



Stratford, Connecticut

MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON MONDAY, SEPTEMBER 8, 2008 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT.

CALL TO ORDER: 8:00 p.m.

PRESIDING: Council Chairman Michael Henrick

COUNCIL MEMBERS IN ATTENDANCE: Mr. Michael Julian, Mr. Alvin O'Neal, Mr. Gavin Forrester, Ms. Emma Brooks, Mr. John Dempsey, Ms. Amy Wanamaker, Mr. William Stroomer, Mr. Thomas Moore, Mr. Joseph Kubic, Mr. Michael Henrick

COUNCIL MEMBERS ABSENT: none

OTHERS IN ATTENDANCE: Mayor James Miron, Town Attorney Richard Buturla, CAO Suzanne McCauley

DOCUMENTS DISTRIBUTED DURING MEETING (appended)

- POST-CONSTRUCTION STORMWATER ORDINANCE — TOWN OF STRATFORD (#05-32) *(As revised)*
- ILLICIT DISCHARGE AND ILLEGAL CONNECTION ORDINANCE — TOWN OF STRATFORD (#05-33) *(As revised)*
- MODIFICATIONS OF THE STRATFORD TOWN CODE TO BE CONSISTENT WITH THE CT DEP PHASE II GENERAL PERMIT PROGRAM. (#05-34) *(As revised)*

INVOCATION PRESENTED BY FIRST DISTRICT COUNCIL MEMBER MICHAEL JULIAN FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

1. APPROVAL OF MINUTES — Minutes of: Public Forum, Regularly scheduled meeting and executive session of August 11, 2008, special meeting of July 21 recessed to August 5, 2008 and special meeting and executive session of August 25, 2008.

RESOLVED: That the reading of the foregoing minutes be dispensed with as copies thereof have been previously provided to each Council Member and the same be and are hereby approved.

A MOTION WAS MADE BY MR. O'NEAL SECONDED BY MR. STROOMER TO APPROVE THE FOREGOING MINUTES. THE MOTION PASSED UNANIMOUSLY.

2. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM

Mr. Julian — Raybestos Brakettes, Financial Advisory Committee Pension report, Longbeach West referendum

Mr. O’Neal — re: Longbeach West referendum

Ms. Wanamaker — re: Raybestos Brakettes, replenishing the local food pantries.

Mr. Moore — re: Financial Advisory Committee/Pension report

Mr. Henrick — re: Longbeach West referendum

3. COMMUNICATIONS

3.1 LETTER OF RESIGNATION FROM THE LIBRARY BOARD.

FROM: Richard H. DiVecchio DATED: July 15, 2008 (Hard copy previously forwarded)

RESOLVED: that the resignation of Richard H. DiVecchio from the Library Board be and is hereby accepted.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. STROOMER TO ACCEPT THE FOREGOING RESIGNATION. THE MOTION PASSED UNANIMOUSLY.

3.2 LETTER FROM PLANNING COMMISSION (correspondence previously forwarded)

DATED: August 27, 2008

RE: § 8-24 review of Proposed abandonment of Lafayette Street

RESOLVED: that the recommendation of the Planning Commission is accepted and the abandonment of Lafayette Street be and is hereby approved/~~denied~~.

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. O’NEAL TO APPROVE THE FOREGOING ABANDONMENT. THE MOTION PASSED UNANIMOUSLY.

3.3 LETTER FROM PLANNING COMMISSION (correspondence previously forwarded)

DATED: August 27, 2008

RE: § 8-24 review of Proposed Sale of Town property at 265 Peace Street

RESOLVED: that the recommendation of the Planning Commission is accepted and the sale of 265 Peace Street for \$25,000 to Habitat for Humanity and/or Stratford Coalition for the Homeless, Inc. with a deed restriction so that it will be recognized as an Affordable Housing Unit under § 8-30g CGS be and is hereby approved/denied.

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MS. BROOKS TO ACCEPT THE FOREGOING COMMUNICATION AND PLACE THE APPROVAL/DENIAL COMPONENT ON THE TABLE. THE MOTION PASSED WITH 9 IN FAVOR AND 1, MR. FORRESTER, OPPOSED.

STRATFORD TOWN COUNCIL PROCEEDED IN THE ORDER AS FOLLOWS:

4.2.30 FINANCIAL ADVISORY COMMITTEE — The Financial Advisory Committee conducted meetings on August 1 and 25, 2008 with the following referral to Council for review:

Financial Advisory Committee Preliminary Report – Pension Issues — (previously forwarded)

MR. SAMMIS, A MEMBER OF THE COMMITTEE, PRESENTED AN OVERVIEW OF THE PRELIMINARY REPORT.

6.3 SHAKESPEARE THEATER REPORT FROM BILL HANNEY — Mr. Haney reported on the progress of the contract and the facility. Question and Answer period followed.

Stratford Town Council meeting recessed: 8:31 p.m.

Stratford Town Council meeting reconvened: 8:40 p.m.

UNFINISHED BUSINESS

TABLED ITEMS

6.4.1 PROPOSED BUDGET TRANSFERS — Tabled during special Council Meeting of June 23, 2008.

RESOLUTION AUTHORIZING AMENDMENTS AND TRANSFERS IN THE GENERAL FUND BUDGET FOR FISCAL YEAR 2007-2008

Sponsor: The Stratford Town Council

WHEREAS: The Town of Stratford Town Charter 6.2.2. requires that Council shall annually pass an appropriation ordinance for all departments of the Town and the Town Charter 6.2.3. requires that the total amount of appropriations shall not exceed the estimates of revenues; and

WHEREAS: The Town Charter 6.2.5. provides that Council may by affirmative vote of seven (7) members authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget; and

WHEREAS: It is desirable to reflect the operations of Town departments accurately by transferring unused funds and appropriating available revenues from time to time.

NOW THEREFORE BE IT RESOLVED: That the Town Council of the Town of Stratford hereby authorizes the Finance Director to transfer funds between various accounts and to appropriate available revenues as shown in Exhibits A, B and C attached and made a part of this resolution.

UNFINISHED BUSINESS — continued

TABLED ITEMS — continued

PROPOSED BUDGET TRANSFERS — continued

RESOLVED: that in accordance with § 6.2.5. of the Town Charter, the Town Clerk be and is hereby authorized to post on the public signpost a notice setting forth that it proposed to make the foregoing transfer of funds and to appropriate available revenues in the budget Appropriation for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

FY2007-08

Exhibit A

Inter Department Budget Transfers:

			<u>From</u>	<u>To</u>
ACCOUNT 01 -	102	Office of the Mayor	1,817	
	101	Council Clerk	753	
	103	Human Resources		53,830
	104	Town Attorney		461,014
	105	Chief Administrative Officer		15,661
	106	Registrar of Voters	7,119	
	107	Town Clerk	23,155	
	108	Town Buildings		60,717
	109	Agencies	47,213	
	111	Planning		18,062
	151	Contingency	788,708	
	201	Debt Retirement	272,637	
	251	Employee Benefit		77,773
	301	Finance Administration		13,252
	302	Finance Accounting		5,534
	303	Finance Purchase		11,136
	ACCOUNT 01 -	304	Tax Assessment	61,894
305		Tax Collector	44,072	
306		Computer Services		39,830
351		Community Services	25,084	
352		Health Department	7,928	
353		Recreation Department		26,419
354		Senior Services		25,500
356		Library Association	7,130	
358		Economic Development	18,922	
361		Short Beach	4,209	
402	Building Inspections		17,205	
403	Public Building Maintenance		63,776	

EXHIBIT A — continued

404	Public Works Engineering		10,008
406	Town Garage	3,385	
407	Parks		38,750
408	Public Works Refuse	68,273	
461	Fire Administration		27,377
462	Fire Fighting		408,744
463	Fire Prevention		13,621
471	Police Administration		116,414
473	Police Investigation	20,905	
474	Police Patrol / Private Duty	82,507	
475	Communication Center		61,669
476	Police Records		29,805
477	Police Traffic	105,871	
551	Board of Education	4,515	
TOTAL GENERAL FUND		\$ 1,596,097	\$ 1,596,097

Exhibit B

Appropriate Revenue:

		<u>From</u>	<u>To</u>
ACCOUNT 100 -	4012	Current Taxes	570,783
	4013	Current Tax Interest	102,302
	4014	Current Tax Liens	258
	4021	Suspense Taxes	5,478
	TOTAL		\$ 678,821
ACCOUNT 01 -	104	Town Attorney - Claims	128,194
	401	DPW - Workers Compensation	182,242
	405	Highways - Street Lights	105,124
	405	Highways - Gas & Oil	64,203
	407	Parks - Gas & Oil	27,263
	462	Fire Suppression - Callback	171,795
	TOTAL		\$ 678,821

UNFINISHED BUSINESS — continued

TABLED ITEMS — continued

PROPOSED BUDGET TRANSFERS — continued

Exhibit C

Appropriate Revenue:

			<u>From</u>	<u>To</u>
ACCOUNT 474 -	4314	Police Private Duty Revenue	1,330,088	
ACCOUNT 01 -	474	Police Patrol - Private Duty		1,330,088

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. O’NEAL TO REMOVE THE FOREGOING PROPOSED TRANSFERS FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. After discussion, A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. KUBIC TO RETURN THE FOREGOING PROPOSED TRANSFERS TO THE TABLE. THE MOTION PASSED WITH 7 IN FAVOR AND 3, MR. O’NEAL, MS. BROOKS, AND MS. WANAMAKER, OPPOSED.

