

**STORM WATER
ORDINANCE
TOWN OF VEAZIE**

26.01.00 Title, Purpose and General Provisions

26.01.01 Title

This Ordinance shall be known as the “Storm water” Ordinance of the Town of Veazie, Maine.

26.01.02 Authority

The Purpose of the Ordinance to authorize the Town Manager or his designee to enforce this Ordinance under the Clean Water Act (33 U.S.C. et 1251 seq) and the National Pollutants Discharge Elimination System (NPDES)

26.01.03 Purpose and Intent

The purpose and intent of this Ordinance is to:

- (a) Ensure the health and safety, and general welfare of citizens, and protect and enhance the water quality of watercourse and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. 1251 et seq) by reducing pollutants in storm water discharges to the maximum extent practicable and prohibiting non-storm water discharges to the storm drain system.
- (b) Establish minimum criteria to control and minimize the quantitative and qualitative impacts of storm water runoff from development within the Town of Veazie, Maine.
- (c) Encourage sustainable development. Prudent site planning should include special consideration for preserving natural drainage ways, maximizing infiltration, slowing storm water runoff from individual sites en route to streams an drivers by use of effective runoff management, structural and non-structural best management practices, drainage structures and storm water facilities.

26.01.04 Applicability

The provisions of the Ordinance shall apply to all areas within the planning jurisdictional limits of the Town of Veazie, Maine. This Ordinance shall be permanently on file in the Town Office of the Town of Veazie, Maine.

26.01.05 Exceptions to the Applicability

The following activities are excluded from under this Ordinance:

State-funded or conducted activities that are subject to the State Site Erosion Control and Storm Water Runoff Plan

Agricultural land uses as defined in this Ordinance, except where the Storm water Administrator determines that runoff from such uses is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

Small land disturbing activities such as gardens, minor landscaping modifications, and minor repair of sidewalks, paths, or driveways, except where the Storm water Administrator

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determines that erosion or runoff is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

26.01.06 Definitions

Agricultural storm water runoff means any storm water runoff from orchards, cultivated crops, pastures, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations.

Best Management Practices (BMP) means schedules of activities prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the MS4 and waters of the United States. BMPs include but are not limited to include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, of non-storm water, sludge or waste disposal, or drainage from raw material storage.

BMP Construction Activities subject to NPDES Construction Permits. Such activities include but are not limited to clearing and grubbing, grading, excavation and, demolition.

Construction Site An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Contaminated means containing a harmful quantity of any substance.

Contamination means the presence of or entry into a public water supply system, the MS4, Waters of the State, or waters of the United States of any substance which may be deleterious to the public health and/or the quality of the water.

Discharge means any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system MS4 or into waters of the United States.

Discharger means any person who caused, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

Drainage Structures Shall include swales, channels, storm sewers, curb inlets, yard inlets, culverts, and other structures designed to convey storm water.

Erosion The detachment and movement of soil, sediment particles or rock fragments by water, wind, ice or gravity.

Excavation Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed.

Existing Grade The vertical location of the existing ground surface prior to excavation or filling.

Fill Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by humans to a new location and shall include the resulting condition.

Final Stabilization That all lands disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

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Grading Altering the elevation of the land surface by stripping, excavating, filling, or stockpiling of soil materials of any combination thereof, and shall include altering the elevation of the land from which the material was taken or upon which it was placed.

Harmful Quantity means the amount of any substance that will cause pollution of waters in the State, waters of the United State, or that will cause lethal or sub-lethal adverse effects on representative, sensitive aquatic monitoring organisms belonging to the Town of Veazie, Maine, upon their exposure to samples of any discharge into waters in the state, waters of the United States, or the MS4.

Hazardous Materials Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of. Or otherwise managed.

Illegal Discharge Any disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, or other discharge of any substance other than storm water into a storm water conveyance system, the waters of the state, or upon the land such that the substance is likely to reach a storm water conveyance system or waters of the State constitutes an illegal discharge.

Illicit Connections Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyance system which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records, and approved by the Town of Veazie, Maine.

MS4 (Municipal Separate Storm Sewer System) means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Town of Veazie, Maine and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking and reissuing terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements.

Natural Drainage Way shall mean an incised channel with a defined channel bed and banks that are part of the natural topography. Construction channels such as drainage ditches shall not be considered a natural drainage way unless the constructed channel was a natural drainage way that has been relocated, widened, or otherwise improved.

