

Title 25 Stormwater Management and Operations

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Chapter 1. General

Sec. 1.1 Findings.

The St. Albans City Council finds and declares that:

- A. Land development activities and associated increases in the amount of impervious cover within a watershed often alter the hydrologic response and water quality aspects of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, sediment transport and deposition and the concentration of waterborne pollutants and pathogens.
- B. Clearing and grading during construction tend to increase soil erosion and reduce the native vegetation important for terrestrial habitat, for stream regulation through shading and for maintenance of natural food cycles important to food chains and aquatic habitat. Effective erosion controls are important techniques in preventing water pollution, soil loss, wildlife habitat loss and human property loss. Clearing and grading is particularly disruptive within stream corridors, contributing to streambank erosion, loss of vegetative cover, overland transport of pollutants into the stream, and loss of riparian habitat.
- C. Improper design and construction of stormwater management practices can increase downstream flooding and increase the velocity of stormwater runoff causing stream bank erosion and buildup of sedimentation.
- D. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- E. Stormwater runoff, soil erosion and non-point source pollution can be controlled, minimized and in some cases eliminated through the regulation of stormwater runoff from land development activities. Illicit discharges must be eliminated.
- F. The regulation of stormwater discharges from new development and redevelopment of existing sites, the elimination of illicit discharges, and the control of erosion, sediment and stormwater discharge is in the public interest and will minimize threats to public health and safety posed by unmanaged runoff.
- G. The creation of a stormwater utility, enterprise fund, and a system of fees is necessary to ensure the public health and safety in the management of stormwater pollution and operation of the stormwater system in the City of St. Albans.

Sec. 1.2 Purpose.

This Ordinance is adopted pursuant to the City of St. Albans Charter §§ 16-22, 10 V.S.A. Chapter 47, 24 V.S.A. Chapters 97 and 101, and 24 V.S.A. §2291(14). This Ordinance defines the rules and regulations for the control of stormwater and operation of the stormwater utility, also referred to as the stormwater system and/or stormwater program, of the City of St. Albans, allow the City to exercise general regulation over the planning, location, construction, and operation

and maintenance of stormwater facilities in the City, whether or not owned and operated by the City, to adopt any regulations deemed necessary to accomplish the purposes of this Ordinance, including the adoption of an enterprise fund and system of fees for services and permits, and to define what constitutes a public nuisance relating to illicit discharges, soil erosion, water pollution, and stormwater management related to land disturbance activities. This Ordinance also provides procedures for the abatement or removal of such public nuisances as the public health, safety or welfare may require. This Ordinance also establishes methods for controlling the discharge of sediment, stormwater and non-stormwater discharges into the MS4, and/or surface or ground water in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont.

Sec. 1.3 Applicability.

This Ordinance shall apply to all property within the City of St. Albans and shall apply specifically as indicated in Chapters within this Ordinance.

Sec. 1.4 Severability.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, it shall not affect the validity or application of other provisions of this Ordinance.

Sec. 1.5 Relation to other Ordinances of the City of St. Albans.

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

Sec. 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 or discharge of pollutants.

Sec. 1.7 Documents Incorporated by Reference as may be amended from time to time.

- A. St. Albans City Revised Ordinances.
- B. St. Albans City Land Development Regulations.
- C. Vermont Stormwater Management Manual.
- D. Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.
- E. City of St. Albans Construction Stormwater Guidance Document.
- F. City of St. Albans Stormwater Utility Credit Manual.
- G. City of St. Albans Stormwater Regulation Fees.

Sec. 1.8 Definitions.

For the purposes of this Ordinance, the following shall mean:

“Administrative Officer” shall mean the person or designated by the City Manager to administer, implement, and enforce this Ordinance.

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

“Applicant” shall mean a property owner or duly designated representative who files an application for a land disturbance activity.

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

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

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

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

“Construction” and “Construction Activity” shall mean Land Disturbing Activity associated with development, including land preparation such as clearing, grading, filling, and breaking of topsoil; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages. Also includes activities subject to NPDES Construction Permits.

“Construction and Demolition Debris” shall mean those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure including houses, buildings, industrial or commercial facilities, and roadways.

“Construction Permit” shall mean a permit approved by the City Zoning Administrator and/or

Administrative Officer which authorizes any land disturbance activities in the City of St. Albans.