4. MAYOR’S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY’S REPORTS

4.1 MAYOR’S REPORT

4.1.1 Resolution Re: Stratford Senior Transportation Program

SPONSORED: Stratford Town Council

BE IT RESOLVED that the Town of Stratford’s Mayor, James R. Miron, is authorized to enter into a contract on behalf of the Town of Stratford with the Southwestern CT Agency on Aging, 10 Middle Street, Bridgeport, CT for funding in the amount of \$15,000 for the Town’s Senior Transportation Program, beginning October 1, 2008 through September 30, 2009; to execute any amendments, revisions or rescissions thereto; and to act as the authorized representative of the Town of Stratford.

A MOTION WAS MADE BY MR. O’NEAL SECONDED BY MR. FORRESTER TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

MAYOR’S REPORT — continued

4.1.2 Resolution Re: Stratford Elderly Outreach Program

SPONSORED: Stratford Town Council

BE IT RESOLVED that the Town of Stratford’s Mayor, James R. Miron, is authorized to enter into a contract on behalf of the Town of Stratford with the Southwestern CT Agency on Aging, 10 Middle Street, Bridgeport, CT for funding in the amount of \$20,000 for the Town’s Elderly Outreach Program, beginning October 1, 2008 through September 30, 2009; to execute any amendments, revisions or rescissions thereto; and to act as the authorized representative of the Town of Stratford.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O’NEAL TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

4.1.3 Resolution Re: Stratford Family Caregiver Support Program

SPONSORED: Stratford Town Council

BE IT RESOLVED that the Town of Stratford’s Mayor, James R. Miron, is authorized to enter into a contract on behalf of the Town of Stratford with the Southwestern CT Agency on Aging, 10 Middle Street, Bridgeport, CT for funding in the amount of \$25,000 for the Town’s Family Caregiver Support Program, beginning October 1, 2008 through September 30, 2009; to execute any amendments, revisions or rescissions thereto; and to act as the authorized representative of the Town of Stratford.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

4.1.4 Point Stratford (Stratford Army Engine Plant) — NO BUSINESS FURNISHED.

4.1.5 Overflow Parking Lease – MR. MIRON REPORTED. HE ALSO REQUESTED THAT THIS ITEM BE PLACED ON THE AGENDA OF A SPECIAL COUNCIL MEETING SHOULD ONE GO FORWARD AT THE END OF SEPTEMBER.

4.1.6 Proclamations — INFORMATIONAL ITEM

- a) Captain Brian Connolly Day (August 17, 2008)

MAYOR’S REPORT — continued

4.1.7 Communications — INFORMATIONAL ITEMS

- a) Memo Re: Appointments to the Beautification Committee (August 14, 2008)
- b) Flyer re: conducting an Animal Control Facility Summit

4.1.8 Resolution re: FY 2007 Homeland Security Grant.

SPONSORED: Stratford Town Council

BE IT RESOLVED, That the Town of Stratford, acting through James R. Miron, Mayor, may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate related to Department of Emergency Management & Homeland Security Fiscal Year 2007 Grant; and

FURTHER RESOLVED, that James R. Miron, as Mayor of the Town of Stratford, is authorized and directed to execute and deliver any and all documents on behalf of the Town of Stratford and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

4.2 COMMITTEE REPORTS

4.2.1 ORDINANCE COMMITTEE — The Ordinance Committee conducted the regularly scheduled meeting of August 25, 2008. The following was referred to Council without recommendation:

ORDINANCE re: AUTOMATIC EXTERNAL DEFIBRILLATORS (#08-05)

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO PLACE THE FOREGOING ORDINANCE ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

WAIVER OF COUNCIL RULES OF ORDER

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO WAIVE THE COUNCIL RULES OF ORDER TO ADD “RECONSIDERATION OF FINAL APPROVAL OF ORDINANCE #08-04 a.k.a. Chapt. 161 – PROPERTY MAINTENANCE”. THE MOTION PASSED UNANIMOUSLY.

RECONSIDERATION OF FINAL APPROVAL OF ORDINANCE #08-04 a.k.a. Chapt. 161 – PROPERTY MAINTENANCE

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO AMEND THE DESCRIPTION OF PROPERTIES IN THE FOREGOING ORDINANCE TO REFLECT THE VERBIAGE “VACANT AND OCCUPIED PROPERTY” WHERE EVER THE VERBIAGE “VACANT PROPERTY” APPEARS AND APPROVE THE ORDINANCE AS AMENDED. (amended Ordinance appended) THE MOTION TO APPROVE AS AMENDED PASSED UNANIMOUSLY VIA ROLL CALL VOTE AS FOLLOWS: MR. JULIAN — YES, MR. O’NEAL — YES, MR. FORRESTER — YES, MS. BROOKS — YES, MR. DEMPSEY — YES, MS. WANAMAKER — YES, MR. STROOMER — YES, MR. MOORE — YES, MR. KUBIC — YES, MR. HENRICK — YES.

4.2.3 FINANCE AND CLAIMS COMMITTEE — The Finance and Claims Committee conducted the regularly scheduled meeting of August 18, 2008 with the following claims referred to Council:

4.2.3.1 WITH FAVORABLE RECOMMENDATION

A. Claim of AT&T D/I 04/23/08 Amount of: **\$2,505.39**
Description: seeking reimbursement for damage to its pole caused by a recycling truck.

RESOLVED: that the recommendation of the Finance and Claims Committee is accepted and the claim of AT&T for an amount not to exceed \$2,505.39 be and is hereby approved.

B. Claim of Andrea Carroll D/I 05/28/08 Amount: **\$3,394.32**
Description: seeking reimbursement for damage to vehicle, which was struck by a Sr. Service bus while parked at Baldwin Center.

RESOLVED: that the recommendation of the Finance and Claims Committee is accepted and the claim of Andrea Carroll for an amount not to exceed \$3,394.32 be and is hereby approved.

C. Claim of Thomas Cathey D/I 05/08/08 Amount: **\$854.47**
Description: seeking reimbursement for damage to vehicle, which was struck by Sr. Service bus while parked i/f/o house.

COMMITTEE REPORTS — continued

FINANCE AND CLAIMS COMMITTEE — continued

CLAIMS REFERRED WITH FAVORABLE RECOMMENDATION — continued

RESOLVED: that the recommendation of the Finance and Claims Committee is accepted and the claim of Thomas Cathey for an amount not to exceed \$854.47 be and is hereby approved.

D. Claim of James Rogers D/I 06/06/08 Amount: **\$3,787.38**
Description: seeking reimbursement for damage to vehicle, which was parked on Conn. Ave. in Bpt. when struck by a police vehicle.

RESOLVED: that the recommendation of the Finance and Claims Committee is accepted and the claim of James Rogers for an amount not to exceed \$3,787.38 be and is hereby approved.

E. Claim of Travelers ASO Drake D/I 02/22/08 Amount: **\$8,198.05**
Description: seeking reimbursement for damage to insured’s vehicle, which was struck by a plow while parked i/f/o/ house. Vehicle was a total loss.

RESOLVED: that the recommendation of the Finance and Claims Committee is accepted and the claim of Travelers ASO Drake for an amount not to exceed \$8,198.05 be and is hereby approved.

A MOTION WAS MADE BY MS. WANAMAKER SECONDED BY MS. BROOKS TO APPROVE THE FOREGOING CLAIMS: A., B., C., D., AND E. THE MOTION PASSED UNANIMOUSLY.

4.2.3.2 WITH NO RECOMMENDATION

Claim of USAA ASO D. Kleber D/I 03/12/08 Amount of: **\$2,851.58**
Description: seeking reimbursement for damage to insured’s vehicle, which was struck by a police vehicle. Both vehicles had been stopped for a school bus, when officer made sudden left turn from right lane and struck insured’s vehicle, which had started to go.

RESOLVED: that the recommendation of the Finance and Claims Committee is accepted and the claim of USAA ASO D. Kleber for an amount not to exceed \$2,851.58 be and is hereby approved/denied.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO PLACE THE FOREGOING CLAIM ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

COMMITTEE REPORTS — continued

4.2.5 PUBLIC WORKS COMMITTEE — Public Works Committee conduct the regularly scheduled meeting of August 18, 2008 with the following referred to Council:

A. Wooster Pond — referred with favorable recommendation that the contract be amended.

A study needs to be conducted to evaluate why past improvements have inadequately performed. Milone and MacBroom prepared a proposal for the study and additional evaluation (contract MMI #1627-07-0)

RESOLVED: that the recommendation of the Public Works Committee is accepted and the Contract with Milone and MacBroom be and is amended to reflect the abovementioned study for an amount not to exceed \$30,200.00.

A MOTION WAS MADE BY MR. STROOMER SECONDED BY MR. FORRESTER TO AMEND THE FOREGOING RESOLUTION BY INCLUDING THE VERBIAGE “NOT TO EXCEED \$30,200.00” AND APPROVE AS AMENDED. THE MOTION PASSED UNANIMOUSLY AS AMENDED.

B. King Street Culvert — Additional items were submitted from Westcott and Mapes, Inc. for reimbursement.

Item #1	In order to certify the project points to proper standards, we had to run control between the nearest set of established control points. Our survey ran from a set of CGS control points at the intersection of Barnum and Main to control points at the intersection of Stratford Ave and I-95. 16 hours field @\$135, 12 hours office computation item @\$75	\$3,060
Item #3	Several catch basin and manhole covers were in earthen areas requiring some record mapping with ties to locate. Some required hand excavation to expose invert measurements. The structures (approx. 10) were located on the condo complex on California St. and along the I-95 highway slopes adjacent to Center School. 8 hours field	\$1,080

RESOLVED: that the amount not to exceed \$4,140.00 for foregoing items, #1 and #3, defined above, be paid to Westcott and Mapes for the additional storm drainage improvements for the project.

