



Stratford, Connecticut

ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE ADA COORDINATOR AT 385-4020 OR 385-4022 (TDD) 5 DAYS BEFORE THE MEETING, IF POSSIBLE.

NOTICE OF PUBLIC MEETING

THE STRATFORD TOWN COUNCIL WILL CONDUCT A REGULARLY SCHEDULED MEETING ON MONDAY, MARCH 8, 2010 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT AT 8:00 P.M.

PUBLIC FORUM WILL BEGIN AT 6:45 P.M.

AGENDA

CALL TO ORDER

INVOCATION PRESENTED BY SECOND DISTRICT COUNCIL MEMBER HON. STEPHANIE D. PHILIPS FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

1. APPROVAL OF MINUTES — Minutes of Public Forum, Executive Session and Regularly scheduled meetings of February 8, 2010.

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.

2. CEREMONIAL PRESENTATIONS AND AWARDS

3. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM

4. COMMUNICATIONS, BILLS, PETITIONS, REMONSTRANCES — None

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

5.1 MAYOR’S REPORT

5.1.1 RESOLUTION RE: PENSION FUND INVESTIGATION

Sponsored by:

WHEREAS, pursuant to the Charter of the Town of Stratford the Mayor is responsible for the administration and supervision of all Town departments, agencies and offices of the Town and for the enforcement of all laws and ordinances of the Town; and

WHEREAS, pursuant to the Charter of the Town of Stratford the Mayor is empowered to make recommendations to the Town Council for such legislative action as he shall deem necessary in the best interest of the Town; and

WHEREAS, pursuant to the Charter of the Town of Stratford the Town Council has the power to investigate Town affairs, including the power to appropriate funds to defray costs and expenses incurred in said investigation; and

WHEREAS, it is in the interest of the Town to ensure that the employees of the Town have confidence in the security of pension entitlements, while the citizens of the Town have the confidence that the pension system is administered in a financially prudent manner; and

WHEREAS, the Retirement Plan for Employees of the Town of Stratford currently suffers from significant unfunded liability, the existence of which is detrimental to the financial stability of both the Town and the Pension Fund;

NOW, THEREFORE, BE IT HEREBY RESOLVED that at the recommendation of Mayor John A. Harkins, the Town Council hereby authorizes an analysis and audit of the Pension Fund and investigation of pension procedures and practices in order to provide recommendations to the Retirement Board for the more effective and efficient administration of the Pension Fund.

AND BE IT FURTHER RESOLVED that the Mayor of the Town of Stratford is hereby authorized to retain such consultants or services as he deems necessary to assist in the conduct of said investigation and in order to fulfill the purpose of this resolution.

MAYOR’S REPORT — continued

5.1.2 JUDITH TERRACE WATERMAIN — Previously, the Town Council approved the project with the condition that the costs be assessed to the adjacent owners that benefit from the project. The project was constructed but the Town Council did not conduct the public hearing and set the assessment to the owners.

5.1.3 MAYORAL APPOINTMENTS

A. <u>BOOTHE MEMORIAL PARK COMMISSION</u>		Appt. begings	Appt. ends
Sarah Mahoney Voccola	320 River Valley Rd., Stfd, CT 06614	3/1/10	2/29/12
Richard Brown	6375 Main St., Stfd, CT 06614	3/1/10	2/28/11
Joan Brazzell	55 Wildwood Dr., Stfd, CT 06614	3/1/10	2/28/13
Bessie Burton	165 Chapel St., Stfd, CT 06614	3/1/10	2/28/13
Anna Scala	435 Warner Hill Rd., Stfd, CT 06614	3/1/10	2/29/12
Donna Caserta	80 Bear Paw Rd., Stfd, CT 06614	3/1/10	2/28/11
Christopher Pia	165 Forest Rd., Stfd, CT 06614	3/1/10	2/28/13

B. Longbrook Park Commission

Brian O’Shea	Nov. 6, 2012
Rose Ippolito	Nov. 6, 2012
Joseph Sorrentino	Nov. 6, 2011
James McGuire	Nov. 6, 2011

5.2 COMMITTEE REPORTS

5.2.1 ORDINANCE COMMITTEE —The Ordinance Committee conducted a public hearing and the regularly scheduled meeting on February 22, 2010 at which time the following was referred to the Town Council:

5.2.1.1 WITH FAVORABLE RECOMMENDATION

A. AN ORDINANCE AMENDING CHAPTER 6 OF THE STRATFORD TOWN CODE RE: CITATION HEARINGS, OFFICE OF (#10-01)

First reading: February 8, 2010

Public Hearing: February 22, 2010

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 as page 52)

COMMITTEE REPORTS — continued

ORDINANCE COMMITTEE — continued

WITH FAVORABLE RECOMMENDATION — continued

B. FLOOD DAMAGE ORDINANCE (Town code § 102), AMENDMENTS TO (#10-02)

First reading: February 8, 2010

Public Hearing: February 22, 2010

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 as pages 53-72)

C. AMENDMENT TO PROPERTY MAINTENANCE ORDINANCE § 161-2 THROUGH 161-5 (#10-03)

First reading: February 8, 2010

Public Hearing: February 22, 2010

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 as pages 73-77)

5.2.1.2 AMENDMENTS TO ARTS COMMISSION § 5-52 — 53

§ 5-52. Composition; terms

The Arts Commission shall consist of seven members appointed by the Town Council, each of whom shall serve for a term of ~~five~~ three years with current members of the Arts Commission to serve out their existing terms from this day forward. ~~except that initial terms shall be as follows:~~

- A. ~~One member for a one-year term~~
- B. ~~One member for a three-year term;~~
- C. ~~One member for a three-year term;~~
- D. ~~Two members, each for a four-year term; and~~
- E. ~~Two members, each for a five-year term~~

§ 5-53. Appointment of alternate members; terms

The Arts Commission members shall have ~~two~~ three alternate members appointed by the Stratford Town Council who shall serve for terms of five years

COMMITTEE REPORTS — continuedORDINANCE COMMITTEE — continued5.2.1.3 2010 BUDGET SCHEDULE/TIME LINE (Appended as pages 78-79)

5.2.2 PENSION BOARD — The Pension Board conducted the regularly scheduled meeting of February 22, 2010.

5.2.3 FINANCE AND CLAIMS COMMITTEE — The Finance and Claims Committee did not conduct a meeting during the Month of February 2010.

