

ARTICLE IV. - STORMWATER

Sec. 62-160. - Purpose and intent.

The purpose of this article is to promote the health, safety and general welfare of the inhabitants of the town. This article is intended to comply with federal and state law and regulations regarding water quality.

(Code 1995, § 58-96; Ord. No. 309, 8-17-1993)

Sec. 62-161. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized official means any employee or agent of the town authorized by the town manager to administer or enforce the provisions of this article.

Discharge means any direct or indirect entry of any solid, liquid or gaseous matter.

Site of industrial activity means any area or facility used for manufacturing, processing or raw materials storage, as defined under 40 CFR 122.26(a)(14) of the regulations of the U.S. Environmental Protection Agency, as amended.

Stormwater means any stormwater runoff, and surface runoff and drainage.

Stormwater system means the system of conveyances used for collecting, storing, and transporting stormwater owned by the town, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

(Code 1995, § 58-97; Ord. No. 309, 8-17-1993)

Sec. 62-162. - Industrial activity.

- (a) *General prohibitions.* Any discharge into the stormwater system in violation of any federal, state, county, municipal or other law, rule, regulation or permit is prohibited.

- (b)

Specific prohibitions. By adoption of industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the town manager may impose reasonable limitations as to the quality of stormwater, including, without limitation, the designation of maximum levels of pollutants, discharged into the stormwater system from sites of industrial activity. Any promulgation of such regulations and issuance of permits by the town manager shall be in accordance with applicable law.

- (c) *Administrative orders.* The town manager may issue an order to any person to immediately cease any discharge determined by the town manager to be in violation of any provision of this article, or in violation of any regulation or permit issued under this article.
- (d) *NPDES permits.* Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the town manager no later than the later of 60 calendar days after the effective date of the ordinance from which this article is derived or 60 calendar days after issuance.

(Code 1995, § 58-98; Ord. No. 309, 8-17-1993)

Sec. 62-163. - Illicit discharges.

- (a) *General prohibitions.* Except as set forth under this article or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.
- (b) *Specific prohibitions.* Any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits is prohibited.
- (c) *Authorized exceptions.* Unless the town manager determines that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibition set forth under this section:
 - (1) Flows from firefighting;
 - (2) Water line flushing and other contributions from potable water sources;
 - (3) Landscape irrigation and lawn watering;
 - (4) Irrigation water;
 - (5) Diverted stream flows;

- (6) Rising groundwaters;
 - (7) Direct infiltration to the stormwater system;
 - (8) Uncontaminated pumped groundwater;
 - (9) Foundation and footing drains;
 - (10) Water from crawl space pumps;
 - (11) Air-conditioning condensation;
 - (12) Springs;
 - (13) Individual residential car washing;
 - (14) Flows from riparian habitats and wetlands; and
 - (15) Dechlorinated swimming pool contributions.
- (d) *Illicit connections.* No person may maintain, use or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this article. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.
- (e) *Administrative order.* The town manager or his designee may issue an order to any person to immediately cease any discharge, or any connection to the stormwater system, determined by the town manager or his designee to be in violation of any provision of this article, or in violation of any regulation or permit issued under this article.

(Code 1995, § 58-99; Ord. No. 309, 8-17-1993)

Sec. 62-164. - Spills and dumping.

- (a) *General prohibitions.* Except as set forth under this article or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.
- (b) *Specific prohibitions.* Any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.
- (c)

Notification of spills. As soon as any person has knowledge of any discharge to the stormwater system in violation of this article, such person shall immediately notify the town manager by telephone, and, if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such telephone notification in writing to the town manager within three calendar days.

- (d) *Administrative order.* The town manager or his designee may issue an order to any person to immediately cease any discharge, or connection to the stormwater system, determined by the town manager or his designee to be in violation of any provision of this article, or in violation of any regulation or permit issued under this article.

(Code 1995, § 58-100; Ord. No. 309, 8-17-1993)

Sec. 62-165. - Enforcement.

- (a) *Injunctive relief.* Any violation of any provision of this article, or of any regulation or order issued under this article shall be subject to injunctive relief if necessary to protect the public health, safety or general welfare.
- (b) *Continuing violation.* A person shall be deemed guilty of a separate violation for each and every day during any continuing violation of any provision of this article, or of any regulation or permit issued under this article.
- (c) *Enforcement actions.* The town manager or his designee may take all actions necessary, including the issuance of notices of violation, the filing of court actions and/or referral of the matter to the town code enforcement board to require and enforce compliance with the provisions of this article and with any regulation or permit issued under this article.

(Code 1995, § 58-101)

Sec. 62-166. - Inspections and monitoring.

- (a) *Authority for inspections.* Whenever necessary to make an inspection to enforce any of the provisions of this article, or regulation or permit issued under this article, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a violation of any of the provisions of this article or regulation or permit issued under this article, any authorized official may enter

any property, building or facility at any reasonable time to inspect the same or to perform any duty related to enforcement of the provisions of this article or any regulations or permits issued under this article, provided that:

- (1) If such property, building or facility is occupied, such authorized official shall first present proper credentials and request permission to enter; and
 - (2) If such property, building or facility is unoccupied, such authorized official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building or facility and shall request permission to enter. Any request for permission to enter made under this article shall state that the owner or person in control has the right to refuse entry, and that in such event that entry is refused, the authorized official may enter to make inspection only upon issuance of a search warrant by a duly authorized magistrate or judge. If the owner or person in control refuses permission to enter after such request has been made, the authorized official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area-wide inspection shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of this article including, but not limited to, random sampling and sampling in areas with evidence of stormwater contamination, nonstormwater discharges, or similar factors.
- (b) *Authority for monitoring and sampling.* Any authorized official may establish on any property such devices as are necessary to conduct sampling or metering of discharges to the stormwater system. During any inspections made to enforce the provisions of this article, or regulations or permits issued under this article, any authorized official may take any samples deemed necessary.
- (c) *Requirements for monitoring.* The town manager or his designee may require any person engaging in any activity or owning any property, building or facility, including, but not limited to, a site of industrial activity, to undertake such reasonable monitoring of any discharges to the stormwater system and to furnish periodic reports.

(Code 1995, § 58-102; Ord. No. 309, 8-17-1993)

Secs. 62-167—62-185. - Reserved.