A MOTION WAS MADE BY MR. STROOMER SECONDED BY MR. JULIAN TO APPROVE THE FOREGOING ITEMS FOR REIMBURSEMENT. THE MOTION PASSED UNANIMOUSLY.

COMMITTEE REPORTS — continued

4.2.22 BEAUTIFICATION COMMITTEE — The Beautification Committee's regularly scheduled meeting of August 5, 2008 was conducted.

Mr. Stroomer, Chairman of the Committee, reported that the 10th -year anniversary awards ceremony will take place September 18 at 7 p.m. in Council Chambers of Stratford Town Hall.

4.3 TOWN ATTORNEY'S REPORT

4.3.1 AIRPORT PURCHASE — continuing item. NO BUSINESS FURNISHED.

4.3.2 WEST LONG BEACH — MR. BUTURLA REPORTED ON THE STATUS OF THE DRAFT CONTRACT WITH TRUST FOR PUBLIC LAND.

4.3.3 PEACE STREET — NO BUSINESS FURNISHED.

4.3.4 QUESTIONS TO THE TOWN ATTORNEY

Mr. Forrester — re: term limits

5. QUESTIONS TO MAYOR OR STAFF

Mr. O'Neal — re: Longbeach West data

Mr. Forrester — re: BL Companies alternate plans for Shakespeare facility, road reconstruction, Board of Assessment Appeals meeting

Mr. Moore — re: appointment

Mr. Kubic — re: street sweeping, the naming of James Dillon Park f.k.a. North End Park

Ms. Wanamaker — re: faulty manhole on Van Street

Mr. Julian — re: Longbeach West referendum, potential bridge at Bridgeport's adjacent Pleasure beach.

Mr. Henrick — re: revisiting Pensions, Peace Street, Shakespeare feasibility study costs, blighted property on Broadbridge Ave., Potholes on Aldolphson Road, Animal Shelter, \$178,000 year-end surplus previously mentioned.

6. UNFINISHED BUSINESS

6.1 SAEP — NO BUSINESS FURNISHED.

6.2 SHAKESPEARE THEATER ASSESSMENT REPORT — NO BUSINESS FURNISHED.

UNFINISHED BUSINESS — continued6.4 TABLED ITEMS

6.4.2 EMS FUNDING COMMITTEE — This committee's regularly scheduled meeting of July 15, 2008 was conducted at which time the Committee approved the purchase of the following: (TABLED DURING COUNCIL MEETING OF AUGUST 11, 2008)

- Three (3) RAD-57 model #9061 \$3,995.00 per unit
- One (1) RAD-57 model #9062 \$6,495.00

PURCHASE CANNOT EXCEED THE SUM OF \$20,000.00

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MOORE TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MOORE TO APPROVE THE FOREGOING PURCHASES. THE MOTION PASSED UNANIMOUSLY.

6.5 TABLED ORDINANCES AND RESOLUTIONS

6.5.1 ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD (#07-06) — tabled during Council Meeting of March 12, 2007

Sponsored by: Hon. Michael Julian, 1st District Council Member

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage.

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. DEMPSEY TO REMOVE THE FOREGOING ORDINANCE FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. DEMPSEY TO REFER THE ABOVE MENTIONED ORDINANCE TO THE PLANNING COMMISSION AND ZONING COMMISSION FOR REVIEW. THE MOTION PASSED UNANIMOUSLY.

6.5.2 POST-CONSTRUCTION STORMWATER ORDINANCE — TOWN OF STRATFORD (#05-32)

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage. *(Ordinance appended)*

UNFINISHED BUSINESS — continued

TABLED ORDINANCES — continued

6.5.3 ILLICIT DISCHARGE AND ILLEGAL CONNECTION ORDINANCE — TOWN OF STRATFORD (#05-33)

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage. *(Ordinance appended)*

6.5.4 MODIFICATIONS OF THE STRATFORD TOWN CODE TO BE CONSISTENT WITH THE CONNECTICUT DEP PHASE II GENERAL PERMIT PROGRAM. (#05-34)

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage. *(Ordinance appended)*

A MOTION WAS MADE BY MR. STROOMER SECONDED BY MR. FORRESTER TO REMOVE THE FOREGOING THREE ORDINANCES, #05-32, #05-33, AND #05-34, FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. STROOMER SECONDED BY MR. FORRESTER TO REFER THE FOREGOING THREE ORDINANCES, #05-32, #05-33, AND #05-34, TO THE ORDINANCE COMMITTEE ***FOR A PUBLIC HEARING**. THE MOTION PASSED UNANIMOUSLY.

6.6 TABLED APPOINTMENTS

6.6.2 PARKS AND RECREATION COMMITTEE — appointed by Council, terms concurrent with Council, § 7-9 of Town Code

6.6.2.2 Regular Member — 2-year term, concurrent with Council

RESOLVED: that CHRISTIAN BARNABY of 100 ASH STREET be and is hereby appointed a regular member of the Parks and Recreation Committee. (term of Raymond Barry who resigned 5/12/08)

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO REMOVE THE FOREGOING APPOINTMENT FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. O’NEAL TO APPOINT CHRISTIAN BARNABY OF 100 ASH STREET TO THE FOREGOING POSITION. THE MOTION PASSED UNANIMOUSLY.

7. ORDINANCES AND RESOLUTIONS — NONE.

8. NEW BUSINESS

8.1 APPOINTMENTS

8.1.1 TRANSPORTATION ADVISORY COMMITTEE —Established per Resolution during Council meeting of August 11, 2008. Comprised of Two Members of the Stratford Town Council (One Republican and One Democratic Member); Both Representatives of the Town of Stratford assigned to the Greater Bridgeport Transit Authority; Two Members of the Current Citizens Metro North Advisory Committee, Two Members of the Greater Stratford Business Community, and the Mayor and or his designee. The Committee will meet a minimum of four times per annum and will report their findings and recommendations to the Stratford Town Council on a minimum of once per annum.

8.1.1.1 COUNCIL MEMBER REPRESENTATIVES

A. REPUBLICAN COUNCIL MEMBER

RESOLVED: that MICHAEL HENRICK be and is hereby appointed the Republican Council representative to the Transportation Advisory Committee.

B. DEMOCRATIC COUNCIL MEMBER

RESOLVED: that GAVIN FORRESTER be and is hereby appointed the Democratic Council representative to the Transportation Advisory Committee.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. STROOMER TO APPOINT MICHAEL HENRICK AS THE REPUBLICAN COUNCIL REPRESENTATIVE AND GAVIN FORRESTER AS THE DEMOCRATIC COUNCIL REPRESENTATIVE TO THE FOREGOING ADVISORY COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

8.1.1.2 GREATER BRIDGEPORT TRANSIT AUTHORITY REPRESENTATIVES

A. RESOLVED: that JOSEPH KUBIC of 1350 JAMES FARM ROAD be and is hereby appointed the Stratford representative from the Greater Bridgeport Transit Authority to the Transportation Advisory Committee

B. RESOLVED: that LAURIE GOODSSELL of 462 HOUSATONIC AVENUE be and is hereby appointed the Stratford representative from the Greater Bridgeport Transit Authority to the Transportation Advisory Committee

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MOORE TO APPOINT JOSEPH KUBIC AND LAURIE GOODSEL TO THE FOREGOING ADVISORY COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS — continued

APPOINTMENTS — continued

TRANSPORTATION ADVISORY COMMITTEE — continued

8.1.1.3 CITIZENS METRO NORTH ADVISORY COMMITTEE REPRESENTATIVES

A. RESOLVED: that _____ of _____ be and is hereby appointed the Citizens Metro North Advisory Committee representative to the Transportation Advisory Committee

B. RESOLVED: that _____ of _____ be and is hereby appointed the Citizens Metro North Advisory Committee representative to the Transportation Advisory Committee

8.1.1.4 GREATER STRATFORD BUSINESS COMMUNITY REPRESENTATIVES

A. RESOLVED: that _____ of _____ be and is hereby appointed the Greater Stratford Business Community representative to the Transportation Advisory Committee

B. RESOLVED: that _____ of _____ be and is hereby appointed the Greater Stratford Business Community representative to the Transportation Advisory Committee

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO PLACE THE FOREGOING FOUR APPOINTMENTS, 8.1.1.3 A and B, AND 8.1.1.4 A. and B ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

8.1.1.5 MAYOR OR DESIGNEE

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO STRIKE THE FOREGOING APPOINTMENT FROM THE AGENDA. THE MOTION PASSED UNANIMOUSLY.

9. OLD BUSINESS — None

10. ADJOURNMENT — Hearing no further discussion in connection with the above agenda items or further business, Chairman Henrick called for a motion to adjourn. ON A MOTION MADE BY MR. FORRESTER SECONDED BY MR. JULIAN, IT WAS VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:45 P.M.

