TOWN OF ST. ALBANS

STORMWATER UTILITY ORDINANCE

St. Albans Town

SEPTEMBER 21, 2020

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SECTION 1 - AUTHORITY

This ordinance is adopted by the Selectboard of the Town of St Albans under authority of 24 VSA Chapter 59 and 24 VSA § 2291 Subsection 14.

SECTION 2 - PURPOSE

The purpose of this ordinance is to protect the public health, safety and welfare of the Town of St Albans by protecting the Municipal Separate Storm Sewer System (hereinafter "MS4") and surface waters in the Town from:

- The adverse effects of erosion and stormwater discharge from new development and redevelopment of a site;
- The unfavorable stormwater discharge from neighboring communities;
- Illicit discharges; and,
- The harmful effects of erosion and sedimentation.

This ordinance:

- defines what constitutes a public nuisance relating to illicit discharges, soil erosion, and stormwater management related to land disturbance activities;
- provides procedures for the abatement or removal of such public nuisance as may be required for public health and safety;
- establishes methods for controlling erosion, stormwater, and illicit/illegal discharges into the MS4, and or surface or ground water in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont; and,
- encompasses any land disturbance subject to a Zoning Permit or any other approval issued pursuant to any regulation or ordinance of the Town of St Albans that disturbs or breaks the topsoil or results in the movement of earth on land.

SECTION 3 - DEFINITIONS

For the purposes of this Ordinance, the following words and/or phrases shall apply:

"Administrator" shall mean the Town Manager of the Town of St Albans.

"Agent" shall mean a person authorized to act in the place of another person.

"Applicant" shall mean a property/parcel owner or duly designated representative who files an application for a land disturbance activity.

"Best Management Practices" or "BMPs" shall mean a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution.

"Certified Professional in Erosion and Sediment Control" or "CPESC" shall mean an individual holding a certification in good standing as a Certified Professional in Erosion and Sediment Control from EnviroCert International, Inc.

"Clearing" shall mean any activity that removes the vegetative surface cover.

"Construction" shall mean land-disturbing activity associated with development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

"Common Plan of Development" shall mean a development that is completed in phases or stages when such phases or stages share a common state or Town permit related to the regulation of land use, the discharge of wastewater or a discharge to surface waters or groundwater, or a development designed with shared common infrastructure. Common plans of development include, but are not limited to, subdivisions, industrial and commercial parks, and university and other campuses. Construction activities or portions of construction activities that have achieved final stabilization as of the effective date of this Ordinance shall not be considered for purposes of determining what constitutes disturbance under a common plan of development that requires coverage under this Ordinance. Following completion of the common plan components on a parcel of land, any additional development of the parcel shall be considered as separate from the original common plan for the purposes of evaluating whether one or more acres of land will be disturbed.

"Construction Activity" shall mean all activities subject to any types of permits. Such activities include but are not limited to clearing, grubbing, grading, excavating, and demolition.

"Construction Stormwater Standards" shall mean the provisions and requirements of the Town of St Albans for construction phase stormwater runoff control contained in the Town of St Albans Stormwater Management and Erosion Control guidance document, which document shall be kept on file with the Town Clerk and on the Town's website.

"Construction and Demolition Debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any man-made physical structure including houses, buildings, industrial sites, commercial facilities, and roadways.

"Department of Public Works" shall mean the employees, contractors, or designees of the Town of St Albans Director of Public Works.

"Designated Enforcement Officer" shall mean the Director of Public Works, the Zoning Administrator, or other Town officers as may be designated by the Town of St Albans Selectboard.

"Development Review Board" shall mean the Development Review Board for the Town of St Albans, established pursuant to 24 VSA § 4460.

"Director" shall mean the Director of Public Works for the Town of St Albans.

"Drainage Way" shall mean any channel that conveys surface runoff on a site.

"Equivalent Residential Unit", or ERU, shall mean the square footage that represents the average of the area of impervious surface for all single-family properties in the Town. The Town Selectboard shall, by resolution, establish the square footage that constitutes one (1) ERU on a periodic basis.

"Erosion Control" shall mean a measure that prevents or controls wind or water erosion in agriculture, land development, coastal areas, riverbanks, or construction.

"Erosion and Sediment Control Plan" shall mean a plan indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction. The required content of an Erosion and Sediment Control Plan is specified in the Town of St Albans Stormwater Management and Erosion Control guidance document, as amended from time to time, which is incorporated by reference into this Ordinance.

"Grading" shall mean any excavation or fill of material, including the resulting conditions thereof.

"Hazardous Materials" shall mean 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" shall mean any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6.4 of this Ordinance.

"Illicit Connections" shall mean any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MS4, and any connections to the MS4, from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Director of Public Works.

"Impervious Surface" shall mean those man-made surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

"Industrial Activity" shall mean activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

"Infiltration Basin" shall mean any structure or device designed to infiltrate retained water to the subsurface.

"Land Development" shall mean the construction or re-construction of impervious surface on a tract or tracts of land.

"Land Disturbance Activities" shall mean any land disturbance subject to a Zoning Permit or any other approval issued pursuant to any regulation or ordinance of the Town of St Albans that disturbs or breaks the topsoil or results in the movement of earth on land.

"Limits of Disturbance" shall mean the boundary within which all construction, materials and equipment storage, grading, landscaping and related activities shall occur.

"Maintenance Agreement" shall mean a legally recorded document that acts as a property/parcel deed restriction, and which provides for long-term maintenance of stormwater management practices.

"Municipal Separate Storm Sewer System" or "MS4" shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i)owned or operated by the Town of St Albans that discharges to surface waters or ground water.; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR, Section 122.2

"National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" shall mean a permit issued by EPA (or by the State of Vermont under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

"Non-point Source Pollution" shall mean pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from mining, construction, subsurface disposal and urban runoff sources.