5.2.4 ECONOMIC AND COMMUNITY DEVELOPMENT COMMISSION — This Commission canceled the regularly scheduled meeting of February 9, 2010.

5.2.5 PUBLIC SAFETY COMMITTEE — The Public Safety Committee conducted a special meeting on February 23, 2010 at which time the following item was referred with favorable recommendation:

Fire Department Proposed Fees—Stratford Fire Rescue third party billing is proposed. Only insurance companies, not residents, would be billed. A draft ordinance as well as a sample of areas town's fees and billable events are forthcoming.

5.2.6 PARKS AND RECREATION COMMITTEE — This committee met on February 24, 2010.

5.2.7 PUBLIC WORKS COMMITTEE — The Public Works Committee did not conduct a meeting during the month of February 2010.

5.2.8 BUILDING NEEDS COMMITTEE — The Building Needs Committee conducted a special meeting on February 25, 2010.

5.2.9 SHORT BEACH COMMISSION — The Short Beach Commission conducted the regularly scheduled meeting of February 1, 2010.

COMMITTEE REPORTS — continued

- 5.2.10 STRATFORD HOUSING PARTNERSHIP — The Partnership did not schedule nor conduct a meeting during the month of February 2010.
- 5.2.11 TAX PARTNERSHIP SCREENING COMMITTEE — The Tax Partnership Screening Committee did not conduct any additional meetings during the month of February other than February 8, 2010.
- 5.2.12 WATER POLLUTION CONTROL AUTHORITY — The Water Pollution Control Authority did not conduct the regularly scheduled meeting of February 25, 2010.
- 5.2.13 ETHICS COMMISSION — The Ethics Commission did not schedule nor conduct a meeting during the month of February 2010.
- 5.2.14 BOOTHE PARK COMMISSION — The Boothe Park Commission did not conduct a meeting during the month of February 2010.
- 5.2.15 BOARD OF EDUCATION LIAISON COMMITTEE — The Board of Education Liaison Committee conducted the regularly scheduled meeting of February 3, 2010.
- 5.2.16 CONSERVATION COMMISSION — The Conservation Commission conducted a meeting on February 9, 2010.
- 5.2.17 COMMUNITY DEVELOPMENT SUBCOMMITTEE OF THE ECONOMIC DEVELOPMENT COMMISSION — This subcommittee conducted a special meeting on February 9, 2010.
- 5.2.18 HISTORIC DISTRICT COMMISSION — This Commission did not meet during the month of February 2010.
- 5.2.19 ROOSEVELT FOREST COMMISSION — The Roosevelt Forest commission did not meet during the month of February 2010.

COMMITTEE REPORTS — continued

- 5.2.20 INLAND WETLANDS AND WATERCOURSES COMMISSION — This Commission's regularly scheduled meeting of February 17, 2010 was conducted.
- 5.2.21 WATERFRONT HARBOR MANAGEMENT COMMISSION — This Commission did not conduct the regularly scheduled meeting of February 10 but conducted a special meeting on February 17, 2010.
- 5.2.22 Longbrook Park Commission — This Commission conducted the regularly scheduled meeting of February 24, 2010.
- 5.2.23 BEAUTIFICATION COMMITTEE — The Beautification Committee did not meet during the month of February 2010.
- 5.2.24 TRAFFIC AUTHORITY — The Traffic Authority conducted a meeting on February 17, 2010.
- 5.2.25 EMS FUNDING COMMITTEE — This committee did not meet during the month of February 2010.
- 5.2.26 ARTS COMMISSION — The Arts Commission conducted the regularly scheduled meeting of February 5, 2010.
- 5.2.27 PROPERTY MAINTENANCE REVIEW COMMITTEE (a.k.a. Anti-blight Committee per § 161-7 of Stratford Town Code) — The Property Maintenance Review Committee did not conduct a meeting during the month of February 2010.
- 5.2.28 VETERANS' MONUMENT PRESERVATION COMMISSION FOR ACADEMY HILL — This Commission conducted a meeting on February 25, 2010.
- 5.2.29 AIRPORT NOISE ABATEMENT COMMITTEE — The Airport Noise Abatement Committee did not conduct a meeting during the month of February 2010.

COMMITTEE REPORTS — continued

5.2.30 ECONOMIC TASK FORCE — The Economic Task Force did not meet during the month of February 2010.

5.2.31 FINANCIAL ADVISORY COMMITTEE — The Financial Advisory Committee conducted the regularly scheduled meeting of February 1, 2010.

5.2.32 ENERGY AND ENVIRONMENT TASK FORCE — This Task Force did not conduct a meeting during the month of February 2010.

5.2.33 TRANSPORTATION ADVISORY COMMITTEE — This Committee's regularly scheduled meeting was not conducted on February 24, 2010.

5.3 TOWN ATTORNEY'S REPORT

5.3.1 AIRPORT PURCHASE — continuing item

5.3.2 EVANS WC SETTLEMENT PROPOSAL — Executive Session Requested.

5.3.3 QUESTIONS TO THE TOWN ATTORNEY

6. QUESTIONS TO MAYOR OR STAFF

7. UNFINISHED BUSINESS and/or OLD BUSINESS

7.1 SAEP

7.2 TABLED ITEMS

7.2.1 CLAIM REFERRED FROM FINANCE AND CLAIMS COMMITTEE MEEETING WITH NO RECOMMENDATION — (tabled during Council meeting of September 8, 2008)

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.

7.2.2 FIRE DEPARTMENT THIRD PARTY BILLING — tabled during Council Meeting of February 8, 2010. Item from Mayor’s report

7.2.3 AMENDMENT TO MAKE UP/MEMBERSHIP OF COMMUNITY DEVELOPMENT AGENCY (CDA) — tabled during Council Meeting of February 8, 2010.