Amendments to Proposed Ordinance # re Chapter 161 – Property Maintenance (#08-04)

BE IT ORDAINED: By the Town Council of the Town of Stratford that the Stratford Municipal Code, Chapter 161 – Property maintenance is hereby amended as follows:

Chapter 161

ANTI-BLIGHT PROGRAM

- 161-1 Declaration of policy.**
- 161-2 Definitions.**
- 161-3 Prohibition against creating or maintaining blighted premises.**
- 161-4 Enforcement.**
- 161-5 Anti-blight administrative procedures.**

Section 161-1. Declaration of policy.

- A. It is found and declared that there exist within the Town of Stratford a number of real properties which contain vacant or occupied blighted buildings, and/or properties and/or or occupied vacant parcels that are poorly maintained, and that the existence of such poorly maintained properties and/or vacant or occupied parcels, and/or vacant and/or or occupied blighted buildings contributes to the decline of neighborhoods. It is further found that the existence of poorly maintained properties and/or vacant or occupied parcels, vacant or occupied blighted buildings adversely affects the economic well-being of the Town and is inimical to the health, safety and welfare of the residents of the Town. It is further found that many of the vacant or occupied blighted buildings can be rehabilitated, reconstructed or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities, and that such rehabilitation, reconstruction and reuse would eliminate, remedy and prevent the adverse conditions described. It is further found that the abatement of the blight of poorly maintained properties and/or vacant or occupied parcels is a benefit to the health, safety and welfare of the residents of the Town.
- B. Therefore, this chapter is adopted pursuant to sections 7-148(H)(xv) and 7-148aa of the Connecticut General Statutes and other applicable law.

Section 161-2. Definitions.

For the purposes of this chapter, the following words and terms shall have the meanings respectively ascribed as follows:

BLIGHTED PREMISES – means any vacant or occupied building or structure, or any vacant or occupied portion of a building or structure that is a separate unit, or any vacant parcel, in which at least one of the additional following conditions exist:

Ordinance #08-04 — continued

- A. It is determined by the Town that existing conditions pose a serious or immediate danger to the community; i.e. a life threatening condition or a condition which puts at risk the health or safety of citizens of the Town.
- B. It is not being maintained; the following factors may be considered in determining whether a structure or building is not being maintained: missing or boarded windows or doors; a collapsing or missing wall, roof or floor; siding that is seriously damaged or missing; fire damages; a foundation that is structurally faulty; or garbage, trash or abandoned cars situated on the premises (unless the premises is a legal junk yard) or that the outside of the property is not being maintained in accordance with the standards set forth in this chapter.
- C. It is becoming dilapidated.
- D. It is attracting illegal activity.
- E. It is a fire hazard.
- F. It is a factor that is materially depreciating property values in the neighborhood because of its poorly maintained condition.
- G. It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the neighborhood.
- H. The exterior and areas exposed to public view of all commercial and residential property and premises is not being kept free from deterioration and/or is not in a good state of repair.
- I. The property is not being maintained so that it reflects a reasonable level of maintenance in keeping with the standards of the community and not constituting a blighting factor for adjoining property owners, or an element leading to the progressive deterioration of the neighborhood. Such maintenance of the outside of the property shall include, without limitation, the following:
 - (1) All surfaces shall be maintained free of broken glass, crumbling stone or brick or other condition reflective to deterioration or inadequate maintenance.
 - (2) The maintenance and appearance of the grounds and yards of premises shall be such that they reflect the level of upkeep of surrounding premises and properties. This shall include but not be limited to grass that has been allowed to go to seed, severely overgrown bushes and trees, dead trees and trash, rubbish, and dilapidated equipment or abandoned vehicles on the grounds. All equipment is to be in good working condition.

Ordinance #08-04 — continued

- (3) No dumpster or other refuse container usually used on a construction site may be kept in a residential area unless a construction or improvement project, which may include the disposal of household items, is to commence within two (2) weeks of the installation of a dumpster or it has been within two (2) weeks of the completion of the project, for a total time frame not to exceed thirty (30) days. A permit is required from the Director of Public Facilities for the placement of a dumpster for the purpose set forth in item 3, above, in the public right of way. The Enforcement Officer may take into account other information it deems relevant in determining whether a dumpster is improperly placed.
- (4) Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

BLIGHT ENFORCEMENT OFFICER – means the position as established within the Zoning Department of the Town.

DILAPIDATED – means a building or structure which has been vacant or occupied for a period of sixty (60) days or longer and/or run down.

ENFORCEMENT OFFICER – means the Town Health Director or his/her designee, the Town housing code enforcement officer or his/her designee, the Blight Enforcement Officer, or any Town employee, who has statutory authority to enter onto private property for the purpose of inspecting said property, and is appointed by the Mayor to issue fines for violations of this chapter.

LEGAL OCCUPANCY – means occupancy that is legal by virtue of compliance with state building, state fire safety, local zoning, housing codes and all other pertinent codes, which habitation must be substantiated by a bona fide lease agreement, a rent receipt or a utility statement.

NEIGHBORHOOD – means an area of the Town comprised of all premises or parcels of land any part of which is within a radius of eight hundred (800) feet of any part of another parcel or lot within the Town.

UNIT – means any space within a building that is or can be rented by or to a single person, household or entity for his/her or its sole use, and is intended to be a distinct space.

VACANT – means a period of sixty (60) days or longer during which a building or a portion thereof is not legally occupied.

VACANT PARCEL – means a parcel of land with no structures thereon.

Ordinance #08-04 — continued

Section 161-3. Prohibition against creating or maintaining blighted premises.

Any owner of real property in the Town shall not cause or allow blighted premises, as defined in this chapter, to be created, nor shall any owner allow the continued existence of such blighted premises.

Section 161-4. Enforcement.

A. The Blight Enforcement Officer shall cause regular inspections of certain of the blighted premises to be referred to the Enforcement Officer for the purpose of documenting continuous blight and, additionally, may cause to be imposed a penalty of not more than one hundred dollars (\$100.00) per violation for each day that a blighted premises, as defined in this chapter, or part thereof, is in violation of this chapter, except for persons who are given special consideration as described in Section 161-5 of this chapter. Each day a blighted premises, as defined in this chapter, or part thereof, is in violation of this chapter shall constitute a separate offense. The Blight Enforcement Officer shall cause the imposition of said penalty by notifying the owner by certified mail at the start of the period in which fines are levied.

(1) The written notice of citation shall include:

- (a) Enumeration of conditions in the structure that are inadequate to meet the standards of this chapter.
- (b) Enumeration of the remedial action required to meet the standards of this chapter.
- (c) A statement of a definite number of days from the date of the citation in which the owner or operator must commence and complete such remedial action.
- (d) The specific Town Code section violated.
- (e) A statement of the right of appeal.
- (f) A statement of the penalties for noncompliance, as set forth in this chapter.

(2) All fines imposed for violations of this section shall be paid to a fund maintained by the Town.

B. The Enforcement Officer shall promptly apply to the Citation Clerk for a judgment assessing monetary penalties against the alleged blight violator in accordance with Town Code §§ 6-1 through 6-11, inclusive, and Connecticut General Statutes § 7-152c. Such application shall in no event be made later than twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees.

Ordinance #08-04 — continued

- C. Any unpaid fine imposed pursuant to the provisions of this chapter regulating blight shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens filed after the effective date of this ordinance and encumbrances, except taxes, and may be enforced in the same manner as property tax liens.
- D. Violators of this chapter shall have the right to file a written appeal to the Office of Citation Hearings within fifteen (15) days from the date of the imposition of the fines. Payment of fines shall be stayed until the appeal has been heard and ruled on by a Citation Hearing Officer. See Citation Hearings, Office of, §§ 6-1 through 6-11 of the Stratford Town Code. If dissatisfied with the findings, the violator may appeal to Superior Court in accordance with Section 7-152c of the General Statutes of Connecticut.

Section 161-5. Anti-blight administrative procedures.

- A. The Blight Enforcement Officer shall convene an Anti-blight Committee consisting of the Zoning Administrator, Planning Administrator, Economic and Community Development Department representative, the local Fire Marshal, the Health Director, the municipal Building Official, the Tax Collector, a member of the Stratford Town Council as designated by the Council, and may request, through the Mayor, the assistance of any other Town staff as deemed appropriate by the committee.
- B. The Blight Enforcement Officer shall produce an annual list of vacant and/or occupied buildings and/or vacant parcels and a monthly list of properties reported to the Town for investigation, as well as, the status of each case pending. The Anti-blight Committee shall add any blighted premises, as defined in this chapter, that it is aware of to this list. The Anti-blight committee shall review the list of such blighted premises and select those properties for which specific strategies may be developed. Strategies may include:
 - (1) Fines for Blight.
 - (a) The Anti-blight Committee may refer such blighted premises to be fined in accordance with the Anti-blight Ordinance codified in this chapter to the Enforcement Officer who will send a certified letter to the owner instituting daily fines as provided for in this chapter. The Enforcement Officer shall cause regular inspections to be conducted to document that the blight persists. The Enforcement Officer shall within thirty (30) days work with the Town Attorney to convert the fines to liens and initiate foreclosure or institute legal proceedings to collect the fines.
 - (b) Once foreclosure is complete, the Anti-blight committee shall refer disposal of the properties in a timely manner through the Stratford Town Council or any Re-development organization created by ordinance.

Ordinance #08-04 — continued

(2) Tax Foreclosure.

- (a) The committee may refer blighted premises, as defined in this chapter. The Town Attorney shall keep the Anti-blight Committee informed on a quarterly basis as to the status of foreclosures of such referred blighted premises.
- (b) Once foreclosure is complete, the Anti-blight Committee shall determine how to dispose of the properties in a timely manner.