"Non Single Family Residence" (NSFR) shall mean all types of developed property in the Town except Single Family Residences. This includes but is not limited to professional condominium developments, residential properties with more than 3 units such as four-plexes and apartment buildings, not-for-profit properties, commercial sites, industrial properties, mobile home parks,

educational institution sites, farms and agricultural properties, parking lots, storage sites, hospitals, and nursing homes.

"Non-Stormwater Discharge" shall mean any discharge to the MS4 that is not composed entirely of stormwater.

"Parcel" is any lot, subdivided piece of land, unit of land, any subset of land, land owned in common, or a condominium unit or condominium association in the Town of St Albans that could legally be sold as a separate entity as of April 1 of the year the fee is based on, and has a separate parcel identification number, map identification number, or is identified as a separate parcel on the Town of St Albans Parcel Maps. Property and parcel are synonymous in this document unless where either is used for a specific reference or by use in common parlance.

"Person" shall mean any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner, the owner's agent, or the operator of a premises.

"Pollutant" shall mean anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

"Premises" shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

"Property" and parcel are synonymous in this document unless where either is used for a specific reference or by use in common parlance.

"Sediment" shall mean soil, sand, and minerals washed from land into surface waters or onto other lands.

"Sediment Control" shall mean measures that prevent eroded sediment from leaving the Site.

"Single Family Residence" (SFR) shall mean detached single-family homes, duplexes, triplexes, and residential condominium units/complexes/developments where each unit receives a separate tax bill and has a defined foot print of land area.

"Site" shall mean a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

"Soil Erosion" shall mean when land or soil is diminished or worn due to wind or water.

"Stabilization" shall mean the use of accepted practices that prevent exposed soil from eroding.

"Start of Construction" shall mean the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

"Stormwater" shall mean precipitation and snow melt that does not infiltrate into the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain.

"Stormwater Management" shall mean the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge and detrimental changes in stream temperature that affect water quality and habitat.

"Stormwater Management Plan, Major" shall mean a comprehensive plan consistent with the requirements of the Vermont Stormwater Management Manual, Volume I and Volume II, as most recently adopted by the Vermont Department of Environmental Conservation, and designed to manage the volume, rate and pollutant load of stormwater runoff after a site has undergone final stabilization following completion of the construction activity.

"Stormwater Management Plan, Simplified" shall mean a comprehensive plan consistent with the Town of St Albans Stormwater Management Standards, as amended from time to time, that is designed to manage the volume, rate and pollutant load of stormwater runoff after a site has undergone final stabilization following completion of the construction activity.

"Stormwater Management Standards" shall mean the provisions and requirements of the Town of St Albans for post-construction stormwater runoff control contained in the Town of St Albans Stormwater Management and Erosion Control guidance document, which document shall be kept on file with the Town Clerk and on the Town's website.

"Stormwater Runoff" shall mean precipitation, snow melt, and the material dissolved or suspended in precipitation and snow melt that runs off impervious surfaces and discharges into surface waters or into groundwater via infiltration.

"Stormwater Treatment Practices" shall mean measures, either structural or nonstructural, that are determined to be effective and practical means of preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

"Surface Waters" shall mean any receiving waters existing on the surface of the ground, including but not limited to; brooks, streams, rivers, wetlands, ponds, or lakes.

"Wastewater" shall mean any water or other liquid, other than uncontaminated stormwater, discharged from premises.

"Watercourse" shall mean any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the Town of St Albans.

"Waterway" shall mean a channel that directs surface runoff to a watercourse or to the public storm drain.

"Wetland" shall mean those areas of land that are inundated by surface or ground water with a frequency sufficient to support plants and animals that depend on saturated or seasonally saturated soil conditions for growth and reproduction.

"Zoning Administrator" shall mean the Zoning Administrator for the Town of St Albans.

"Zoning Permit" shall mean a permit approved by the Zoning Administrator which authorizes any land disturbance activities in the Town of St Albans.

SECTION 4 - APPLICABILITY

This Ordinance shall apply to all lands lying within the Town of St Albans. Specific provisions shall apply only to certain designated areas as indicated in the Sections within this Ordinance.

SECTION 5 - ADMINISTRATION; TECHNICAL REVIEW

5.1 Administration

Except where specifically noted in this Ordinance, The Director of Public Works shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director to persons or entities acting in the beneficial interest of or in the employ of the Town of St Albans.

5.2 Technical Review.

In the event the Director of Public Works or Zoning Administrator finds, in the discharge of his/her duties under this Ordinance, that her/she requires the assistance of qualified professionals in stormwater management, erosion control, engineering or related fields to determine compliance with the provisions of this Ordinance, the Director of Public Works or Zoning Administrator, as applicable, may require an independent review of one or more aspects of a permit, plan or application, with the cost of the review to be paid by the applicant or permittee.

SECTION 6 - ILLICIT DISCHARGE AND STORMWATER CONNECTION

6.1 Purpose and Intent.

Under the authority set forth in 24 VSA Chapter 59 and 24 VSA § 2291 Subsection 14, and to provide for the public health, safety, welfare and convenience, it is hereby declared that it shall be a public nuisance for anyone to contribute pollutants, illegally connect, or illegally discharge

into the Municipal Separate Storm Sewer System (MS4), or to otherwise discharge non-stormwater discharges in violation of the requirements of this Ordinance. It is the further purpose of this Section to provide procedures for the regulation of non-stormwater discharges to the MS4, and where required by public health, safety, or welfare, to provide for the abatement or removal of any public nuisance related thereto. This Section establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont.