NOI means Notice of Intent

Non-point source means any source of any discharge of a pollutant that is not a "point source"

Non-Storm Water Discharge any discharge to the storm drain system that is not composed entirely of storm water.

Notice of Intent

NPDES means the National Pollutant Discharge Elimination System.

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Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all federal, state and local government entities.

PH means the logarithm to the base 10 of the reciprocal of the concentration in grams per liter of hydrogen ions, a measure of the acidity or alkalinity of a solution, expressed in standard units.

Point Source means any discernible, confined, and discrete conveyance, including by not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.

Pollutant means anything, that causes or contributes to pollution. Pollutants may include by are not limited to: paints, varnishes, and solvents, oil, and other automotive fluids, non-hazardous liquid and solid waste and yard waste, refuse, rubbish, litter, or other discarded or abandoned objects, floatables, pesticides, herbicides, and fertilizers hazardous substance and wastes, untreated commercial car wash water and industrial discharges, contaminated fountains drains and cooling water, fecal coliform and pathogens, dissolved and particulate metals, animal waste dredged spoil solid waste incinerator residue, sewage, garbage, sewage sludge, filter backwash munitions, chemical waste, biological materials, toxic materials, radioactive materials, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, recreational, and agricultural waste discharged into water or onto the municipal separate sewer system.

Pollution means the alteration of the physical, thermal, r biological quality of, or the contamination of, any Waters of the State, or Waters of the United States, that renders the water harmful, detrimental, or injurious to human, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose. The human-made or human-induced alterations of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonable affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.

Premises Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Riparian Buffer An area of trees, shrubs, or other vegetation that is adjacent to a natural drainage way. Riparian buffers reduce the impact of upland sources by trapping, filtering, and converting nutrients, sediments, and other chemicals, and maintain the integrity of the natural drainage way.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into ground-water, subsurface soils, subsurface soils, surface soils the municipal separate storm sewer system (MS4), the Waters of the State, the Waters of the United States.

State means the State of Maine

Storm Drain System Publicly-owned facilities operated by the Town of Veazie by which storm water is collected an/or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curb, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human – made or altered drainage channels, reservoirs, and other drainage structures.

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Storm Water means any surface flow, runoff, and drainage occurring during any form of precipitation, including snow melt.

Storm Water Administrator The person designated by the Town of Veazie to have authority to review and approve Storm Water Permits and storm water management plans. The Storm Water Administrator shall also be responsible for inspecting development and making sure the provisions of this Ordinance are being followed.

Storm Water Pollution Prevention Plan means a plan required by a permit to discharge storm water associated with industrial activity, including construction, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility.

SWPPP means storm water pollution prevention plan.

TTS (total suspended solids) means solids that either float on the surface, or are in suspension in water, wastewater, or other liquids, and which are generally removable by a laboratory filtration device.

Uncontaminated means not containing a harmful quantity of any substance.

U.S.C. means United States Code.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Water in the State means ground-water, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, wetlands, marshes, inlets, canals inside the territorial limits of the State of Maine and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the bed and banks of all watercourses and bodies of surface water that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Water of the United States means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, all interstate waters, including interstate wetlands, all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, all impoundments of waters otherwise defined as water of the United States under this definition all tributaries of water identified in this definition all wetlands adjacent to waters identified in this definition and any waters within the federal definition of "waters of the United States".

Wetland means an area that is inundated or saturated by surface or ground-water at a frequency and duration sufficient to support, and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

26.01.07 Interpretations

In interpretation and applying this Ordinance, the requirements are intended to be minimum requirements that are imposed and are to be conformed to, and not in lieu or, all other legal requirements.

This Ordinance shall not be deemed to interfere with or annul or otherwise affect in any manner whatsoever any ordinance, rules, regulations, permits, or easements, covenants, or other agreements between parties, provided however that, where this Ordinance imposes greater restrictions and controls with respect to storm water management, the provisions of this Ordinance shall prevail.

26.01.08 Responsibility for Administration

The Storm Water Administrator of the Town of Veazie shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the Storm Water Administrator may be delegated in writing by the Storm Water Administrator to persons or entities acting in the beneficial interest of or in the employ of the Town of Veazie.