Submitted by: Council member Stephanie Philips, district Two

The Community Development Agency shall consist of at least five (5), but no more than nine (9) members appointed by the Mayor, as follows:

(a) Town Councilmen, which number shall not exceed a simple majority of the membership of the Agency and whose term of service shall run concurrent with their term on the Town Council, but shall be limited to those Council Member’s who represent districts wherein at least 30% of the district’s residents reside in United States Census block groups where Community Development Block Grant activities undertaken in accordance with Title I of the Housing and Community Development Act of 1974, as amended, would meet an area benefit national objective of said Act by benefiting low- and moderate-income persons as defined by the U. S. Department of Housing and Urban Development.

TABLED ITEMS — continued

AMENDMENT TO MAKE UP/MEMBERSHIP OF CDA — continued

(b) Members of the general electorate that have their permanent residence within the aforementioned Census block groups shall compose the balance of the membership and shall serve terms that run concurrently with that of the Town Council. This class of members may be reappointed over time without limitation, except as provided for in the Town Charter. At least one member shall be a resident of the 2nd, 4th and 5th Council District's as long as they meet requirements set herein.

(c) Chairman shall consist of Councilman representing the 2nd District, whose term shall run concurrently with the Council's term

7.3 TABLED ORDINANCES AND RESOLUTIONS

7.3.1 POST-CONSTRUCTION STORMWATER ORDINANCE — TOWN OF STRATFORD (#05-32) (As revised) Tabled during Council meeting of September 14, 2009

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 as pages 20-38)

7.3.2 ILLICIT DISCHARGE AND ILLEGAL CONNECTION ORDINANCE — TOWN OF STRATFORD (#05-33) (As revised) Tabled during Council meeting of September 14, 2009

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 as pages 39-49)

7.3.3 MODIFICATIONS OF THE STRATFORD TOWN CODE TO BE CONSISTENT WITH THE CT DEP PHASE II GENERAL PERMIT PROGRAM. (#05-34) (As revised) Tabled during Council meeting of September 14, 2009

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 as pages 50-51)

UNFINISHED BUSINESS — continued

TABLED ORDINANCES AND RESOLUTIONS — continued

7.3.4 ECONOMIC DEVELOPMENT CORPORATION (*resolution appended as pages 18-19*) — Tabled during Council Meeting of February 9, 2009.

7.4 TABLED APPOINTMENTS

7.4.1 VETERANS' MONUMENT PRESERVATION COMMISSION FOR ACADEMY HILL (ord. #04-04) Established May 10, 2004, at least 9 members and no more than 11 members, appointed by Town Council, 4-year terms, Chairman appointed by Town Council.

7.4.1.1 REPRESENTATIVES-AT-LARGE

A. RESOLVED: that _____ of _____ be and is hereby appointed a representative-at-large of the Veterans' Monument Preservation Commission for Academy Hill.

B. RESOLVED: that _____ of _____ be and is hereby appointed a representative-at-large member of the Veterans' Monument Preservation Commission for Academy Hill. (unexpired term of James Brazzell ends May 2012) — DECEASED

7.4.2 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.

7.4.2.1 GREATER STRATFORD BUSINESS COMMUNITY REPRESENTATIVES

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

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS — continued

7.4.3 LIBRARY BOARD — 3-year term, appointed by Town Council

A. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Stratford Library Association. (term of Susan Fennell expires December 31, 2011) — resignation

B. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Stratford Library Association. (term of Karin Kuczynski expired December 31, 2009)

C. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Stratford Library Association. (term of Norman Aldrich expired December 31, 2009)

7.4.4 STRATFORD HOUSING PARTNERSHIP — § 5-63 of Town Code. Council chairman, with advice of Council, appoints the members of the Partnership and shall make all appointments for vacancies and unexpired portion of terms.....

7.4.4.1 REPRESENTATIVE FROM THE PLANNING COMMISSION — four-year term

RESOLVED: that _____ of _____ be and is hereby appointed the Planning Commission representative to the Stratford Housing Partnership. (term of John F. Caldwell ended February 22, 2006)

7.4.4.2 REPRESENTATIVE FROM THE ZONING COMMISSION OR ZONING BOARD OF APPEALS — four-year term

RESOLVED: that _____ of _____ be and is hereby appointed the Zoning Commission/Board of Zoning Appeals representative to the Stratford Housing Partnership. (term of Anthony Ross ended February 22, 2007)

7.4.4.3 REPRESENTATIVES OF THE LOCAL BUSINESS COMMUNITY — (3 Members, 3-year terms)

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS — continued

STRATFORD HOUSING PARTNERSHIP — continued

(1) RESOLVED: that _____ of _____ be and is hereby appointed the Business Community representative to the Stratford Housing Partnership. (term of Alvin O’Neal ended February 22, 2004)

(2) RESOLVED: that _____ of _____ be and is hereby appointed the Business Community representative to the Stratford Housing Partnership. (term of Walter N. Harris ended February 22, 2004)

(3) RESOLVED: that _____ of _____ be and is hereby appointed the Business Community representative to the Stratford Housing Partnership. (term of Katherine M. O’Connor ended February 22, 1999)

7.4.4.4 REPRESENTATIVES AT LARGE — (4 members, 2-year terms)

(1) RESOLVED: that _____ of _____ be and is hereby appointed a representative-at-large to the Stratford Housing Partnership. (term of Christina Dina ended February 22, 2006)

(2) RESOLVED: that _____ of _____ be and is hereby appointed a representative-at-large to the Stratford Housing Partnership. (term of Paul S. Corvino ended February 22, 2005)

(3) RESOLVED: that _____ of _____ be and is hereby appointed a representative-at-large to the Stratford Housing Partnership. (vacant term)

(4) RESOLVED: that _____ of _____ be and is hereby appointed a representative-at-large to the Stratford Housing Partnership. (vacant term)

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS — continued

7.4.5 ARCHITECTURAL REVIEW BOARD (a.k.a. ARB) — in accordance with ordinance #07-06 passed Sept. 14, 2009. (ORDINANCE PREVIOUSLY FORWARDED)

Members nominated by the Mayor and appointed by approval of six (6) members of the Town Council.

