POST-CONSTRUCTION STORMWATER ORDINANCE

1.0 PURPOSE AND AUTHORITY

In accordance with the provisions of Chapters98, 124, 126, 440, 444 and 446h of the General Statutes of the State of Connecticut, as amended, the Town of Seymour hereby adopts the following Stormwater Management Ordinance for the following purposes:

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], 8-25[3], and 22a-36 to 22a-45 inclusive[4], and 8-2(b)[5] and shall apply to all development occurring within the incorporated area ofTown of Seymour, 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 agency" shall be responsible for the coordination and enforcement of the provisions of this ordinance.

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 Seymour, Connecticut and shall serve as the official guide for stormwater principles, methods, and practices.

[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.

[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."

2.0 DEFINITIONS

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 but shall not include the ordinary mowing of grass. [Note: The IWC definition of “clear-cutting is a timber harvest that removes all trees down to a 2” diameter at breast height. “Clearing” for the purposes of stormwater management has to do with the removal of vegetative cover]

(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.

2.0 DEFINITIONS (continued)

(12) "Drainage area" means an area that contributes runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.

(13) “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.

(14) "Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this ordinance.

(15) “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.

(16) “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.

(17) "Flow attenuation" means prolonging the flow time of runoff to reduce the peak discharge.

(18) "Grading” means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

(19) "Infiltration" means the passage or movement of water into the soil surface.

(20) “IWC” means the Inlands Wetlands Commission of the Town of Seymour, Connecticut

(21) "Off-site stormwater management" means the design and construction of a facility necessary to control stormwater from more than one development.

(22) "On-site stormwater management" means the design and construction of systems necessary to control stormwater within an immediate development.

(23) “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.

(24) “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.

(25) “Redevelopment” means any construction, alteration, or improvement exceeding 5000 square feet of land disturbance performed on sites where existing land use is commercial, industrial, municipal, institutional or multifamily residential.

2.0 DEFINITIONS (continued)

(26) "Responsible agency"

(a) The **Inland Wetlands Commission (IWC)** and its agent/s 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 Seymour.)

(b) The **IWC,** it's agent/s and the town Engineering for stormwater runoff from roads and sidewalks.

(c) The **IWC,** it's agent/s and the town Engineering for all other stormwater runoff.

(27) "Responsible official" is the official or officials in The **IWC** designated to deal with stormwater management issues.

(28) "Retention structure" means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.

(29) "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.

(30) "Sediment" means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

(31) "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. The **IWC** shall make final determination of the applicable area.

(32) "Stabilization" means the prevention of soil movement by any of various vegetative and/or structural means.

(33) "Stormwater management" means the selective use of various management measures to effectively address the adverse water quality and quantity impacts of urban stormwater runoff.

2.0 DEFINITIONS (continued)

(34) "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.

(35) “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 Connecticut Stormwater Quality Manual.

(36) "Stripping" means any activity that removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.

(37) "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.

(38) "Waiver" means the relinquishment from stormwater management requirements by the **IWC** for a specific development on a case-by-case review basis.

(a) “Qualitative stormwater management waiver” includes water quality volume and groundwater recharge volume design parameters.

(b) “Quantitative stormwater management waiver” includes stream channel protection, peak runoff attenuation, and extreme flood volume design parameters. [See note on definition regarding extreme flood volume]

(39) "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.]

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

(41) “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:

A. Agricultural land management practices;

B. Developments that do not disturb over 5,000 square feet of land area over the total project

3.3 Waivers / Watershed Management Plans

A. Stormwater management quantitative control waivers may be granted to projects when the **Inland Wetlands Commission (IWC)** determines that circumstances exist that prevent the reasonable implementation of quantity control practices.

B. Stormwater management qualitative control waivers apply only to:

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

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

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

C. 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. The recharge, stream channel protection, and peak runoff attenuation requirements specified in the Design Manual do not apply to redevelopment projects unless specified by the **IWC**.

3.4 Redevelopment (continued)

B. All redevelopment projects shall reduce existing site impervious areas by at least 20 percent. Where site conditions prevent the reduction of impervious area, then stormwater management practices shall be implemented to provide qualitative control for at least 20 percent of the site's impervious area. The elements and principles of stormwater qualitative control are noted in the design manual. When a combination of impervious area reduction and stormwater practice implementation is used, the combined area shall equal or exceed 20 percent of the site. [Note: For redevelopment "site" in the definitions section is defined as "…the area of new construction as shown on an approved site plan, or the original parcel. Determination of the applicable area shall be made by the **IWC.**

C. Where conditions prevent impervious area reduction or on-site stormwater management, the **IWC** may consider practical alternatives including: [check legality of these alternatives]

(1) Watershed or stream restoration;

(2) Retrofitting; or

(3) Other practices approved by the **IWC**.

3.5 Variance

The **IWC** 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 **IWC** and shall state the specific variances sought and reasons for their granting. The **IWC** 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 is used to design BMPs according to the Design Manual. Control of the 10-year frequency storm event is required according to the Design Manual if the **IWC** determines that historical flooding problems exist and downstream floodplain development and conveyance system design cannot be controlled.