(3) Rehabilitation.

- (a) The Anti-blight Committee may refer blighted premises, as defined in this chapter, that are suitable for rehabilitation to the Mayor and Town Council for acquisition and rehabilitation through the urban home-steading program or other appropriate rehabilitation programs as resources permit.
- (b) The Anti-blight Committee may refer blighted premises, as defined in this chapter, for the abatement of said violations through an appropriate rehabilitation program as resources permit. The abatement of said violations by the Town may occur upon: a written complaint of any person having an interest in said property in accordance with Section 19a-210 of the General Statutes of Connecticut; or the permission of the property owner, or the issuance of a Court Order in accordance with Section 19a-206 of the General Statutes of Connecticut; the procedures for any tenement, lodging or boarding house or property upon which buildings are situated as set forth in Section 47a-53 of the General Statutes of Connecticut, when appropriate. The Blight Enforcement Officer shall work with the Town Attorney to convert the cost of abatement of said violations to liens and institute all legal proceedings necessary to collect said costs from the property owner(s).

- (4) Special Consideration. Special consideration shall be given to individuals that are elderly or disabled in the Town's effort to correct blighted conditions. If it is found by the Enforcement Officer that an individual can not maintain a reasonable level of upkeep of the owner-occupied residence because the individual is elderly or disabled and no capable person resides in the residence, the Enforcement Officer shall suspend fines to give the person adequate time to correct the problem. Except as noted below, where the individual is a low-income individual and owns and occupies a residence that is designated as blighted, the Enforcement Officer shall give special consideration to the person by providing adequate time to correct the problem. If items designated as blighted have to do with lawn and shrub maintenance, painting and keeping grounds free from rubbish and debris, the Enforcement Officer will not provide additional time to correct the problem.

POST-CONSTRUCTION STORMWATER ORDINANCE — TOWN OF STRATFORD (#05-32)

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1.0 PURPOSE AND AUTHORITY

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with post-construction stormwater runoff. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land and wetlands, control stream channel erosion, reduce local flooding, improve water quality, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

The provisions of this ordinance are pursuant to Connecticut State Statutes 7-148 (c) (8) (A)¹, 8-2 (a)², 8-25³, and 22a-36 to 22a-45 inclusive⁴, and 8-2(b)⁵ and shall apply to all development

¹ Municipal Powers: The municipality has the power to “Provide for the protection and improvement of the environment including, but not limited to, coastal areas, wetlands and areas adjacent to waterways in a manner not inconsistent with the general statutes.

² Regulations: The zoning commission is authorized to adopt regulations “...to secure safety from ...flood and other dangers; to promote health and the general welfare...”

³ Subdivision of land: Authorizes the zoning commission to see “...that proper provision shall be made for... drainage...” and “that proper provision shall be made for protective flood control measures...”

⁴ The Inland Wetlands and Watercourses Act.

Ordinance #05-32 — continued

occurring within the incorporated area of the Town of Stratford, Connecticut. The application of this ordinance and provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. The agencies defined in Section 2.0 as the “Responsible Official” shall be responsible for the coordination and enforcement of the provisions of this ordinance.

⁵ “In any municipality that is contiguous to Long Island Sound the regulations adopted under this section shall be made with reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound and shall be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound. Such regulations shall provide that the zoning commission consider the environmental impact on Long Island sound of any proposal for development.”

Ordinance #05-32 — continued**1.1 Incorporation by Reference**

For the purpose of this ordinance, the Connecticut Stormwater Quality Manual (as amended) is incorporated by reference by the Town of Stratford Connecticut and shall serve as the official guide for stormwater principles, methods, and practices.

2.0 DEFINITIONS

A. For the purpose of this ordinance, the following definitions describe the meaning of the terms used in this ordinance:

- (1) "Adverse impact" means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.
- (2) "Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.
- (3) "Applicant" means any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.
- (4) "Aquifer" means porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.
- (5) "BMP (Best Management Practice)" means a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.
- (6) "Clearing" means the removal of trees and brush from the land (i.e., removal of vegetative cover) but shall not include the ordinary mowing of grass
- (7) "DEP" means the Connecticut Department of Environmental Protection.
- (8) "Design Manual" means the most current edition of the Connecticut Stormwater Quality Manual that serves as the official guide for the stormwater management principles, methods, and practices.
- (9) "Detention structure" means a permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.

Ordinance #05-32 — continued

- (10) "Develop land" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, municipal, or institutional construction or alteration.
- (11) "Direct discharge" means the concentrated release of stormwater to tidal waters or vegetated tidal wetlands from new development or redevelopment projects in the Critical Area.
- (12) "Disturb" or "Disturbance" means any activity consisting of the removal of vegetation, topsoil, or overburden, or the placement of topsoil, spoil, or other material, as defined in the Guidelines.
- (13) "Drainage area" means an area that contributes runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.
- (14) "Easement" means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.
- (15) "Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this ordinance.
- (16) "Extended detention" means a stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. Methods for designing extended detention BMPs are specified in the Design Manual.
- (17) "Extreme flood volume" means the storage volume required to control those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the 100- year floodplain.
- (18) "Flow attenuation" means prolonging the flow time of runoff to reduce the peak discharge.
- (19) "Grading" means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.
- (20) "Groundwater recharge volume (GRV)" means that portion of the water quality volume used to maintain groundwater recharge rates at development sites. Methods for calculating the groundwater recharge volume are specified in the Design Manual.
- (21) "Guidelines" means the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, or as may be amended, established pursuant to Section 22a-328 of the Connecticut General Statutes.
- (22) "Infiltration" means the passage or movement of water into the soil surface.
- (23) "Off-site stormwater management" means the design and construction of a facility necessary to control stormwater from more than one development.

Ordinance #05-32 — continued

- (24) "On-site stormwater management" means the design and construction of systems necessary to control stormwater within an immediate development.
- (25) "Peak runoff attenuation" means controlling by structural practices the volume to prevent an increase in the frequency of out of bank flooding generated by development.
- (26) "Primary treatment practice", as defined in the Design Manual, means a stormwater treatment practice that is capable of providing high levels of water quality treatment as a stand-alone measure.
- (27) "Redevelopment" means any construction, alteration, or improvement exceeding five thousand (5,000) square feet of land disturbance performed on sites where existing land use is commercial, industrial, municipal, institutional or multifamily residential.
- (28) "Responsible Authority" means employees, members, or designees of the Town of Stratford Water Pollution Control Authority. Other responsible agencies under this ordinance include:
- (a) The Inland Wetlands and Watercourses Commission for stormwater runoff impacting wetlands and watercourses. (For the purposes of only this paragraph, the definition of "wetlands" and "watercourse" is the definition used in the most current version of the Inland Wetland and Watercourses regulations of the Town of Stratford).
 - (b) The Engineering Division of the Department of Public Works for stormwater runoff from public roads and sidewalks.
 - (c) The Planning Commission and the Zoning Commission for all other stormwater runoff.
- (29) "Responsible Official" means the Town of Stratford Director of Public Works ("Director") or his designee.
- (30) "Retention structure" means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.
- (31) "Retrofitting" means the construction of a structural BMP in a previously developed area, the modification of an existing structural BMP, or the implementation of a nonstructural practice to improve water quality over current conditions.
- (32) "Secondary treatment practice", as defined in the Design Manual, means a stormwater treatment practice that may not be suitable as stand-alone treatment because is not capable of meeting the water quality treatment performance criteria in the Design Manual or has not yet received the thorough evaluation needed to demonstrate the capabilities for meeting the performance criteria in the Design Manual.
- (33) "Sediment" means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

Ordinance #05-32 — continued

- (34) "Site" means:
- (a) For "new development" any tract, lot or parcel of land or combination of tracts, lots, or parcels of land, which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.
 - (b) For "redevelopment" the area of new construction as shown on an approved site plan or the original parcel. Final determination of the applicable area shall be made by the Responsible Authority.
- (35) "Stabilization" means the prevention of soil movement by any of various vegetative and/or structural means.
- (36) "Stormwater management" means the selective use of various management measures to effectively address the adverse water quality and quantity impacts of urban stormwater runoff.
- (37) "Stormwater Management Plan" means a set of drawings or other documents that describe the potential water quality and quantity impacts associated with a development project after construction. A stormwater management plan also identifies selected source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.
- (38) "Stormwater Treatment Practice", as defined in the Design Manual, means a measure constructed for primary treatment or secondary treatment of stormwater runoff.
- (39) "Stream Channel Protection" means restricting peak flows from storm events that result in flow conditions where the stream is flowing to the full extent of its banks so the damaging effects to the channel of increased runoff from urbanization can be reduced. Methods for calculating stream channel protection are specified in the most current edition of the Design Manual.
- (40) "Variance" means the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would result in necessary hardship and not fulfill the intent of this ordinance.
- (41) "Waiver" means the relinquishment from stormwater management requirements by the Responsible Authority for a specific development on a case-by-case review basis.
- (a) "Quality stormwater management waiver" includes water quality volume and groundwater recharge volume design parameters.
 - (b) "Quantity stormwater management waiver" includes stream channel protection, peak runoff attenuation, and extreme flood volume design parameters.
- 42) "Watercourse" means any natural or artificial stream, river, brook, lake, pond, marsh, swamp, bog, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, wash,

Ordinance #05-32 — continued

and all other bodies of water, natural or artificial, vernal or intermittent, public or private in and including any adjacent area that is subject to inundation from overflow or flood water.

43) "Watershed" means the total drainage area contributing runoff to a single point.