Two (2) appointments shall expire on January 1, 2011 (thereafter – 2-year term)

Two (2) appointments shall expire on January 1, 2012 (thereafter – 2-year term)

One (1) appointment shall expire on January 1, 2013 (thereafter – 2-year term)

7.4.6 BOARD OF ZONING APPEALS, ALTERNATE MEMBER

RESOLVED: that _____ of _____ be and is hereby appointed an alternate member of the Board of Zoning Appeals (term of Richard Fredette will expire Jan. 1, 2011) — currently elected as full member of the Board of Zoning Appeals.

7.4.7 PLANNING COMMISSION, ALTERNATE MEMBER

RESOLVED: that _____ of _____ be and is hereby appointed an alternate member of the Planning Commission (term of Christopher Walker will expire Jan. 1, 2012) — currently elected as full member of the Planning Commission.

7.4.8 DISABILITY REVIEW BOARD — appointed by Council – 2-year term of office.

A. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Disability Review Board (term of Thomas Cotter, Esq. expired January 13, 2010)

B. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Disability Review Board (term of James Ralabate, M.D. expired January 13, 2010) — RESIGNATION SUBMITTED

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS — continued

DISABILITY REVIEW BOARD — continued

C. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Disability Review Board (term of Frank Scifo, M.D. expired January 13, 2010)

7.4.9 COMMITTEES CONCURRENT WITH COUNCIL (2-YEAR APPOINTMENTS)

7.4.9.1 PARKS AND RECREATION COMMITTEE — per § 7-9 of Town Code: 7 electorate members, 2 alternates members (one R and one D)

7.4.9.1.1 REGULAR ELECTORATE MEMBERS — **2 NEEDED**

7.4.9.1.2 ALTERNATE MEMBER (D) — **1 D NEEDED**

7.4.9.2 AIRPORT NOISE ABATEMENT COMMITTEE — per § 7-12 of Town Code

7.4.9.2.1 RESIDENTS FROM WITH LORDSHIP SECTION OF STRATFORD (2)

7.4.9.2.2 RESIDENT FROM DISTRICT TWO (1 needed)

7.4.9.2.3 ELECTORATE MEMBERS AT LARGE (2 needed)

7.4.9.3 ECONOMIC TASK FORCE — (Ordinance 07-14 passed 5/14/07)

7.4.9.3.1 ELECTORATE MEMBERS (3 needed)

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS, COMMITTEES CONCURRENT WITH COUNCIL — continued

7.4.9.3.2 STRATFORD AARP MEMBER (1 needed)

7.4.9.4 PUBLIC SAFETY COMMITTEE (4 electorate members)

8. ORDINANCES AND RESOLUTIONS

8.1 AMENMENT TO: Article VI. Boothe Park Commission

§ 5-42. Establishment; membership; terms., [Amended 6-12-2000 by Ord. No. 00-13]

There shall be a Commission for the restoration and preservation of Boothe Park to be known as the "Boothe Park Commission." It shall consist of nine members to be appointed by the Stratford Town Council for terms as follows:

- A. Two members shall be appointed from the Town Council, one of whom shall be the Eighth District Council Member and the other shall be from the political party other than that represented by the Eighth District Council Member. Their terms shall run currently with the appointing Town Council.
- B. Two members shall be appointed for an initial three-year term, and thereafter members shall be appointed for successive three-year terms.
- C. Two members shall be appointed for an initial two-year term, and thereafter members shall be appointed for successive three-year terms.
- D. Three members shall be appointed for an initial one-year term, and thereafter members shall be appointed for successive three-year terms.

Recommendation for Amendment

There shall be a Commission for the restoration and preservation of Boothe Park to be known as the "Boothe Park Commission." It shall consist of nine members and three alternates, appointed by the Mayor. Alternates shall sit in the place of a member at the direction of the Chairman of the Committee.

AMENMENT TO: Article VI. Boothe Park Commission

- A. Two members shall be appointed from the Town Council, one of whom shall be the Eighth District Council Member and the other shall be from the political party other than that represented by the Eighth District Council Member. Their terms shall run currently with the appointing Town Council.

9. NEW BUSINESS

9.1 ANIMAL CONTROL FACILITY

9.2 APPOINTMENTS

9.2.1 **STRATFORD HOUSING PARTNERSHIP, Council chairman’s Representative** – appointed by Council chairman with advice of Council. § 5-63 of Town Code

RESOLVED: that _____ - of _____ be and is hereby appointed as the Council Chairman’s Representative to the Stratford Housing Partnership. (term of William Cabral expired February 22, 2010)

9.2.2 **BOARD OF ASSESSMENT APPEALS, ADDITIONAL (TEMPORARY) MEMBERS** — Appointed by Council, 2 year term (the year of and year after revaluation)

A. RESOLVED: that _____ - of _____ be and is hereby appointed an additional (temporary) member of the Board of Assessment Appeals. (term position currently vacant)

B. RESOLVED: that _____ - of _____ be and is hereby appointed an additional (temporary) member of the Board of Assessment Appeals. (term position currently vacant)

9.2.3 **BEAUTIFICATION COMMITTEE** — appointed by Council, term concurrent with Council

RESOLVED: that _____ - of _____ be and is hereby appointed a member of the Beautification Committee. (new appointment)

10. ADJOURNMENT

Resolution By the Stratford Economic Development Commission Requesting Stratford's Town Council To Authorize The Creation of a Stratford Economic Development Corporation

Cities and Towns throughout Connecticut, indeed the country, have utilized a unique organization mechanism to pursue, foster, plan and cause economic development for their communities. Called Economic Development Corporations, these public/private partnership organizations have been developed to facilitate economic growth by developing programs facilitating their communities' growth.

