street
2	Seales Road	By Seales Road Cemetery	Opposite 25 Seales Road
3	Lindale Street	Back of 10 Lindale Street	By Fence
4 & 5	Sain Street	Back of 37 Sain Crescent	Back of 31 Sain Crescent
7	Studholme Street	Opposite 147 Studholme St	Opposite 147 Studholme Street
10 & 11	Snell St/Avenue Road North	Adjacent 41 Snell Street	Avenue Road North
12	Thames Street	Back of 18 Thames St	Back of 52 Thames St
16 & 17	Lorne St/Chapman Street	Right of 33 Lorne Street	Right of 7 Chapman Crescent
18	Studholme Street/Somerville Street	Left of 28 Studholme Street	Front of 2 Somerville Street
19	Charleston Street	Back of 4 Thames Street	50 Thames Street

Matamata

No watercourses

Waharoa

1	Walker Street	East Side State Highway 27	Walker Street/Mills Street Intersection.
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