The objectives of this Section are:

A. To regulate the introduction of pollutants to the MS4 from non-stormwater discharges by any user;

B. To prohibit illicit connections and illegal discharges in the Town of St Albans;

C. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Article.

6.2 Applicability.

This Article applies to all properties within the Town of St Albans.

6.3 Prohibitions.

A. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any premise, public or private property/parcel, driveway, parking area, street, alley, sidewalk, component of the MS4, or any surface water of the Town of St Albans, any object or material, including but not limited to: Refuse, rubbish, garbage, animal waste, litter, yard waste, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution, or interfere with the operation, maintenance and access to the MS4. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

B. The construction, use, maintenance, or continued existence of illicit connections to the MS4 are prohibited. This prohibition expressly includes, without 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.

C. No person shall discharge or cause to be discharged into the MS4, any materials, including but not limited to pollutants or waters containing any pollutants, other than stormwater, or any materials that may impede the natural flow of stormwater or the functionality of the MS4.

6.4 Exemptions.

The commencement or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

A. Water line flushing or other potable water sources, landscape irrigation or lawn watering, approved stream flow diversions, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pool draining (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.

B. Discharges specified in writing by the Director of Public Works as being necessary to protect public health and safety.

C. Dye testing is an allowable discharge, but requires notification of, and acknowledgment of receipt of notification by, the Director of Public Works prior to the time of the test.

D. The prohibition in this Section shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4 by the Director.

6.5 Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge regulation, and/or permit shall comply with all provisions of such regulation and/or permit. Proof of compliance with said regulation and/or permit may be required in a form acceptable to the Director prior to allowing such discharges to the MS4.

SECTION 7 - MONITORING OF DISCHARGES

7.1 Applicability.

This section applies to all premises that have stormwater discharges associated with industrial activity as defined in this Ordinance, including construction activity.

7.2 Access to Premises.

A. Representatives of the Department of Public Works, authorized by the Director, shall be permitted to enter and inspect any premise subject to regulation under this Article as often as may be necessary to determine compliance with this Article. If a person has security measures in force that require proper identification and clearance before entry into its premise, the person

shall make the necessary arrangements to allow access to representatives of the Department of Public Works.

B. A person shall allow duly authorized representatives of the Department of Public Works ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

C. Duly authorized representatives of the Department of Public Works shall have the right to set up on any permitted premises such devices as are necessary in the opinion of the Director to conduct monitoring and/or sampling of the premise's stormwater discharge.

D. The Director shall have the authority to require a person to install monitoring equipment as necessary. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator of the premise at their own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy. The owner or operator of the premise shall demonstrate calibration techniques and satisfactory operation of the devices to the Department of Public Works upon request.

E. Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the owner or operator of the premise at the written or oral request of the Director of Public Works, and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator of the premise.

F. Unreasonable delays in allowing the Department of Public Works access to permitted premises are a violation of this Article. A person who is the operator of a premise with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Department of Public Works reasonable access to the permitted premises for the purpose of conducting any activity authorized or required by this Article.

G. If the Department of Public Works has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director may seek issuance of a search warrant from any court of competent jurisdiction.

7.3 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the use of Best Management Practices.

A. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural Best Management Practices (BMPs).

B. Any person responsible for a property or parcel, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

7.4 Notification of Spills.

A. Notwithstanding other requirements of law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Director of Public works either in person, by phone, or via email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works within three business days of the phone notice.

B. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge, steps taken to remediate said illicit discharge, and the actions taken to prevent its recurrence. Such records shall be retained on site by the owner or operator for at least three years.

SECTION 8 - EROSION AND SEDIMENT CONTROL

8.1 Purpose and Intent

Under the authority set forth in 24 VSA Chapter 59 and 24 VSA § 2291 Subsection 14, and to provide for the public health, safety, welfare and convenience, it is hereby declared that it shall be a public nuisance for anyone to discharge sediment into the Municipal Separate Storm Sewer System, (MS4), and/or surface waters, as a result of soil erosion caused by land disturbance activities, or to otherwise discharge sediment in violation of the requirements of this Ordinance. It is the purpose of this Ordinance to provide procedures for the regulation of sediment discharged to the MS4 and/or surface waters, and where required by public health, safety, or welfare, to provide for the abatement or removal of any public nuisance related thereto. This Ordinance establishes methods and procedures for controlling the introduction of sediment into the MS4 and/or surface waters in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont.

The objectives of this Section are:

A. To regulate the contribution of sediment to the MS4 and/or surface waters from soil erosion caused by land disturbance activities.

B. To control the design, construction, use, and maintenance of land disturbance activities.

C. To establish legal authority to carry out all inspection and enforcement procedures necessary to ensure compliance to this Ordinance.

8.2 Applicability of Erosion and Sediment Control Provisions

This Article applies to any land disturbance activities within the Town of St Albans that result in clearing, grading, construction, or land disturbance activity that is not subject to the provisions of the Vermont Construction General Permit 3-9020 (2006) for Stormwater Runoff from Construction Sites, as amended, unless otherwise exempted under Section 8.5 of this Article. All land disturbance activities undertaken by the Town of St Albans shall be subject to the applicable provisions of this Article.

8.3 Prohibitions

No person required to obtain a Zoning Permit, or any other form of Town approval for land disturbance activities, shall cause, allow or permit the release of any sediment created by soil erosion resulting from these activities, to any other property/parcel, the MS4 and or surface waters.