Economic Development Corporations utilize public and private sector investment to pursue economic development success in their communities by creating programs uniquely suited to the needs of their individual communities. To that end, Economic Development Corporations develop, facilitate and pursue a variety of programs to foster, cause, encourage and support economic development, including:

- Business/Industry Technical Support to foster expansion and relocation, including financial and aid, subject to the approval of local Town/City Councils
- Programs to encourage housing and community development
- Facilitation of public/private partnerships pursuing economic development success
- Site Location Assistance
- Real Estate Acquisition and Development
- Planning and Zoning Consultation
- Grant Preparation, Writing and Administration, including fundraising for Brownfield Redevelopment and other Economic Development Projects
- Liaison to Town, State, and Federal Agencies
- Property Management
- Business Promotion and Marketing
- Economic Development Planning

The Stratford Economic Development Commission, after studying Connecticut Economic Development Corporations has agreed that such an organization should become a primary tool for the Town of Stratford to pursue economic development success. To that end, the Commission would like to suggest the following to the Stratford Town Council:

1. The Town Council and the Mayor cause the creation of an independent, not-for-profit Corporation called the Stratford Economic Development Corporation.
2. The Town Council, as well as the private sector, upon the Corporation's creation of a Program of Work should provide both initial and long term funding for the Corporation. The Program of Work could include, but should not be limited to:
 - i. Coordination and enhancement of Stratford's economic development and revitalization;
 - ii. Promotion and marketing of economic and redevelopment opportunities;
 - iii. Planning and fostering economic development growth and retention;

Resolution By the Stratford Economic Development Commission Requesting Stratford's Town Council To Authorize The Creation of a Stratford Economic Development Corporation — cont'd

- iv. Planning, fostering and encouraging industrial, commercial and retail growth in Stratford;
 - v. Encouraging, designing and facilitating improvement in pedestrian facilities, traffic circulation, parking and streetscaping to improve infrastructure and image thus encouraging retail growth and improving Stratford's quality of life;
 - vi. Encouraging and developing government/private sector funding/grants;
 - vii. Focusing on, causing and administering Brownfield redevelopment.
3. The Town Council and Mayor, in partnership with the business community will appoint a Board of Directors to meet regularly to develop/pursue the goals of the Corporation. The Board would then be responsible for hiring an Executive Director of the Corporation; The Board of Directors would be responsible for governing and oversight of the Executive Director's activities.
4. A public/private partnership between the Stratford and the private sector will be developed to fund the activities of the Economic Development Corporation.
5. The Executive Director's initial activities would be the development of by-laws and the incorporation of the organization as a not-for-profit. The Executive Director, working under the leadership and at the behest of the Board of Directors, would be responsible for the creation of an annual program of work for presentation to the Town Council.
6. Activities by the Corporation requiring acquisition of land or bonding are under the total purview (authorization) of the Stratford Town Council.

POST-CONSTRUCTION STORMWATER ORDINANCE — TOWN OF STRATFORD (#05-32)**Table of Contents**

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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.

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.”

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.
 - (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.
- (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.
- (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.
- "Watercourse" means any natural or artificial stream, river, brook, lake, pond, marsh, swamp, bog, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, wash, 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.
- 42) "Watershed” means the total drainage area contributing runoff to a single point.
 - 43) “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.

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.

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;

(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 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 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;
 - (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 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.

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.
 - (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.
 - (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 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 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 (\$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;

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.

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, 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.

“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,
- 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 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.

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.

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

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 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 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

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;

- (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.

AN ORDINANCE AMENDING CHAPTER 6 OF THE STRATFORD TOWN CODE RE:
CITATION HEARINGS, OFFICE OF (#10-01)

Sponsored by: Jason W. Santi, Councilman Fourth District

BE IT HEREBY ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD that Section 6-3 of the Town Code of the Town of Stratford be amended as follows:

§6-3 Citation Clerk; duties.

The ~~Assistant to the Mayor, or such other employee designated by the Mayor should there be no Assistant to the Mayor,~~ **MAYOR SHALL DESIGNATE A PERSON TO** ~~shall~~ be the Citation Clerk. He/**SHE** shall maintain records of all citations referred to the Office of Citation Hearings, and the disposition thereof, in the same manner as would a Clerk of the Superior Court. He/**SHE** shall assist the Citation Hearing Officers in performing their duties. He/**SHE** shall attend all hearings conducted by the Hearing Officers.

**AN ORDINANCE AMENDING CHAPTER 102
OF THE STRATFORD TOWN CODE:
FLOOD DAMAGE PREVENTION (#10-02)**

Sponsored By: Hon. Jason Santi, Fourth District Council Member

WHEREAS, the Federal Emergency Management Agency (FEMA) is revising the Flood Insurance Rate Maps (FIRM) effective June 2010; and

WHEREAS, the Department of Environmental Protection has reviewed Stratford's current Flood Damage Prevention Ordinance and has recommended changes to the Ordinance necessary for Stratford to remain eligible to participate in the National Flood Insurance Program; and

WHEREAS, the Stratford Building Department has also proposed modifying the Ordinance to require one foot of freeboard for new construction;

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE COUNCIL OF THE TOWN OF STRATFORD That Chapter 102 of the Town Code be amended per the Ordinance attached hereto.

PROPOSED AMENDMENTS TO CHAPTER 102
FLOOD DAMAGE PREVENTION ORDINANCE

§ 102-1 Statutory Authority.

The Legislature of the State of Connecticut has, in Title 7 and Title 8 of the Connecticut General Statutes, more specifically § 7-148(c)(7), as amended, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town Council of Stratford, Connecticut, does ordain as follows.

§ 102-2 Findings.

- A. The flood hazard areas of Stratford are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase damage to uses in the other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to flood loss.

§ 102-3 Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas.

- G. Ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 102-4 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
- D. Controlling, filling, grading, dredging and other development which may increase flood damage.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

§ 102-5 Definitions.

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

APPEAL - A request for a review of the Building Inspector's interpretation of any provision of this chapter or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD - The land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year.

BASE FLOOD - **The flood having a one (1%) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).**

BASE FLOOD ELEVATION (BFE) - The particular elevation of the base flood, referenced to mean sea level, as specified on the Flood Insurance Rate Maps.

BASEMENT - Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALLS - A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

BUILDING - See definition for "Structure".

COASTAL HIGH-HAZARD AREA - The area subject to high-velocity water, including but not limited to hurricane wave wash or tsunamis. The area is designated on the **Flood Insurance Rate Map** (FIRM) as ~~Zones VI through V30~~ **Zone VE** .