26.01.09 Variances

All applications for variance must be filed with, and will be considered by the Board of Appeals of the Town of Veazie.

26.01.10 Severability

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

26.01.11 Regulatory Consistency

This Ordinance shall be construed to assure consistency with the requirements of the Clean Water Act and acts amendatory thereof or supplementary thereto, or any applicable regulations.

26.01.12 Storm Water Management

Reference: Civil Engineering Services, Inc. Storm water Management Plan for the Town of Veazie dated September 2003.

26.01.13 Ultimate Responsibility of Discharger

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore, this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge or pollutants into waters of the State, or water of the United States, caused by said person. This Ordinance shall not create liability on the part of the Town of Veazie, or any agent or employee thereof for any damages that result from any discharger's reliance on this Ordinance or any administrative decision lawfully made thereunder.

26.01.14 Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged in the Town of Veazie storm drains or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

Discharges from the following activities will not be considered as sources of pollutants to the storm drain system and to waters of the United States when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of this Ordinance: potable water line flushing, uncontaminated pumped groundwater and other discharges from potable water sources, landscape irrigation and lawn watering diverted stream flows, rising groundwater, ground water infiltration to the storm drain system, uncontaminated foundation and footing drains, uncontaminated water from crawl space pumps, air conditioning condensation, uncontaminated non-industrial roof drains, springs, individual residential

and occasional non-commercial car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash waters, flows from firefighting, and fire hydrant flushing.

26.01.15 Prohibition of Illicit Connections

The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, with limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

26.01.16 Waste Disposal Prohibitions

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, leave, or maintain, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, components of the storm drain system, or waters of the State of Maine, water of the United States, any refuse, rubbish, garbage litter, or other discarded or abandoned object, articles, and accumulations, so that the same may cause or contribute to pollution. Waste deposited in streets in proper waste receptacles for the purpose of collection are exempted from this prohibition.

26.02.00 Regulations and Requirements

26.02.01 Requirement to Prevent, Control and Reduce Storm water Pollutants

(a) The Town of Veazie will adopt requirements identifying the Best Management Practices for any activity, operation, or facility, that may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. as a separate BMP Guidance Series. Where Best Management Practices requirements are promulgated by the Town of Veazie, or any Federal, or State Agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

(b) New Development and Redevelopment. The Town of Veazie may adopt requirements identifying appropriate Best Management Practices to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The Town of Veazie shall incorporate such requirements in any land use entitlement and construction of building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this Ordinance.

Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to (a) and (b), any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourse. Facilities to prevent accidental discharges of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

26.02.02 Requirements to Eliminate Illegal Discharges

Notwithstanding the requirements of Section 1.13 herein, the Storm water Administrator may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinues the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

26.02.03 Requirement to Eliminate or Secure Approval for Illicit Connection

The Storm water Administrator may require by written notice that a person responsible for an illicit connection to the storm water drain system comply with the requirements of this ordinance to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this ordinance.

26.02.04 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner, or lessee shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

26.02.05 Notification of Spills

Any discharger who accidentally discharges into the storm water, the storm drain system, or waters of the U.S. any substance other than storm water runoff shall immediately inform the Town of Veazie concerning the discharge. If such information is given orally, a written report concerning discharge shall be filled with the Town of Veazie within five (5) days. The written report shall specify:

The composition of the discharge and the cause thereof.

The exact date, time, and estimated volume of discharge.

All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.

The name and telephone number of the person making the report and the name of a person who may be contacted for additional information on the matter.

A properly-reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this ordinance against a discharges for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of cost or to obtain other relief as a result of or arising out of the discharge. A discharge shall be considered properly only if the discharger complies with the requirements of this Ordinance.

26.02.06 Authority to Inspect

Whenever necessary to make an inspection to enforce any provision of this ordinance, or whenever the storm water Administrator has cause to believe that there exist, or potentially exists, in or upon any premises any condition which constitutes a violation of this ordinance the Administrator may enter such premises at all reasonable times to inspect the same and to copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the Town of Veazie is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

26.02.07 Record keeping Requirements

Any person subject to this ordinance shall retain and preserve for no less than five (5) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records, including records on magnetic or electronic media and any and all summaries of such records, relating to monitoring, sampling and chemical analysis of any discharge or storm water runoff from any property.