8.4 Permits

No person shall be granted a Zoning Permit or other approval by the Town for any land disturbance activities regulated under this Ordinance without compliance with the following provisions:

A. All projects involving land disturbance within the Town of St. Albans for which a Zoning Permit or other approval has been issued shall require the permittee to demarcate physically the limits of land disturbance on the site; using measures as described in the 2017 Vermont Stormwater Management Manual, Rule, and Design Guidance document, and; shall advise the permittee to take reasonable steps as outlined in the 2017 Vermont Stormwater Management Manual, Rule, and Design Guidance document to ensure that sediment and eroded materials are not transported via overland flow to surface waters or the MS4.

B. Projects disturbing more than one acre of land, either individually or as part of a Common Plan of Development, shall require evidence of application and submission of an Erosion and Sediment Control Plan to the Vermont Department of Environmental Conservation for coverage under the Vermont Construction General Permit 3-9020 (2006) for Stormwater Runoff from Construction Sites, as amended, or an Individual Construction Stormwater Discharge Permit, whichever is applicable.

C. Projects disturbing less than one acre of land, whether individually or as part of a common plan of development, that are **not** subject to the requirements of the Vermont Construction General Permit 3-9020, but meeting any of the criteria enumerated in 1 through 4, below, shall require approval of an Erosion and Sediment Control Plan, as defined in this Ordinance, by the Director of Public Works:

1) Any project disturbing more than 1,000 square feet (SF) of land area within a stream corridors and tributaries of Rugg Brook or Stevens Brook as depicted on Map A.
2) Any project disturbing more than 5,000 SF of land area located within the boundaries of a Stormwater Impaired Watershed, as defined in this Ordinance and as depicted on Map A.
3) Projects disturbing more than 10,000 SF of land area outside a Stormwater Impaired Watershed and as depicted on Map A.
4) Any project that, in the opinion of the Zoning Administrator and or the Director of Public Works, has the potential to cause significant erosion, result in the transport of sediment to surface waters or the MS4, or endanger property or public safety if not properly mitigated and controlled.

8.5 Exemptions

The discharge of any sediment from land disturbance activities approved by the Town to any other property/parcel, the MS4, and or surface waters is prohibited except as described as follows:

A. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

B. Any nursery and/or agricultural activity operating as a permitted principal or accessory use on a parcel.

8.6 Review of Erosion and Sediment Control Plans

A. The content of an Erosion and Sediment Control Plan, as applicable, shall be as set forth in the Town of St. Albans Stormwater Management and Erosion Control, as most recently amended, which is incorporated by reference into this Ordinance. In the event an Erosion and Sediment Control Plan is associated with an application for another permit or decision to be issued by the Town of St Albans, the Erosion and Sediment Control Plan shall be deemed to be a required component of a complete application for the associated permit.

B. Where review and approval of an Erosion and Sediment Control Plan is the only approval required from the Town of St Albans for a land disturbing activity, the procedure and time frames for review, approval or denial, and appeal shall be as set forth in 24 VSA 4449(a) for a Zoning Permit.

C. Where review and approval of an Erosion and Sediment Control Plan occurs in conjunction with an application to the Development Review Board, the Erosion and Sediment Control Plan shall be reviewed as a component of the associated application in accordance with the Town of St Albans Unified Development Bylaws, as amended.

D. Where an Erosion and Sediment Control Plan is subject to issuance by the Zoning Administrator, the Director of Public Works will review each Erosion and Sediment Control Plan to determine its conformance with the provisions of this regulation, unless explicitly exempted within this Ordinance. Within 30 days after receiving an application for review, the Director of Public Works shall in writing:

i. Approve the plan;
ii. Approve the plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation; or
iii. Disapprove the plan, indicating in writing the reason(s) and procedure for submitting a revised plan.

E. All erosion control practices, sediment control practices, waterway and watercourse protection practices, and construction site access practices shall be consistent with the Town of St. Albans Stormwater Management and Erosion Control guidance document, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Director of Public Works and or Development Review Board, as applicable.

F. In the event the Director of Public Works and or Development Review Board, as applicable, finds that a site's conditions or a proposed land disturbing activity poses a unique or substantial threat of causing erosion or sedimentation in surface waters or the MS4, or there are unique technical issues affecting the content and prospective effectiveness of an Erosion and Sediment Control Plan, the Director of Public Works and or Development Review Board may initiate Technical Review under the provisions of Section 5.2 of this Ordinance.

8.7 Access to Land Disturbing Activities

The Director of Public Works or his/her designee shall be permitted to enter and inspect any land disturbing activities in the Town of St Albans permitted under this Ordinance as often as may be necessary to determine compliance with this Ordinance.

8.8 Inspection Requirements

For all such projects for which an Erosion and Sediment Control Plan has been approved, the Director of Public Works or his/her designee shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee via mail, telephone or email of any instance wherein the work fails to comply with the Erosion and Sediment Control Plan as approved.

To obtain inspections, the applicant or their agent shall request an inspection from the Director of Public Works via email, mail or telephone at least ten (10) business days before commencement of any of the following, unless an agreement has been executed for the applicant to provide certification in accordance with Section 8.9 of this Ordinance:

A. For all activities for which Zoning Permits have been issued for a non-residential use, condominium, floodplain modification, new single- or two-family dwelling, or new camp, and to any activity within fifty (50) feet of the top of bank of Stevens Brook or Rugg Brook as depicted on Map A.

   i. Start of construction, at which time the inspection shall include inspection of the limits of disturbance to ensure the limits are correctly and fully demarcated on the site;
   ii. Installation of all sediment and erosion control measures;
   iii. Completion of final grading; and,
   iv. Completion of final landscaping.

B. For all other activities for which an Erosion and Sediment Control Plan has been approved, inspection shall occur at the start of construction, at which time inspection shall include limits of disturbance and installation of all sediment and erosion control measures.

C. For projects where land disturbance will occur or construction will not be fully completed between October 15th and May 15th (i.e. winter season), an additional inspection is required before November 15th of each year to ensure that winter season stabilization measures are in place.