COST - As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications survey costs, permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems; and detached structures such as garages, sheds and gazebos.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to **the construction of buildings or other structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures;** mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; ~~or materials.~~ **the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.**

ELEVATED BUILDING, A AND A1-A30 ZONES - A non-basement building built to have the top of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls or by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

ELEVATED BUILDING, V AND V1-30 ZONES - A non-basement building built to have the bottom of the lowest horizontal structural member of the elevated floor elevated above

the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of water and adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. "Elevated Building" also includes structures which have the lower area enclosed by means of breakaway walls if the breakaway walls meet the standards of § 102-19B(4).

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, April 27, 1978, of the floodplain management ordinance adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP).

FINISHED LIVING SPACE - As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

FLOOD OR FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters and/or unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - The official map ~~on~~ **of** which the ~~Federal Insurance Administration~~ **Federal Emergency Management Agency (FEMA)** has delineated both the areas of special flood hazard and the risk-premium zones applicable to the community, including the coastal high-hazard areas designated as ~~Zones A1 through V30~~ **Zone** VE and special flood hazard areas designated as ~~Zones A1 through A30~~ **A and AE.**

FLOOD INSURANCE STUDY ("FLOOD ELEVATION STUDY") - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e, mudflow) and/or flood-related erosion hazards.

FUNCTIONALLY DEPENDENT USE OR FACILITY - A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

HISTORIC STRUCTURE - Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior, or (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement).

MANUFACTURED HOME -A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel of contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

MARKET VALUE - The value of the structure shall be determined by the appraised value of the structure using the cost approach to value method prior to the start of the initial repair or improvements, or in the case of damage, the value of the structure prior to the damage occurring.

MEAN SEA LEVEL (MSL) - The North American Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after **April 27, 1978**, the effective date of the initial Flood Insurance Rate Map (FIRM)

(~~June 1, 1978~~), **floodplain management regulations**, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, April 27, 1978, of the floodplain management regulation adopted by the community.

RECREATIONAL VEHICLE - A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

SAND DUNES - Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION - The first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. "Permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - Damage of ANY origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any combination of repairs, reconstruction, alteration or improvements to a structure taking place over a one (1) year period in which the

cumulative cost equals or exceeds fifty (50%) percent of the market value of the structure. The market value of the structure should be the appraised value of the structure using the cost approach to value method prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of a building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alternation of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE -A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

VIOLATION - The failure of a structure or other development to be fully complaint with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plans of coastal or riverine areas.

§ 102-6. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of Stratford, Connecticut.

§ 102-7. Basis for establishing areas of special flood hazard.

The areas of special flood hazard ~~for the Town of Stratford~~ are identified by the Federal Insurance Administration in a scientific and engineering report entitled, "Flood Insurance Study for the Town of Stratford," dated December 1977, as revised, with accompanying Flood Insurance Rate Map (FIRM), Flood Hazard Boundary and Floodway Map and designation of Zones V1 through V30, Zone A and Zones A1 through A 30, which re hereby adopted to be a part of this chapter. **Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and other supporting data applicable to the Town of Stratford, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into this chapter it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The areas of special flood hazard include any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard are**

determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFE's provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFE's published in the FIS for a specific location. The Flood Insurance Study **and Flood Insurance Rate Maps are** is on file in the Town Hall, Stratford, Connecticut.

§ 102-8 Compliance required.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

§ 102-9 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 102-10 Interpretation and application.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 102-11 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Stratford, ~~an officer or employee thereof~~ **its agents, servants and/or employees,** or the ~~Federal Insurance Administration~~ **Federal Emergency Management Agency (FEMA)** for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 102-12 Development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 102-7. Application for a development permit shall be made on forms furnished by the Building Inspector and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in

question; existing or proposed structures, fill, storage of material and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures.
- B. Elevation in relation to mean sea level to which any structure has been floodproofed, including the proposed elevation of the bottom of the lowest structural member of the lowest floor for elevated buildings in the V Zones.
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 102-18B.
- D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- E. Plans for any walls to be used to enclose space below the base flood level.

§ 102-13. Designation of local administrator.

The Building Inspector for the Town of Stratford is hereby appointed to implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 102-14. Duties and responsibilities of local administrator.

Duties of the Building Inspector shall include but not be limited to:

- A. Permit Review. The Building Inspector shall:
 - (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied **and whether proposed building sites will be reasonably safe from flooding.**
 - (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required.
 - (3) Review all development permits in the coastal high-hazard area of the area of special flood hazard to determine if the proposed development alters mangrove stands or sand dunes so as to increase potential flood damage.
 - (4) Review plans for walls to be used to enclose space below the base flood level in accordance with § 102-19B(4).

B. Use of other base flood data. When base flood elevation data has not been provided in accordance with § 102-7 (Basis for establishing areas of special flood hazard), the Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer § 102-18A (Residential Construction), and § 102-18B (Nonresidential Construction).

C. Information to be obtained and maintained. The Building Inspector shall:

(1) Obtain and record the actual as-built elevation in relation to mean sea level of the lowest floor, including the basement, of all new or substantially improved structures.

(2) For all new substantially improved flood proofed structures:

(a) Verify and record the actual elevation in relation to mean sea level.

(b) Maintain the flood proofing certifications required in § 102-12C.

(3) In coastal high-hazard areas, obtain certification from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

Obtain and record the elevation of the bottom of the lowest horizontal structural member for all new construction or substantial improvements.

(4) Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alterations of watercourses. The Building Inspector shall:

(1) Notify adjacent communities and the Connecticut Department of Environmental Protection Water Resource Unit prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 102-15.

§ 102-15. Variance procedure.

A. Appeal Board.

(1) The Zoning Board of Appeals as established by Stratford shall hear and decide appeals and requests for variance from the requirements of this chapter.

(2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the ~~Zoning Board of Appeals~~ **Building Inspector** in the enforcement or administration of this chapter.

(3) Those aggrieved by the decision of the Zoning Board of Appeals, or any taxpayer, may appeal such decision to the ~~Court of Common Pleas~~ **Superior Court** as provided in § 8-8 of the Connecticut General Statutes.