44) "Water quality volume" means the volume of runoff generated by one inch of rainfall on the site.

3.0 APPLICABILITY

3.1 Scope

No person shall develop land for residential, commercial, industrial, municipal, or institutional uses without having provided stormwater management measures that control or manage runoff from such development, except as provided within this section. The stormwater management measures must be designed consistent with the Design Manual and constructed according to an approved plan for new development or the policies stated in Section 3.4 for redevelopment.

3.2 Exemptions

The following development activities are exempt from the provisions of this ordinance and the requirements of providing stormwater management, except as noted:

- A. Development of single family residential property that results in the disturbance of less than one (1) acre of land, not including projects less than one (1) acre that are part of a larger common plan of development or sale that will ultimately disturb greater or equal to one (1) acre must conform to the requirements presented in Section 4.4.
- B. Agricultural land management practices;
- C. Any activity that will disturb an area less than five thousand (5,000) square feet over the total project;
- D. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- E. Repair or replacement of an existing roof of a single family dwelling;
- F. Construction of utilities (gas, water, electric, telephone, sanitary sewer, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;
- G. Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Responsible Authority.

3.3 Waivers / Watershed Management Plans

A. Stormwater management quantity control waivers may be granted by the Responsible Authority to projects when the Responsible Authority determines that circumstances exist that prevent the reasonable implementation of quantity control practices.

Ordinance #05-32 — continued

B. Stormwater management quality control waivers granted by the Responsible Authority apply to:

(1) In-fill development projects where implementation of stormwater management quality controls is not feasible;

(2) Redevelopment projects if the requirements of Section 3.4 of this ordinance are satisfied; or

(3) Sites where the Responsible Authority determines that circumstances exist that prevent or make unnecessary the reasonable implementation of quality control practices.

C. Waivers must be requested in writing one week in advance of the regular meeting of the Water Pollution Control Authority in a manner prescribed by the Director of Public Works.

D. Waivers granted must:

(1) Be on a case-by-case basis;

(2) Consider the cumulative effects of the waiver policy; and

(3) Reasonably ensure the development will not adversely impact stream quality.

3.4 Redevelopment

A. All redevelopment projects shall reflect an effort to reduce existing site impervious area. Where site conditions prevent the reduction of impervious area, then stormwater management practices shall be implemented to provide quality control for at least 20% of the site's impervious area; or here conditions prevent impervious area reduction or on-site stormwater management, the Responsible Official may consider practical alternatives including:

(1) Watershed or stream restoration;

(2) Improving the existing stormwater management system;

(3) Other practices approved by Responsible Official.

(The elements and principles of stormwater quality control are noted in the Design Manual.)

3.5 Variance

The Responsible Authority may grant a written variance from any requirement of Section 4.0 (Stormwater Management Criteria), of this ordinance if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of this ordinance. A written request for variance shall be provided to the Responsible Authority and shall state the specific variances sought and reasons for their granting. The Responsible Authority shall not grant a variance unless and until the person developing land provides sufficient justification.

Ordinance #05-32 — continued**4.0 STORMWATER MANAGEMENT CRITERIA****4.1 Minimum Control Requirements**

- A. The minimum control criteria established in this section and the Design Manual are as follows:
- (1) Shall require that the groundwater recharge volume, water quality volume, and peak runoff attenuation for the 2-year frequency storm event be used to design BMPs according to the Design Manual. Control of the 10-year frequency storm event is required according to the Design Manual. Control of larger storm events may be required at the discretion of the Responsible Authority if a flooding problem exists and downstream floodplain development and conveyance system design cannot be controlled.
 - (2) Shall require that the groundwater recharge volume, water quality volume, and stream channel protection sizing criteria be used to design BMPs according to the Design Manual.
 - (3) The Responsible Authority may require more than the minimum control requirements specified in this ordinance if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project.
- B. Stormwater management and development plans where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the DEP.

4.2 Stormwater Management Measures

The structural and nonstructural stormwater management measures established in this ordinance shall be used, either alone or in a combination, in developing a stormwater management plan.

- A. Nonstructural Stormwater Management Measures.
- (1) The following nonstructural stormwater management practices shall be applied according to the Design Manual to minimize increases in new development runoff:
 - (a) Natural area conservation;
 - (b) Disconnection of rooftop runoff;
 - (c) Disconnection of non-rooftop runoff;
 - (d) Sheet flow to buffers;
 - (e) Grass channels; and
 - (f) Environmentally sensitive development and Low Impact Development (LID) practices;

Ordinance #05-32 — continued

- (2) The use of nonstructural stormwater management practices shall be encouraged to minimize the reliance on structural BMPs.
 - (3) The minimum control requirements listed in Section 4.1 of this ordinance may be reduced when nonstructural stormwater management practices are incorporated into site designs according to the Design Manual.
 - (4) The use of nonstructural stormwater management practices may not conflict with existing State or local laws, ordinances, or policies.
 - (5) Nonstructural stormwater management practices used to reduce the minimum control requirements must be recorded and remain unaltered by subsequent property owners. Prior approval from the Responsible Authority shall be obtained before nonstructural stormwater practices are altered.
- B. Structural Stormwater Management Measures.
- (1) The following structural stormwater management practices or “Stormwater Treatment Practices” shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in Section 4.1 of this ordinance.
 - (a) Primary Treatment Practices, including stormwater ponds, stormwater wetlands, stormwater infiltration practices, stormwater filtering practices, and water quality swales.
 - (b) Combination of primary treatment practices and secondary treatment practices.
 - (c) Multiple secondary treatment practices, at the discretion of the Responsible Authority.
 - (2) The performance criteria specified in the Design Manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural stormwater management practices.
 - (3) Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic regions of the state.
- C. Alternative structural and nonstructural stormwater management practices may be used for new development water quality control if they meet the performance criteria established in the Design Manual. Practices used for redevelopment projects shall be approved by the Responsible Authority (Official?).
- D. For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit at the request of the Responsible Authority an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or

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natural point of restricted stream flow. The point of investigation is to be established with the concurrence of the Responsible Authority.

4.3 Specific Design Criteria

The basic design criteria, methodologies, and construction specifications, subject to the approval of the Responsible Authority, shall be those of the Design Manual.

4.4 Single Family Residence Lot Level Controls

Construction of single family residences that results in the disturbance of less than 1 acre of land must minimize or disconnect impervious area runoff from the public storm drainage system by implementing stormwater management measures designed in accordance with the Design Manual. The applicant shall submit evidence on a form prescribed by the Responsible Official that the requirements of Section 4.4 have been met prior to issuance of a building permit.

5.0 STORMWATER MANAGEMENT PLANS**5.1 Review and Approval of Stormwater Management Plans**

- A. For any development subject to this ordinance, the developer shall submit a stormwater management plan or waiver application to the Responsible Official or his designee for review and approval, unless otherwise exempted. The stormwater management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire development. The Responsible Official or his designee shall review the plan to determine compliance with the requirements of this ordinance prior to approval. The plan shall serve as the basis for all subsequent construction.
- B. Notification of approval or reasons for disapproval or modification shall be given to the applicant within sixty-five (65) days after submission of the completed stormwater plan, unless otherwise extended by agreement. If a decision is not made within sixty-five (65) days, the applicant shall be informed of the status of the review process and the anticipated completion date. The stormwater management plan shall not be considered approved without the inclusion of the signature and date of signature of the Responsible Official or his designee on the plan.

5.2 Contents of the Stormwater Management Plan

- A. The developer is responsible for submitting a stormwater management plan that meets the design requirements of this ordinance. The plan shall be accompanied by a report that includes sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. An engineer licensed in Connecticut shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. If a stormwater management plan involves direction of some or all runoff off of the

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site, it is the responsibility of the developer to obtain from adjacent property owners any easements or necessary property interests concerning flowage of water. Approval of a stormwater management plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission.

The minimum information submitted for support of a stormwater management plan or application for a waiver shall be as follows:

- B. Reports submitted for stormwater management plan approval shall include:
- (1) A brief narrative description of the project;
 - (2) Geotechnical investigations including soil maps, borings, site-specific recommendations, and any additional information necessary for the proposed stormwater management design;
 - (3) Descriptions of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater directly flows;
 - (4) Hydrologic computations, including drainage area maps depicting pre development and post development runoff flow path segmentation and land use that demonstrate compliance with Section 4.0 of this ordinance;
 - (5) Hydraulic computations;
 - (6) Structural computations;
 - (7) Hydrologic sizing criteria computations according to the Design Manual; and
 - (8) Any other information required by the Responsible Official.
- C. Construction drawings submitted for stormwater management plan approval shall include the following:
- (1) A vicinity map;
 - (2) Topography survey showing existing and proposed contours, including the area necessary to determine downstream analysis for proposed stormwater management facilities;
 - (3) Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;
 - (4) The location of existing and proposed structures and utilities;
 - (5) Any easements and rights-of-way;
 - (6) The delineation, if applicable, of the 100-year floodplain and any on-site wetlands;
 - (7) Structural and construction details for all components of the proposed drainage system or systems, and stormwater management facilities.
 - (8) All necessary construction specifications;

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- (9) A sequence of construction;
- (10) Data for total site area, disturbed area, new impervious area, and total impervious area;
- (11) A table showing the hydrologic sizing criteria volumes described in the Design Manual;
- (12) A table of materials to be used for stormwater management facility planting;
- (13) All soil boring logs and locations;
- (14) A maintenance schedule;
- (15) Certification by a Connecticut certified engineer that all stormwater management construction will be done according to this plan;
- (16) An as-built certification signature block to be executed after project completion; and
- (17) Any other information required by the Responsible Official.