D. In the event that, in the judgment of the Director of Public Works, additional inspections are necessary to ensure conformance with the approved Erosion and Sediment Control Plan, the Director of Public Works may conduct additional inspections upon twenty-four hours' written, verbal, or email notification to the property/parcel owner. Approval for such inspections shall not be unreasonably withheld by the property/parcel owner.

8.9 Inspection Certifications

In lieu of the requirements outlined in Section 8.8 of this Ordinance, the Director of Public Works may, upon written request of the applicant, allow or require that the applicant or their agent provide a written certification from a professionally licensed engineer, or a certified professional in erosion and sediment control (CPESC), certifying compliance with the Erosion and Sediment Control Plan as approved upon completion of the activities enumerated in Section 8.8 above. The applicant or their agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan, and shall provide written certification to the Director of Public Works or his/her designee upon completion of each inspection, noting any remedial action required to achieve compliance with the Erosion and Sediment Control Plan.

8.10 Surety Requirement

As a condition of approval and issuance of the permit, the Zoning Administrator, or where an Erosion and Sediment Control Plan is incorporated into a subdivision or site plan approval, the Development Review Board, may at his/her discretion require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved Erosion and Sediment Control Plan, and any other related permit conditions. Surety generally shall be required only in those instances where a site's conditions or a proposed land disturbing activity pose a unique or substantial threat of causing erosion or sedimentation in surface waters or the MS4, or where there are unique technical issues affecting the content and prospective effectiveness of an Erosion and Sediment Control Plan. The amount of the surety shall reflect, and shall not exceed, five percent of the Applicant's estimated total construction cost unless, in the judgment of the Zoning Administrator or Development Review Board, the estimated total construction cost does not reflect the proposed activity, or if site conditions or risk to surface waters warrant a greater amount.

SECTION 9 - POST-CONSTRUCTION STORMWATER MANAGEMENT

9.1 Purpose and Intent

Under the authority set forth in 24 VSA Chapter 59 and 24 VSA § 2291 Subsection 14, and to provide for the public health, safety, welfare, and convenience, it is hereby declared that it shall be a public nuisance for anyone to improperly manage stormwater runoff created by land development activities, or to otherwise manage stormwater runoff caused by land development activities in violation of the requirements of this Section.

It is the purpose of this Section to provide procedures for the regulation of stormwater runoff caused by land disturbance activities, and where required by public health, safety, or welfare, to provide for the abatement or removal of any public nuisance related thereto. This Section establishes minimum stormwater management requirements for post-construction sites in the Town of St Albans, in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont. The specific purposes of this Section are:

A. To minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion;

B. To maintain the integrity of stream channels and minimize disruption to natural hydrologic processes from land development;

C. To minimize increases in non-point source pollution caused by stormwater runoff from land disturbance activities which would otherwise degrade local water quality;

D. To reduce stormwater runoff rates and volumes, soil erosion, and non-point source pollution through the effective use of landscaping, surfacing, and stormwater treatment practices, and to ensure that these management controls are properly maintained;

E. To establish the legal authority to carry out all review, inspection and enforcement procedures necessary to ensure compliance with this Section.

9.2 Applicability of Post-Construction Stormwater Management Requirements.

This Article applies to land disturbing activities that result in the creation, expansion, or redevelopment of impervious surface, as such terms are defined in this Ordinance and as enumerated in Section 9.4 below, unless otherwise exempted under Section 9.5 below. All projects undertaken by the Town of St Albans shall be subject to the applicable provisions of this Article.

9.3 Prohibitions.

No person required to obtain a permit from the Town for any land disturbing activity that results in the creation, expansion, or redevelopment of impervious surface shall improperly manage stormwater runoff associated with these activities, and or fail to conform to the requirements of this Article.

9.4 Permits.

No person shall be granted an approval by the Town of St Albans for any land development activities regulated under this Article without compliance with the following provisions:

A. Projects that result in more than one acre of total impervious surface shall require evidence of application to the Vermont Department of Environmental Conservation for coverage under General Permit 3-9014 for Stormwater Discharges or an Individual Stormwater Discharge Permit, as applicable.

B. Projects resulting in more than one acre of land disturbance, whether as an individual project or under a Common Plan of Development, but resulting in one acre or less of total impervious surface, shall require approval by the Director of Public Works or his/her designee of a Stormwater Management Plan equivalent to the requirements of General Permit 3-9014 for Stormwater Discharges as enumerated in the Vermont Stormwater Management Manual (Volumes I and II), as most recently revised.

C. Projects disturbing less than one acre of land and resulting in less than one acre of total impervious surface, and meeting any of the criteria enumerated in 1 through 5 below, shall require approval by the Director of Public Works or his/her designee of a Simplified Stormwater Management Plan, as defined in this Ordinance, meeting the requirements of the Town of St Albans Stormwater Management and Erosion Control guidance document as most recently revised:

1) Any project resulting in the creation or redevelopment of 1,000 SF or more of impervious surface within 50 linear feet of the top of bank of Rugg Brook or Stevens Brook, as depicted on Map A.
2) Any project resulting in the creation of more than 5,000 SF of impervious surface area located within a Stormwater Impaired Watershed, as defined in this Ordinance and as depicted on Map A.
3) Any project resulting in the creation of more than 10,000 SF of impervious surface area located outside a Stormwater Impaired Watershed.
4) Any project that, in the opinion of the Zoning Administrator or the Director of Public works, has the potential to cause significant erosion or stormwater management impacts, or endanger property or public safety, if not post-construction stormwater is not properly mitigated and controlled.
5) A Zoning Permit issued exclusively for the construction or modification of single-family or two-family dwellings, camps, or accessory structures and appurtenances thereto, where no impervious surface or structure is proposed to be sited within 50 linear feet of the top of bank of Rugg Brook or Stevens Brook, shall not require approval of Simplified Stormwater Management Plan as defined in this Ordinance, unless a Plan is specifically required under the provisions of (4) above.