(4) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

- (a) The danger that materials may be swept into other lands to the injury of others.
- (b) The danger to life and property due to flooding or erosion damage.;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (d) The importance of the services provided by the proposed facility to the community.
- (e) The necessity to the facility of a waterfront location, where applicable.
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (g) The compatibility of the proposed use with existing and anticipated development.
- (h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to, and surrounded by, lots with existing structures constructed below the base flood level, provided that Subsections A(4)(a) through (k), above, have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance I increases.

(6) Upon consideration of the factors of Subsection A(4) above and the purpose of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

(7) The Building Inspector shall maintain the records of all appeal actions and report any variances to the ~~Federal Insurance Administration~~ **Federal Emergency Management Agency (FEMA)** upon request.

B. Conditions for variances.

(1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of historic places, without regard to the procedures set forth in the remainder of this section.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public as identified in Subsection A(4) above; or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§ 102-16. Violation and Penalties.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than two hundred fifty dollars (\$250) per day **per violation** ~~if proven done willfully and one hundred dollars (\$100) per day if not, or imprisoned for not more than ten (10) days for each day of violation, or both,~~ and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Stratford from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 102-17. General standards.

In all areas of special flood hazard, the following standards are required:

A. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharge from the systems into floodwaters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water system located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.

§ 102-18. Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 102-7 (Basis for establishing areas of special flood hazard) or in § 102-14B (Use of other base flood data), the following standards are required:

A. Residential construction. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to **at least one (1) foot** ~~or~~ above **the** base flood elevation.

B. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have either the lowest floor, including basement, elevated to ~~the level of~~ **at least one (1) foot** above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

(1) Be flood proofed one (1) foot above the base flood level so the structure is watertight with walls substantially impermeable to the passage of water.

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied; such certifications shall be provided to the official as set forth in § 102-12C.

C. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one (1) foot above grade.

(3) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwater.

D. Manufactured Homes. Manufactures homes are prohibited in all areas of special flood hazard (Zones A, AE and VE). This includes areas of special flood hazard located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood.

E. Recreational Vehicles. Recreational vehicles placed on sites within the area of special flood hazard (Zones A, AE and VE) must be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has not permanently attached additions.

§ 12-19. Coastal high-hazard area.

Coastal high-hazard areas (V Zones) are located within the areas of special flood hazard established in § 102-7. These areas have special flood hazards associated with high-velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

A. Location of structures. All buildings or structures shall be located landward of the reach of the mean high tide.

B. Construction methods.

(1) Elevation. All buildings or structures shall be elevated so **the bottom of** the lowest **horizontal** supporting member is located ~~no lower than~~ **at least one (1) foot above** the base flood elevation level (**BFE**), with all space below the lowest **horizontal** supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Subsection B(4) below. **Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE and cannot be located below the structure. Any service equipment that must be located below the BFE must be floodproofed to prevent water from entering during conditions of flooding.**

(2) Structural support.

(a) All buildings or structures shall be securely anchored on pilings or columns.

(b) Pilings or columns used as structural support **and the attached** structure shall be designed and anchored **to resist flotation, collapse and lateral movement** so as to withstand all applied loads of the base flood flow **and the effects of wind acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values required by applicable State or local building codes.**

(c) There shall be no fill used for structural support.

(3) Certification. Compliance with the provisions of Subsections B(1), ~~above,~~ and ~~Subsections~~ B(2)(a), and **B(2)(b)**, above, shall be certified to by a registered professional engineer or architect.

(4) Space below the lowest floor.

(a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this chapter shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in this section.

(b) Breakaway walls shall be allowed below the base flood elevation, provided that they are not a part of the structural support of the building and are designed so as to break away under abnormally high tides or wave action without damage to the structural integrity of the buildings on which they are to be used. **Non-supporting breakaway walls, lattice work or mesh screening shall be allowed below the base flood elevation provided it is not part of the structural support of the structure and is designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the structure on which it is to be used and provided the following design specifications are met: (1) Design safe loading resistance of each wall shall not be less than ten (10) pounds per square foot or more than twenty (20) pounds per square foot; or (2) If more than twenty (20) pounds per square foot, a licensed professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components prior to or during the collapse of said wall.**

(c) If breakaway walls are utilized, such enclosed space shall not be used for human habitation.

(d) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Zoning Board of Appeals for approval.

C. Sand dunes. There shall be no alteration of sand dunes which would increase potential flood damage.

§ 102-20. Floodways.

A. Located within areas of special flood hazard established in § 102-7 are areas designed as “floodways”. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited, unless certification, **with supporting technical data**, by a registered professional engineer ~~or architect~~ is provided demonstrating, **through hydrologic and hydraulic analyses performed in accordance with standard engineering practice**, that encroachments shall not result in any **(0.00 feet)** increase in flood levels during the occurrence of the base flood discharge.

(2) If Subsection A(1), above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 102-17 through 102-20.

B. The town may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the town’s request or not), the town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

C. In Zone A, when base flood elevations become available, but before a floodway is designated, no new construction, substantial improvement or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

§ 102-21. Equal conveyance and compensatory storage.

A. Equal conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage, shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

B. Compensatory storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

§ 102-22. Above-ground storage tanks.

Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

§ 102-23. Portion of Structure in Flood Zone.

If ANY portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

§ 102-24. Structures in Two Flood Zones.

If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e.; V Zone is more restrictive than A Zone - structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

§ 102-25. No structures entirely or partially over water.

New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

§ 102-26. Severability.

If any section, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.

AMENDMENT TO PROPERTY MAINTENANCE ORDINANCE § 161-2 THROUGH 161-5 (#10-03)

§ 161-2 Definitions.

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

ABATE

The removal, painting over or other obscuring of graffiti from view as directed by a notice to remove.

BLIGHTED PREMISES

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, or any real property whether or not such property includes a building or structure, in which at least one of the additional following conditions exist:

- 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 junkyard) 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 displays evidence of graffiti.
- J. 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.

(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 weeks of the installation of a dumpster or it has been within two weeks of the completion of the project, for a total time frame not to exceed 30 days. A permit is required from the Director of Public Facilities for the placement of a dumpster for the purpose set forth in Subsection I(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

The position as established within the Zoning Department of the Town.