4.1 Minimum Control Requirements (continued)

(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 **IWC** 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 in accordance with [site regulation or statute here if such exists].

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.

(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.

4.2 Stormwater Management Measures (continued)

(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 **IWC** shall be obtained before nonstructural stormwater practices are altered.

B. Structural Stormwater Management Measures.

(1) The following structural stormwater management 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) Stormwater ponds;

(b) Stormwater wetlands;

(c) Stormwater infiltration practices;

(d) Stormwater filtering practices; and

(e) Water quality swales and grass drainage channels.

(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 **IWC**.

D. For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit at the request of the **IWC** 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 **IWC**.

4.3 Specific Design Criteria

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

5.0 STORMWATER MANAGEMENT PLANS

5.1 Review and Approval of Stormwater Management Plans

A. For any proposed development, the developer shall submit a stormwater management plan or waiver application to the **IWC** 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 **IWC** 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 along with the IWC application approval. If a decision is not made within sixty days (60) 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 official 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) Geotechnicial investigations including soil maps, borings, site-specific recommendations, and any additional information necessary for the proposed stormwater management design;

5.2 Contents of the Stormwater Management Plan (continued)

(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) Unified sizing criteria volume computations according to the Design Manual; and

(8) Any other information required by the **IWC.**

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 unified 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;

5.2 Contents of the Stormwater Management Plan (continued)

(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 **IWC**

5.3 Preparation of the Stormwater Management Plan

A. A professional engineer licensed in the State shall design and prepare a stormwater management plans as necessary to protect the public and the environment.

B. If a stormwater BMP requires either a dam safety permit from DEP or small pond approval from the **IWC** shall require that a professional engineer licensed in the State prepare the design.

6.0 PERMITS

6.1 Permit Requirement

A grading or building permit may not be issued for any parcel or lot unless a stormwater management plan has been approved or waived by the **IWC** 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 **IWC** of all projects subject to this ordinance. A permit fee schedule shall be established by the **IWC** based upon the relative complexity of the project and may be amended from time to time.

6.3 Permit Suspension and Revocation

Any grading or building permit issued by the **IWC** 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 Inland Wetlands and Watercourses Commission, IWWC,.

6.4 Permit Conditions

In granting the plan approval, the **IWC** 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 SURETY, LETTER OF CREDIT AND /OR INSURANCE

The **IWC** shall require from the developer a Surety, Letter of Credit and /or Insurance prior to the issuance of any building and/or grading 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 Surety, Letter of Credit and /or Insurance 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 Surety, Letter of Credit and /or Insurance shall not be fully released without a final inspection of the completed work by the **IWC** submission of "as-built" plans, and certification of completion by the **IWC** 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 Surety, Letter of Credit and /or Insurance held by the **IWC** after various stages of construction have been completed and accepted by the **IWC**. The procedures used for partially releasing performance Surety, Letter of Credit and /or Insurance must be specified by the **IWC** in writing prior to stormwater management plan approval.

8.0 INSPECTION

8.1 Inspection Schedule and Reports

A. The developer shall notify the engineer responsible for inspections 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 to the developer and the **IWC** and shall include:

(1) The date and location of the inspection;

(2) Whether construction was in compliance with the approved stormwater management plan;

(3) Any variations from the approved construction specifications; and

(4) Any violations that exist.

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 **IWC** its agent/s or the town Engineer approves the work previously completed. The inspector shall provide the developer and the **IWC** 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 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;

8.2 Inspection Requirements During Construction (continued)

(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) 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.

8.2 Inspection Requirements During Construction (continued)

(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.

B. The **IWC** 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 **IWC** its agent/s or the town Engineer 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 **IWC** may require additional information.

9.0 MAINTENANCE

9.1 Maintenance Inspection

A. The **IWC** 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 three (3) years thereafter. In addition, a maintenance agreement between the owner and the **IWC** shall be executed for privately owned stormwater management systems as described in 9.2 of this section.

B. The **IWC** 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 **IWC** and the owner to correct the deficiencies. The **IWC** 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 **IWC.**

9.1 Maintenance Inspection (continued)

F. If, after an inspection by the **IWC** the condition of a stormwater management facility presents an immediate danger to the public health or safety, because of an unsafe condition or improper maintenance, the **IWC** shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the Town of Seymour shall be assessed against the owner(s), as provided in section 9.2 C.

9.2 Maintenance Agreement

A. Prior to the issuance of any building permit for which stormwater management is required, the **IWC** 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 **IWC** or its 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 Seymour.

B. The agreement shall also provide that, if after notice by the **IWC** its agent/s or the town Engineer 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 **IWC** may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. This may be accomplished by placing a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the County/Municipality.

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 in a manner prescribed in the regulations and procedures of the **IWC** 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 Seymour 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 **IWC** 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

PASSED AND ADOPTED this ____ day of _____, 20__.

This ordinance shall be in full force after final passage and adoption and fourteen (14) days after publication in a widely circulated newspaper in the Town of Seymour.