9.5 Exemptions

The following activities shall be exempt from the provisions of this Article:

A. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

B. Any nursery and or agricultural operations as a permitted principal or accessory use.

9.6 Stormwater Management Plans; Content and Preparation

A. The content of a Stormwater Management Plan or Simplified Stormwater Management Plan shall be as set forth in the Town of St Albans Stormwater Management and Erosion Control guidance document, as most recently amended. All Plans shall include a Maintenance Plan as described in Section 9.8 of this Ordinance.

B. At a minimum all stormwater management practices in a Stormwater Management Plan shall meet the design requirements set forth in the Vermont Stormwater Management Manual, Volumes I and II, as most recently amended; for Simplified Stormwater Management Plans, all practices shall at a minimum meet the design requirements set forth in the Town of St Albans Stormwater Management and Erosion Control guidance document, as most recently amended.

C. A Stormwater Management Plan shall be prepared and signed by a professional engineer licensed to practice in the State of Vermont who shall verify and demonstrate conformance to the applicable water quality treatment standards and stormwater management design criteria contained in this Article.

D. A Simplified Stormwater Management Plan shall be prepared and signed by a professional engineer licensed to practice in the State of Vermont who shall verify and demonstrate conformance to the applicable water quality treatment standards and stormwater management design criteria contained in this Article.

E. At the discretion and upon approval of the Director of Public Works, a Simplified Stormwater Management Plan may be prepared and signed by a landscape architect, planner, or other individual experienced in and qualified to prepare site plans for land development. The applicant shall be responsible for ensuring that all components of the Simplified Stormwater Management Plan, so prepared are fully consistent with the requirements of this Article and the applicable standards in the Town of St Albans Stormwater Management and Erosion Control guidance document.

9.7 Stormwater Management Plans; Approval Process

A. In the event a Stormwater Management Plan or Simplified Stormwater Management Plan is associated with an application for another permit or decision to be issued by the Town of St Albans, the Stormwater Management Plan or Simplified Stormwater Management Plan shall be deemed to be a required component of a complete application for the associated permit.

B. Where review and approval of a Simplified Stormwater Management Plan is the only approval required from the Town of St Albans for land development, the procedure and time frames for review, approval, or denial, and appeal shall be as set forth in 24 VSA 4449(a) for a Zoning Permit.

C. Where review and approval of a Stormwater Management Plan or Simplified Stormwater Management Plan occurs in conjunction with an application to the Development Review Board, the Plan shall be reviewed as a component of the associated application in accordance with the Town of St Albans Unified Development Bylaws, as amended.

D. Where approval of a Stormwater Management Plan or Simplified Stormwater Management Plan is subject to issuance by the Zoning Administrator, the Director of Public Works will review each Plan to determine its conformance with the provisions of this regulation, unless explicitly exempted within this Ordinance. Within 30 days after receiving an application for review, the Director of Public Works shall in writing:

i. Approve the plan;
ii. Approve the plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation; or
iii. Disapprove the plan, indicating in writing the reason(s) and procedure for submitting a revised plan.

E. In the event the Zoning Administrator or Development Review Board finds that a site's

F. conditions or a proposed land disturbing activity poses a unique or substantial threat of causing erosion or sedimentation in surface waters or the MS4, or there are unique technical issues affecting the content and prospective effectiveness of an Erosion and Sediment Control Plan, the Director of Public Works or Development Review Board may initiate Technical Review under the provisions of Section 5.2 of this Ordinance.

9.8 Maintenance of Stormwater Management Practices and Landscaping

A Maintenance Plan shall be prepared and approved in conjunction with all Stormwater Management Plans and Simplified Stormwater Management Plans. The Maintenance Plan shall include detailed maintenance and repair procedures to ensure the continued function of all stormwater management measures, including those landscaped or surfaced areas that are integral to the function of the Plan. The Maintenance Plan shall include:

A. Landscape Plan - The applicant must present a detailed plan for the management of vegetation at the site after construction is finished, including identification of all landscaped areas or practices that are to provide stormwater treatment and control, the responsible party for maintenance of vegetation at the site, and practices that will be employed to ensure the healthy condition and function of landscaped areas.

B. Maintenance Easements - The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all of the maintenance easements needed on a permanent basis. These easements shall be recorded in the land records before the issuance of a Certificate of Compliance and shall remain in effect upon transfer of title to the property/parcel.

C. Maintenance Agreement - The applicant must execute a maintenance agreement binding on all subsequent owners of land served by a stormwater management measure included in the approved Stormwater Management Plan or Simplified Stormwater Management Plan. The maintenance agreement shall be recorded in the land records before the issuance of a Certificate of Compliance and shall specify the required maintenance measures for all stormwater treatment practices, including landscaped or surfaced areas providing stormwater treatment and control, along with a maintenance schedule specifying when and how often maintenance shall be performed on each stormwater treatment practice.

D. Maintenance Records; The applicant shall be required to maintain records that verify that all required maintenance and inspections were performed in conformance with the approved Stormwater Management Plan. The records shall be maintained for a period of three (3) years, and a copy of all records shall be submitted annually to the Director of Public Works.

9.9 Access to Stormwater Treatment Practices.

The Director of Public Works or his/her designees shall be permitted to enter and inspect any land disturbance activities where stormwater treatment practices are being, or have been constructed subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance.