5.3 Preparation of the Stormwater Management Plan

- A. A professional engineer licensed in the State shall design and prepare a stormwater management plan as necessary to protect the public and the environment.
- B. If a stormwater treatment practice requires either a dam safety permit from DEP or approval from the Inland Wetlands and Watercourses Agency, the Responsible Official shall require that a professional engineer licensed in the State prepare the design.

6.0 PERMITS**6.1 Permit Requirement**

A building permit may not be issued for any parcel or lot unless a stormwater management plan has been approved or waived by the Responsible Official or waived by the Responsible Authority as meeting all the requirements of this ordinance. Where appropriate, a building permit may not be issued without:

- A. Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;
- B. A recorded stormwater management maintenance agreement;
- C. A cash bond; and
- D. Permission from adjacent property owners as necessary.

6.2 Permit Fee

A non-refundable permit fee will be collected at the time the stormwater management plan or application for waiver is submitted. The permit fee will provide for the cost of plan review, administration, and management of the permitting process, and inspections by the Responsible Official of all projects subject to this ordinance. A permit fee schedule shall be established by the

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Responsible Authority based upon the relative complexity of the project and may be amended from time to time.

6.3 Permit Suspension and Revocation

Any building permit issued by the Responsible Official or waived by the Responsible Authority may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

- A. Any violation(s) of the conditions of the stormwater management plan approval.
- B. Changes in site runoff characteristics upon which an approval or waiver was granted.
- C. Construction is not in accordance with the approved plan.
- D. Noncompliance with correction notice(s) or stop work order(s) issued for the construction of the stormwater management facility.
- E. An immediate danger exists in a downstream area in the opinion of the Responsible Authority.

6.4 Permit Conditions

In granting the plan approval, the Responsible Official or the Responsible Authority may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this ordinance and the preservation of the public health and safety.

7.0 CASH BOND

The Responsible Official or the Responsible Authority shall require from the developer a cash bond prior to the issuance of any building permit for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility. The bond required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this ordinance, and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of the completed work by the Responsible Official, submission of "as-built" plans, and certification of completion by the Responsible Official that the stormwater management facilities comply with the approved plan and the provisions of this ordinance. A procedure may be used to release parts of the bond held by the Responsible Official after various stages of construction have been completed and accepted by the Responsible Official. The procedures used for partially releasing performance bonds must be specified by the Responsible Official in writing prior to stormwater management plan approval. Any permittee may appeal any decision pertaining to the cash bond made by the Responsible Official to the Responsible Authority.

The bond requirement under this ordinance may be waived by the Responsible Official provided that a bond is required by another agency in the amount equal to or greater than the total estimated construction cost of the stormwater management facilities for the project.

Ordinance #05-32 — continued**8.0 INSPECTION****8.1 Inspection Schedule and Reports**

- A. The developer shall notify the Responsible Official at least 48 hours before commencing any work in conjunction with the stormwater management plan and upon completion of the project when a final inspection will be conducted.
- B. The developer shall retain a professional engineer licensed in the State to conduct inspections. Written inspection reports shall be made of the periodic inspections necessary during construction of stormwater management systems to ensure compliance with the approved plans.
- C. Written inspection reports shall be provided by the developer's engineer to the Responsible Official on a standard form provided by the Town.
- D. The owner/developer and on-site personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.
- E. No work shall proceed until the Responsible Official or the Responsible Authority approves the work previously completed. The inspector shall provide the developer and Responsible Official with the results of the inspection reports as soon as possible after completion of each required inspection.

8.2 Inspection Requirements During Construction

- A. At a minimum, inspections shall be made and documented at the following specified stages of construction:
 - (1) For stormwater ponds:
 - (a) Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:
 - (i) Core trenches for structural embankments
 - (ii) Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and
 - (iii) Trenches for enclosed storm drainage facilities;
 - (b) During placement of structural fill, concrete, and installation of piping and catch basins;
 - (c) During backfill of foundations and trenches;
 - (d) During embankment construction; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.

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- (2) For stormwater wetlands – at the stages specified for pond construction in 8.2 A (1) of this section, during and after wetland reservoir area planting, and during the second growing season to verify a vegetation survival rate of at least 50 percent.
- (3) For infiltration trenches:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems and observation wells;
 - (c) During placement of geotextiles and all filter media;
 - (d) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization;
- (4) For infiltration basins – at the stages specified for pond construction in 8.2 A (1) of this section and during placement and backfill of underdrain systems.
- (5) For filtering systems:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems;
 - (c) During placement of geotextiles and all filter media;
 - (d) During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
- (6) For open channel systems:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems for dry swales;
 - (c) During installation of diaphragms, check dams, or weirs; and
 - (d) Upon completion of final grading and establishment of permanent stabilization.
- (7) For nonstructural practices – upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval.

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- (8) For secondary treatment practices, including subsurface manufactured devices:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of treatment unit;
 - (c) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization;
- B. The Responsible Official may, for enforcement purposes, use any one or a combination of the following actions:
 - (1) A notice of violation shall be issued specifying the need for a violation to be corrected if the stormwater management plan noncompliance is identified;
 - (2) A stop work order shall be issued for the site by the Responsible Authority if a violation persists;
 - (3) Bonds or securities may be withheld or the case may be referred for legal action if reasonable efforts to correct the violation have not been undertaken; or
 - (4) In addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of the Stormwater Management subtitle or this ordinance.
- C. Any step in the enforcement process may be taken at any time, depending on the severity of the violation.
- D. Once construction is complete, as-built plan certification shall be submitted by a professional engineer licensed in the State to ensure that constructed stormwater management practices and conveyance systems comply with the specifications contained in the approved plans. At a minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed the Responsible Authority may require additional information.

9.0 MAINTENANCE**9.1 Maintenance Inspection**

- A. The owner (or the developer during construction) shall ensure that all stormwater management systems are inspected for performance of preventative maintenance. Inspection shall occur during the first year of operation and at least once every 3 years

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- thereafter. In addition, a maintenance agreement in a form approved by the Town Attorney between the owner and the Responsible Authority shall be executed for privately owned stormwater management systems as described in 9.2 of this section.
- B. The owner (or the developer during construction) shall maintain inspection reports for all stormwater management systems.
- C. Inspection reports for stormwater management systems shall include the following:
- (1) The date of inspection;
 - (2) Name of inspector;
 - (3) The condition of:
 - (a) Vegetation or filter media;
 - (b) Fences or other safety devices;
 - (c) Spillways, valves, or other control structures;
 - (d) Embankments, slopes, and safety benches;
 - (e) Reservoir or treatment areas;
 - (f) Inlet and outlet channels or structures;
 - (g) Underground drainage;
 - (h) Sediment and debris accumulation in storage and forebay areas;
 - (i) Any nonstructural practices to the extent practicable; and
 - (j) Any other item that could affect the proper function of the stormwater management system.
 - (4) Description of needed maintenance.
- D. After notification is provided to the owner of any deficiencies discovered from an inspection of a stormwater management system, the owner shall have 30 days or other time frame mutually agreed to between the Responsible Authority and the owner to correct the deficiencies. The Responsible Authority shall then conduct a subsequent inspection to ensure completion of the repairs.
- E. If repairs are not undertaken or are not done properly, then enforcement procedures following 9.2 C of this section shall be followed by the Responsible Authority

9.2 Maintenance Agreement

- A. Prior to the issuance of any building permit for which stormwater management is required by this ordinance, the Responsible Authority shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a private stormwater management facility. Such agreement shall provide for access to

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the facility at reasonable times for regular inspections by the Responsible Official or his authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.

- B. The applicant and/or owner shall record the agreement in the land records of the Town of Stratford.
- C. The agreement shall also provide that, if after notice by the Responsible Official to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), the Responsible Authority may impose a fine in accordance with Section 12 herein.

9.3 Maintenance Responsibility

- A. The owner of the property on which work has been done pursuant to this ordinance for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
- B. A maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be printed on the approved stormwater management plan.

10.0 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 this ordinance in regard to a specific application, shall have the right to appeal to the Responsible Authority in a manner prescribed in the regulations and procedures of the Responsible Authority and the State of Connecticut.

11.0 SEVERABILITY

If a court of competent jurisdiction holds any portion of this ordinance invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this ordinance. It is the intent of the Town of Stratford that this ordinance shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

12.0 PENALTIES

Any person convicted of violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars

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(\$5,000.00) or imprisonment not exceeding 1 year or both for each violation with costs imposed in the discretion of the court. Each day that a violation continues shall be a separate offense. In addition, the Responsible Authority may institute or cause to be instituted injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this ordinance. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

13.0 EFFECTIVE DATE

And be it further enacted, that this ordinance shall take effect July 2, 2009.

ILLICIT DISCHARGE AND ILLEGAL CONNECTION ORDINANCE — TOWN OF STRATFORD (#05-33)

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Introduction

It is hereby determined that:

Discharges to the municipal separate storm sewer system that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters;

These non-stormwater discharges occur due to spills, dumping and improper connections to the municipal separate storm sewer system from residential, industrial, commercial or institutional establishments.

These non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters.