DILAPIDATED

A building or structure which has been vacant or occupied for a period of 60 days or longer and/or run down.

ENFORCEMENT OFFICER

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 article.

GRAFFITI

The defacing, damaging or destroying by spraying of paint or marking of ink, chalk, dye or other similar substances on public or private buildings, structures, facilities, natural features, and places.

LEGAL OCCUPANCY

Occupancy that is legal by virtue of compliance with state building, state fire safety, local zoning and 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

An area of the Town comprised of all premises or parcels of land, any part of which is within a radius of 800 feet of any part of another parcel or lot within the Town.

UNIT

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

A period of 60 days or longer during which a building or a portion thereof is not legally occupied.

VACANT PARCEL

A parcel of land with no structures thereon.

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

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

§ 161-4 Enforcement.

A. The Blight Enforcement Officer shall cause regular inspections of certain of 1) the ~~blighted premises~~ property and/or structures determined by any Enforcement Officer to constitute Blighted Premises; or 2) such Blighted Premises to be referred to the Blight Enforcement Officer for the purpose of documenting continuous blight and, additionally, may cause to be imposed a penalty of not more than \$100 per violation for each day that a blighted premises, as defined in this article, or part thereof, is in violation of this article, except for persons who are given special consideration as described in § 161-5 of this article. Each day a blighted premises, as defined in this article, or part thereof, is in violation of this article 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 article.
- (b) Enumeration of the remedial action required to meet the standards of this article.
- (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 article.

(2) All fines imposed for violations of this article 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 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees.

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 article and encumbrances, except taxes, and may be enforced in the same manner as property tax liens.

D. Violators of this article shall have the right to file a written appeal to the Office of Citation Hearings within 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.

§ 161-5 Administrative procedures.

A. The Blight Enforcement Officer shall convene an Antiblight 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, at two members of the Stratford Town Council as designated by the Council which members shall not belong to the same political party at the time of their designation, 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 Antiblight Committee shall add any blighted premises, as defined in this article, that it is-becomes aware of to this list. The Antiblight 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 Antiblight Committee may refer such blighted premises to be fined in accordance with the Antiblight Ordinance codified in this article to the Enforcement Officer who will send a certified letter to the owner instituting daily fines as provided for in this article. The Enforcement Officer shall cause regular inspections to be conducted to document that the blight persists. The Enforcement Officer shall within 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 Antiblight Committee shall refer disposal of the properties in a timely manner through the Stratford Town Council or any redevelopment organization created by ordinance.

(2) Tax foreclosure.

(a) The Committee or the Enforcement Officer may refer blighted premises, as defined in this article, to the Town Attorney to foreclose the lien. In any such foreclosure, the Town shall be entitled to recover the amount of the lien, together with all fees, costs and expenses relating to the citation, the lien and the foreclosure of such lien, including but not limited to reasonable attorneys fees, title search fees, appraisal fees, court costs and costs for service of process. The Town

Attorney shall keep the Antiblight Committee informed on a quarterly basis as to the status of foreclosures of such referred blighted premises.

(b) Once foreclosure is complete, the Antiblight Committee shall determine how to dispose of the properties in a timely manner.

(3) Rehabilitation.

(a) The Antiblight Committee may refer blighted premises, as defined in this article, that are suitable for rehabilitation to the Mayor and Town Council for acquisition and rehabilitation through the urban homesteading program or other appropriate rehabilitation programs as resources permit.

(b) The Antiblight Committee may refer blighted premises, as defined in this article, 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 boardinghouse 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 cannot 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.

<u>BUDGET SCHEDULE/TIME LINE</u>		
2010 Schedule	2009 Schedule	
Budget Due by March 12th		Mayor's Budget presented to Town Council
Wednesday, March 24 th 6:30 pm	April 23, 2009	<u>BUDGET WORK SESSION at Center School</u> Board of Education
Saturday, March 27 th 9:00 am – 12:00 noon	April 21, 2009	<u>BUDGET WORK SESSION at Room 213 Town Hall</u> Fire Department: Administration, Fire Suppression, Communications Center, Fire Prevention, Police Department: Administration, Investigation, Patrol, Records, Traffic, Professional Standards, EMS, Emergency Management
Wednesday, April 7 th 6:30 pm	April 29, 2009	<u>BUDGET WORK SESSION in Room 213 Town Hall</u> Finance: Administration, Accounting and Treasury, Purchasing, Tax Assessment, Tax Collector, Computer Services Overhead And Debt Service: Contingency Accounts, Debt Service/Capital Purchases, Employee Benefits
Saturday, April 10 th 9:00 am – 12:00 noon	April 13, 2009	<u>BUDGET WORK SESSION at Room 213 Town Hall</u> Public Works: Administration, Building Inspection, Building Maintenance, Engineering, Highways, Town Garage, Parks, Refuse/Recycling, WPCA
Monday, April 12 th Public Hearing 6:45 – 8:00 pm Regular Town Council Meeting	April 13, 2009	Budget ordinances introduced on Council agenda (first reading took place)
Wednesday, April 15 th 6:30 pm	April 30, 2009	<u>BUDGET WORK SESSION in Room 213 Town Hall</u> Human Services: Community Services, Health Department, Senior Services, Sterling House, , Economic Development, Visiting Nurses Association, Recreation Department, Short Beach Complex Stratford Library Association
Wednesday, April 21 st 6:30 pm	April 29, 2009	<u>BUDGET WORK SESSION in Room 213 Town Hall</u> Administration: Office of the Mayor, Council Clerk, Human Resources, Town Attorney, Chief Administrative Officer, Registrar of Voters, Town Clerk, Town Buildings, Agencies, Planning and Zoning
Week of April 26 th		Town Council releases proposed budget changes
Tuesday, May 4th Public Hearing 7:00 – 9:00 pm	May 6, 2009	Budget Public Hearing at Stratford HS
Wednesday May 5 th	May 7, 2009	Special Ordinance Committee meeting to refer Ordinance back to Council
Wednesday May 5th	May 7, 2009	Second reading of ordinance during Special Council meeting – ordinance passed

Wednesday June 3 rd , 2010	June 6, 2009	Ordinance for budget in effect
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