9.10 Inspection Requirements.

The applicant shall notify the Director of Public Works via email, mail, or telephone no less than ten (10) business days in advance of the start of construction. The Director of Public Works or his/her designees shall inspect stormwater treatment practices a minimum of once during the construction phase to verify that practices are being constructed per the approved plans, and shall inspect the stormwater treatment practices upon notification of completion. Such inspection may be coordinated with a required inspection for erosion and sediment control practices pursuant to Section 8.8 of this Ordinance. If any violations are found, the property/parcel owner shall be notified in writing of the nature of the violation and the required corrective actions. No additional work shall proceed until any violations are corrected and all work previously completed has received approval from the Director of Public Works.

9.11 Inspection Certifications

In lieu of the requirements outlined in Section 9.10 of this Article, the Director of Public Works may allow or require that the applicant or their agent provide a written certification from a professionally licensed engineer certifying compliance with the Stormwater Management Plan or Simplified Stormwater Management Plan, as approved.

9.12 Surety Requirements

As a condition of approval and issuance of the permit, the Zoning Administrator, or where a Stormwater Management Plan or Simplified Stormwater Management Plan is incorporated into a subdivision or site plan approval the Development Review Board, may at his/her discretion require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved Stormwater Management Plan or Simplified Stormwater Management Plan, and any other related permit conditions. Surety generally shall be required only in those instances where a site's conditions or a proposed land development activity pose a unique or substantial threat of causing stormwater runoff-related problems in surface waters or the MS4, or where there are unique technical issues affecting the content and prospective effectiveness of the Stormwater Management Plan or Simplified Stormwater Management Plan. The amount of the surety shall reflect, and shall not exceed, five percent of the Applicant's estimated total construction cost unless, in the judgment of the Zoning Administrator or Development Review Board, the estimated total construction cost does not reflect the proposed activity, or if site conditions or risk to surface waters warrant a greater amount.

9.13 As-Built Drawings

Within thirty (30) days of issuance of a Certificate of Compliance the applicant shall submit as-built drawings of all stormwater treatment practices to the Zoning Administrator.

SECTION 10 - Management of Construction Waste and Debris

Any person conducting activity involving the outdoor generation or storage of construction waste or debris shall be required by this Ordinance to observe the following:

A. Piles of uncontained wastes, and wastes stored in open containers, shall be covered during windy conditions that would result in the mobilization of debris into the MS4 or waterways, and shall be covered prior to significant forecasted rain (0.25 inches in a 24-hour period).

B. No dumpsters shall be hosed out onto the construction site.

SECTION 11 - STORMWATER SYSTEM USER FEES

11.1 Establishment of Stormwater User Fees

(a) A user fee based on an Equivalent Residential Unit (ERU) shall be imposed on all properties or parcels. An ERU shall equal that square footage that represents the average of the area of impervious surface for all single-family properties in the Town. The Selectboard shall, by resolution, establish the square footage that constitutes one (1) ERU on a periodic basis.

(b) The Town Selectboard shall have the authority to set and modify the user fee rates, so that the total revenue generated by said charges, and any other sources of revenue, shall be sufficient to fund the Town's stormwater program.

(c) The Town Selectboard shall establish by resolution the annual rate for each ERU. The annual user fee for a specific property or parcel is determined by multiplying the rate per ERU times the number of ERUs allocated to the property or parcel.

(d) All properties or parcels will be attributed at least one (1) ERU and receive a stormwater bill, including vacant or undeveloped parcels, tax-exempt parcels, and those properties having less impervious surface than one (1) ERU. The only properties that will not receive a bill are commonly owned parcels within residential developments whereby the impervious surfaces have been accounted for in the overall calculation of an ERU, mobile home owners within an established mobile home park as impervious surfaces within mobile home parks are to be directly assessed to the park owner, and those properties whereby the owner cannot be easily determined and that the efforts to do so create an unreasonable and disproportionate burden to the utility and its rate payers in relationship to the overall public benefit.

(e) There are no exempt properties under this Section.

11.2 Establishment of ERUs

(a) Single-family residence (SFR) properties or parcels shall be billed one (1.0) ERU, as defined in Section 11.1. Property or parcel owners that own contiguous parcels that are combined for property tax billing purposes will receive one stormwater bill representing the aggregate stormwater charges for all contiguous parcels under the same ownership.

(b) Non-single-family residence, (NSFR) properties or parcels shall be billed the ERUs that are determined by dividing the total impervious surface on the property or parcel by one (1.0) ERU as defined in Section 11.1. One (1.0) ERU as defined in Section 11.1 is the minimum annual billable amount for NSFR properties or parcels. The resulting value shall be rounded to the nearest quarter (0.25). In those instances when the calculations produces a value exactly halfway between two numbers, the number is to be rounded up to the next quarter.

11.3 Billing and Collection

(a) Stormwater user fees shall be billed annually and shall be reflected on the stormwater bill for each property or parcel owner. The bill shall also state the ERUs allocated to each property or parcel, except when a property or parcel owner owns more than multiple contiguous parcels as described in Section 11.2. The property or parcel owner is responsible for payment of stormwater user fees regardless of whether a property/parcel is rented or leased to a tenant.

(b) The property or parcel owner may appeal an allocation of ERUs to the Director of Public Works in the event that there have been physical changes made to the property or parcel that would affect the property's or parcel's ERU calculation from the time aerial imagery was most recently analyzed. The property or parcel owner shall bear the burden of proof in providing evidence to support their claim in a manner that is satisfactory to the Director of Public Works. The filing of an appeal shall not relieve a property or parcel owner of the obligation to pay the user fee when due.