The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;

These impacts can be minimized through the regulation of spills, dumping and discharges into the municipal separate storm sewer system;

Localities in the State of Connecticut are required to comply with a number of State and Federal laws, regulations and permits which require a locality to address the impacts of stormwater runoff quality and nonpoint source pollution due to improper non-stormwater discharges to the municipal separate storm sewer system;

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Therefore, the Town of Stratford adopts this ordinance to prohibit such non-stormwater discharges to the municipal separate storm sewer system. It is determined that the regulation of spills, improper dumping and discharges to the municipal separate storm sewer system is in the public interest and will prevent threats to public health and safety, and the environment.

Section 1. General Provisions**1.1. Purpose and Intent**

The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the municipal separate storm sewer system to the maximum extent practicable as required by Federal law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are to:

- (1) Regulate the contribution of pollutants to the municipal separate storm sewer system by any person;
- (2) Prohibit illicit discharges and illegal connections to the municipal separate storm sewer system;
- (3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the municipal separate storm sewer system; and,
- (4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance

1.2. Applicability

The provisions of this ordinance shall apply throughout the Town of Stratford unless explicitly exempted by the Responsible Authority.

1.3. Compatibility with Other Regulations

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

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1.4. Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

1.5. Responsibility for Administration

The Town of Stratford Director of Public Works shall be the Responsible Official, and shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Director of Public Works by this ordinance may be delegated in writing by the Director to persons or entities acting in the beneficial interest of or in the employ of the Town.

1.6. 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 of pollutants.

Section 2. Definitions

“Accidental Discharge” means a discharge prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.

“Clean Water Act” means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

“Construction Activity” means activities subject to the Connecticut Erosion and Sedimentation Control Act or General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

“Illicit Discharge” means any direct or indirect non-stormwater discharge to the municipal separate storm sewer system, except as exempted in Section 3 of this ordinance.

“Illegal Connection” means either of the following:

- a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel,

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drain or conveyance has been previously allowed, permitted, or approved by the Responsible Authority; or

b) Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by the Responsible Authority.

“Industrial Activity” means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14) or CGS 22a-430b.

“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit” means a permit issued by the Connecticut DEP 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.

“Municipal Separate Storm Sewer System” means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, municipal streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

- a) Owned or maintained by the Town of Stratford;
- b) Not a combined sewer; and
- c) Not part of a publicly-owned treatment works.

“Non-Stormwater Discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

“Person” means, except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; 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; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

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“Pollution” means the contamination or other alteration of any water’s physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

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

“Responsible Authority” means employees, members, or designees of the Town of Stratford Water Pollution Control Authority.

“Responsible Official” means the Town of Stratford Director of Public Works (“Director”).

“State Waters” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Connecticut which are not entirely confined and retained completely upon the property of a single person.

“Stormwater Runoff” or **“Stormwater”** means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

“Structural Stormwater Control” means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

Section 3. Prohibitions

3.1 Prohibition of Illicit Discharges

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the municipal separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following types of discharges are expressly prohibited from the municipal separate storm sewer system:

- Swimming pool discharges,
- Sump pump discharges other than those allowed under Section 3.1(1),
- Fire hydrant and water line flushing,

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- Utility manhole dewatering water,
- Asphalt saw cooling water,
- Lawn clippings, rakings, and sweepings.

The following discharges are exempt from the prohibition provision above providing they contain no pollutants:

- (1) Landscape irrigation or lawn watering, diverted stream flows, 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, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
- (2) Discharges or flows from fire fighting, and other discharges specified in writing by the Responsible Authority as being necessary to protect public health and safety;
- (3) The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the State and the Federal 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 municipal separate storm sewer system.

3.2 Prohibition of Illegal Connections

The construction, connection, use, maintenance or continued existence of any illegal connection to the municipal separate storm sewer system is prohibited.

- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (2) A person violates this ordinance if the person connects a line conveying sewage to the municipal separate storm sewer system, or allows such a connection to continue.
- (3) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Responsible Authority.
- (4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Responsible

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Authority requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Responsible Authority and the Director of Public Works.

3.3 Suspension of Access to Storm System**(1) Suspension due to Illicit Discharges in Emergency Situations:**

The Responsible Authority or the Director of Public Works may, without prior notice, suspend discharge access to the municipal storm sewer system to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the municipal storm sewer system or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Responsible Authority or the Director may take such steps as deemed necessary to prevent or minimize damage to the municipal storm sewer system, State Waters, or Waters of the United States, or to minimize danger to persons.

(2) Suspension due to the Detection of Illicit Discharge:

Any person discharging to the municipal storm sewer system in violation of this ordinance may have their municipal storm sewer system access terminated if such termination would abate or reduce an illicit discharge. The Responsible Authority or the Director will notify a violator of the proposed termination of its municipal storm sewer system access. The violator may petition the Responsible Authority for a reconsideration and hearing.

A person commits an offense if the person reinstates municipal storm sewer system access to premises terminated pursuant to this Section, without the prior approval of the Responsible Authority.

Section 4. Industrial, Commercial or Construction Activity Discharges

Any person subject to an industrial, commercial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Responsible Authority prior to allowing discharges to the municipal separate storm sewer system.

ORDINANCE #05-33**Section 5. Access and Inspection of Properties and Facilities**

The Director, or a representative designated by the Director, shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance.

- (1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the Director.
- (2) The owner or operator shall allow the Director or representative(s) of the Director ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (3) The Director or representative(s) of the Director shall have the right to set up on any property or facility such devices as are necessary in the opinion of the Director to conduct monitoring and/or sampling of flow discharges.
- (4) The Director or representative(s) of the Director may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the Director. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Director or representative(s) of the Director and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (6) Unreasonable delay in allowing the Director or representative(s) of the Director access to a facility is a violation of this ordinance.
- (7) If the Director or representative(s) of the Director has been refused access to any part of the premises from which stormwater is discharged, and the Director or representative(s) of the Director is able to demonstrate probable cause to believe that there may be a violation of this ordinance, 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 ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Director may seek issuance of a search warrant from any court of competent jurisdiction.

ORDINANCE #05-33

Section 6. Notification of Accidental Discharges and Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, State Waters, or Waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the Director of Public Works in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director within three business days of the phone or in person notice. 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 and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

Failure to provide notification of a release as provided above is a violation of this ordinance.

Section 7. Violations, Enforcement and Penalties

7.1. Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Director or representative(s) of the Director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Responsible Authority is authorized to seek costs of the abatement as outlined in Section 7.5.

7.2. Notice of Violation

ORDINANCE #05-33

Whenever the Responsible Authority or the Director finds that a violation of this ordinance has occurred, the Responsible Authority or the Director may order compliance by written notice of violation.

A. The notice of violation shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the Responsible Authority by filing a written notice of appeal within thirty (30) days of service of notice of violation.

B. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit discharges and illegal connections;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of costs to cover administrative and abatement costs; and,
- (6) The implementation of pollution prevention practices.

7.3. Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the Responsible Authority. The notice of appeal must be received fifteen (15) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take

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place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

7.4. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation or, in the event of an appeal, within the number of days deemed appropriate by the Responsible Authority of the decision of the appropriate authority upholding the decision of the Responsible Authority, then representatives of the Responsible Authority or the Director of Public Works may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

7.5 Costs of Abatement of the Violation

After abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within thirty (30) days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the Town of Stratford by reason of such violation.

7.6 Civil Penalties

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Responsible Authority shall deem appropriate, after the Responsible Authority has taken one or more of the actions described above, the Responsible Authority may impose a penalty not to exceed \$10,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation or such other amount as provided by state law.

7.7 Criminal Penalties

For intentional and flagrant violations of this ordinance, the Responsible Authority may issue a citation to the alleged violator requiring such person to appear in court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$10,000 or as otherwise provided by state law. Each act of violation and each day upon which any violation shall

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occur shall constitute a separate offense. The Responsible Authority may recover attorneys' fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

7.8 Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

7.9 Remedies Not Exclusive

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable Federal, State or local law and the Responsible Authority may seek cumulative remedies.

Section 8. Adoption of Ordinance

This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following vote:

MODIFICATIONS OF THE STRATFORD TOWN CODE TO BE CONSISTENT WITH THE CONNECTICUT DEP PHASE II GENERAL PERMIT PROGRAM. (#05-34)

1. Definition of Stormwater

Amend §172-2 to state that “Storm water is any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.”

2. **ADD FOLLOWING PROVISION TO SECTION 172:**

The Town Council may appropriate funds designated for the Sewer Use Fund to support and maintain the Conservation Department in its effort to preserve the water resources including stormwater of the Town of Stratford.

3. **ADD FOLLOWING PROVISION TO SECTION 172:**

Prohibition of Illicit Discharges

ORDINANCE #05-33

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the municipal separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following types of discharges are expressly prohibited from the municipal separate storm sewer system:

- Swimming pool discharges,
- Sump pump discharges other than those allowed under Section 3.1(1),
- Fire hydrant and water line flushing, except in locations and manners approved by the Inland Wetlands and Watercourses Agency,
- Utility manhole dewatering water,
- Car washing wash water,
- Asphalt saw cooling water,
- Lawn clippings, rakings, and sweepings.

The following discharges are exempt from the prohibition provision above providing they contain no pollutants:

- (1) Landscape irrigation or lawn watering, diverted stream flows, 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, natural riparian habitat or wetland flows, and any other water source not containing pollutants;

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- (2) Discharges or flows from fire fighting, and other discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;
- (3) The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the State and the Federal 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 municipal separate storm sewer system.

Respectfully Submitted,

Carol Cabral

Carol Cabral, Council Clerk