26.03.00 Enforcement

26.03.01 Violations

Whenever there is a failure to follow an approved storm water management plan or permit or whenever, by the provisions of this Ordinance, the performance of any act is required or prohibited, or any regulation or limitation is imposed on the use of any land, or the erection, use or change of use of any structure, a failure to comply with such provisions shall constitute a violation of this Ordinance.

Any owner, tenant or occupant of any land, structure or part thereof, and any architect, engineer designer, builder, contractor, consultant, agent or other person who, acting individually or in concert, designs or constructs any system, structure, or part thereof, or otherwise directs, assists, allows or participates, either directly or indirectly, in any conduct or activity which creates or maintains a situation that is contrary to the requirements contained in this Ordinance may be held responsible for the violation and therefore subject to the penalties and remedies contained herein.

26.03.02 Notice of Violation

Upon determining that a violation of this Ordinance has occurred, the Storm water Administrator shall deliver a written notice to the person(s) responsible for the violation by personal service or by registered or certified mail, return receipt requested, indicating the nature of the violation and ordering the action necessary to correct it. Such notice may require, without limitation

The performance of monitoring, analyses and reporting;

The elimination of all illicit connections, practices, operations, or discharges;

The abatement or rededication of storm water pollution or contamination hazards and the restoration of any affected property;

Payment of a fine or civil penalty; and/or

The implementation of source control of treatment BMPs

The final notice of violation, which may also be the initial notice, shall in addition to the above include the words FINAL NOTICE OF VIOLATION in the heading, state the action the Town of Veazie intends to

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take if the violation is not corrected, and shall advise that the Storm water Administrator's order may be appealed as provided in this Ordinance

If abatement of a violation and/or rededication of affected property are required, the notice shall set forth a deadline by which such abatement and/or remediation must be completed

26.01.00 Appeals

26.04.01 Appeals and Variances

26.04.02 Board of Appeals

26.04.03 Organization

A Board of Appeals shall exist in accordance with Title 30-A M.R.S.A. 2691 and Article VI of the Veazie Town Charter, as amended. The members of the Board shall annually elect one(1) of their number chairman to preside at all meetings of the Board and one(1) of their numbers to serve as secretary. A person shall forfeit his membership on said Board if he fails to attend three(3) meetings of the Board in any one calendar year without being excused by the Board.

26.04.04 Authority

The Board shall have the power to hear and decide matters as expressly authorized by this ordinance or the Town of Veazie Charter. The Board shall not assert jurisdictions over any matter unless the Town of Veazie has, by ordinance or charter, specified the precise subject matter that may be appealed to the board and the official or officials whose action or non-action may be appealed to the Board. No meeting of the Board shall be held without a quorum consisting of three (3) members or associate members authorized to vote. The Board shall act by majority vote of the members present and voting.

26.04.05 Applicability of Law

Except to the extent that they are inconsistent with the provisions of this ordinance or the Town of Veazie Charter, all the provisions of Title 30-A M.R.S.A. 2961 and 4353, as amended, shall apply to and govern the organization, procedures and jurisdiction of the Board of Appeals.

26.04.06 Variances

26.04.07 Authority

A variance may be granted by the Board of Appeals:

26.04.08 Appeals

Any person aggrieved by the action of any official charged with the enforcement of this Ordinance, as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce the Ordinance in regard to a specific application shall have the right to appeal the to the Board of Appeals of the Town of Veazie. The appeal shall be filed in writing within 30 days of the date of official transmittal of the final decision or determination to the applicant and shall state clearly the grounds on which the appeal is based. A non-refundable appeals fee will be collected at the time the appeal is submitted. The appeals fee will be provided for the cost of administration and management of the appeal process. The appeals fee shall be in accordance with a fee schedule set by the Town Council, and may be amended from time to time.

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26.04.09 Penalties

Any person violating any provisions of this Ordinance shall be subject to such fines, penalties, actions and orders as are authorized by 30-A M.R.S.A. as same may be amended. A fine or penalty shall be imposed for separate offense of each violation. Each day of violation after notification shall constitute a separate offense with respect to each violation.

26.04.10 Effective Date

And be it further enacted, that this Ordinance shall take effect on _____. Developments without an approved storm water management plan by the effective date of this Ordinance, shall be subject to the provisions of this Ordinance.