(c) In the event that any stormwater user fee is not paid within thirty (30) days from the billing due date, interest charges will be added to the fee. The amount of the interest rate on the overdue accounts shall be the same as those applied to delinquent property taxes. If such payment is not paid, such stormwater user fee plus any accrued interest shall be a lien upon such real estate in the same manner and as to the same effect as taxes are a lien upon real estate pursuant to 32 VSA § 5061 and 24 VSA § 3612.

11.4 Expenditures from the Stormwater Reserve Fund

(a) The user fees, as well as any secondary sources of revenue, shall be used to fund the Town's efforts to manage stormwater. Acceptable expenditures include, but are not limited to, capital construction, maintenance, and operations, engineering and planning, regulation and enforcement, water quality programs, special services, administration and management, coverage requirements, reserve funds, staff or labor costs, vehicle and equipment purchases, water quality related public education, and miscellaneous overhead costs.

(b) Revenues will be placed into a Stormwater Reserve Fund and may be retained and expended in the manner set forth herein.

(c) The Selectboard shall establish a dedicated Stormwater Reserve Fund in the Town budget and accounting system for the purpose of managing all funds collected for the purposes and obligations of the stormwater program. All revenues and receipts of the stormwater program shall be placed in the Stormwater Reserve Fund, which shall be separate from all other funds. Fees will be set at a rate that covers the costs associated with stormwater management, planning, staffing, engineering, maintenance and repair, public education, capital improvements, technical support, and other services approved by the Selectboard to implement the purposes of the stormwater program as set forth herein. The Selectboard may consider both stormwater quality and quantity management needs in determining whether to expend any funds from the Stormwater Reserve Fund, and the use of the fund is limited to operating expenses, non-operating expenses such as equipment, payment of principal and interest on debt obligations, capital improvement projects, reserve expenses, and other drainage costs as deemed necessary and appropriate by the Selectboard.

(d) The Selectboard holding office shall have the authority to withdraw fund amounts only for the purposes of paying acceptable expenditures as outlined in Section 11.4 (c), above.

SECTION 12 - ENFORCEMENT

The Town of St Albans, by and through its authorized agents, shall have the authority to enforce the provisions of this Ordinance, and any orders, violation notices, or enforcement orders issued hereunder, and may pursue all civil and criminal remedies in connection with any violation hereunder.

12.1 Remedies not Exclusive.

The remedies set forth herein are not exclusive of any other remedies available, including criminal prosecution, under any applicable federal, state or local law. Election of one remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the Town of St Albans from seeking multiple remedies.

12.2 Judicial Bureau Municipal Civil Complaint Ticket.

Pursuant to 24 VSA Chapter 59 and 24 VSA § 2291 Subsection 14, a Designated Enforcement Officer may commence prosecution in the Judicial Bureau for any violation of this Ordinance by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of one hundred dollars ($100.00), the waiver fee shall be fifty dollars ($50.00); a second offense ticketed for the same violation shall be punishable by a fine of two hundred dollars ($200.00), the waiver fee shall be one hundred dollars ($100.00); a third offense ticketed for the same

violation shall be punishable by a fine of five hundred dollars ($500.00), the waiver fee shall be two hundred and fifty dollars ($250.00). Upon the fourth offense, the Town of St Albans may request that the case be transferred to the Superior Court, or any other court of competent jurisdiction.

12.3 Other Enforcement Remedies Generally; Fines, Injunctive Relief.

A. Any person violating any of the provisions of this ordinance shall be subject to fines as outlined in Section 12.2. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this Ordinance shall be required to bear the expense of such restoration.

B. An action, injunction, or other enforcement proceeding may be instituted by the Town of St Albans to prevent, restrain, correct, or abate any violation or activity causing a violation. The relief sought may include the right to enter onto private property to abate or correct the violation, to restrain any activity that would create further violations, or to compel a person or persons to perform abatement or remediation of the violation; and to seek damages for all costs, including reasonable attorney's fees, incurred by the Town of St Albans in pursuing and obtaining such relief. In addition to any other remedies authorized in law or equity, the Town of St Albans may seek an order specifically requiring:

i. The elimination of illicit connections and/or non-stormwater discharges to the MS4;
ii. The discontinuance of practices, activities, or operations that lead to violations of this Ordinance;
iii. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property/parcel;
iv. The implementation of source control or treatment through the use of best management practices;
v. The performance of monitoring, analysis, and reporting.

C. In the event that any person holding a Zoning Permit approved by the Zoning Administrator, or any other Town-issued approval for land development or land disturbance activities, violates the terms of this Ordinance or alters a site in such a manner as to adversely affect the public health, safety, or welfare, the Director of Public Works or his/her designee may issue a Stop Work Order and or suspend or revoke the permit.

SECTION 13 - RELATIONSHIP TO OTHER TOWN ORDINANCES

If the provisions of these regulations conflict with the provisions of any other valid and enforceable Ordinance(s), the stricter provisions shall prevail.

SECTION 14 – ULTIMATE RESPONSIBILITY

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, nor unauthorized discharge or discharge of pollutants.

SECTION 15 - 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, it shall not affect the validity or application of other provisions of this Ordinance.

SECTION 16 - EFFECTIVE DATE

This Ordinance shall become effective sixty (60) days after its adoption by the Town of St Albans Selectboard, or at such time following the expiration of sixty (60) days from the date of its adoption as is determined by the Selectboard per 24 VSA 1973. If a petition is filed under 24 VSA 1973, that statute shall govern the taking effect of this Ordinance.

TOWN OF ST ALBANS SELECTBOARD

Brendan Deso, Chair

Jessica Frost, Vice-Chair

Stan Dukas

Erin Creley

Jonathan Giroux

9/21/2020
Date

ATTEST BY: Anna Bourdon, Town Clerk

September 21, 2020
Date