“Construction Season” shall mean the period of time between May 1 and October 14 when land disturbance activities are permitted under this Ordinance.

“Credits” shall mean an ongoing reduction in a property’s or parcel’s normally calculated stormwater fee for certain qualifying activities that reduce the impact of increased stormwater runoff resulting from development, or provide an ongoing public benefit related to stormwater management.

“Department of Public Works” shall mean the Director of Public Works and employees or designees of the Director of Public Works.

“Developed Property” shall mean any property that is altered from a natural state by construction, or installation of improvements such as buildings, structures, or other impervious surfaces.

“Development” shall mean the Construction of improvements or other alterations on a tract of land for any purpose.

“Erosion and Sediment Control Plan” or “ESCP” shall mean a set of plans prepared by or under the direction of a licensed professional engineer or a certified erosion control technician indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

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

“ERU” is an acronym for “Equivalent Residential Unit” and is described further in Sec. 10.1.

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

“Hazardous Materials” shall mean any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Illegal Discharge” shall mean any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 3.4 of this Ordinance.

“Illicit Connections” shall mean any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MS4, and any connections to the MS4, from indoor drains and sinks,

regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City.

“Impervious Surface” shall mean those manmade surfaces that cannot effectively infiltrate rainfall. Examples include but shall not be limited to paved and unpaved roads; rooftops; parking lots; decks; stationary vehicles and trailers; walkways and driveways; compacted gravel or soil surfaces, including those created through agricultural activities; swimming pools; the horizontal coverage of free-standing solar panels; storage areas; awnings and other fabric or plastic coverings; and other hardscapes, whether paved, brick, stone or concrete. Surfaces that are specifically designed and installed to directly infiltrate stormwater into the ground and that are functioning properly shall not be defined as impervious. Impervious Surface shall also mean the so-classified pixels and polygons contained within the geographic information systems data layers used from time to time by the City and its agents to establish ERU values for multiple parcels.

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

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

“Land Disturbance” and “Land Disturbance Activities” shall mean any activity that disturbs or breaks the topsoil or results in the movement of earth on land.

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

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

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

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

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

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

“Parcel” is any lot, subdivided piece of land, unit of land, any subset of land, land owned in common, or a condominium unit or condominium association in the City of St. Albans that could legally be sold as a separate entity as of April 1 of the year the fee is based on, and has a separate parcel identification number, map identification number or is identified as a separate parcel on the City of St. Albans Parcel Maps. Included in this definition are all roadways owned by the City, the State, and the Federal Government.

“Permitted Premises” shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips, that require a NPDES permit to discharge stormwater, or a state stormwater discharge permit, or a construction erosion control permit, or stormwater best management practices constructed and submitted for receiving stormwater credits.

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

“Private Stormwater System” shall mean all elements of a stormwater system located in the City of St. Albans that are controlled and operated by individuals, corporations, and other organizations and not by the City of St. Albans, County, State, or Federal Government Agency, or that carry water that drains from any private property or parcel.

“Property Owner” shall mean any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly, or severally with others hold(s) legal or equitable title to any real-estate. The term “Property Owner” shall also include heirs, successors, and assigns.

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

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

“Public Stormwater Treatment Facility” shall mean a form of stormwater treatment that collects stormwater from more than one property and/or from City streets for the purposes of meeting the City’s watershed-wide MS4 water quality requirements and that has been so-designated by the

Administrative Officer.

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

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

“SF” or “Sq Ft” shall mean square feet, as a measurement.

“Single Family Property” or “Single Family Dwelling” shall mean any single parcel of developed land that contains a single dwelling unit as the only principal use. This definition includes single family properties where a legal home business/occupation exists and/or where an accessory dwelling unit exists, as defined by the St. Albans City Land Development Regulations.

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

“Site Development” shall mean construction or alteration of the ground, improvements and structure installation.

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

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

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

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

“Stormwater Fee” shall mean the periodic fee imposed pursuant to this Ordinance for the purpose of funding costs related to stormwater programs, services, systems, and facilities.

“Stormwater Impaired Watershed” shall mean the water catchment area that contributes to a section of surface water failing to meet Vermont Water Quality Standards and listed as “impaired” by the Vermont Department of Environment Conservation.

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

“Stormwater Management Plan” shall mean a comprehensive plan consistent with the requirements of the Vermont Stormwater Management Manual as most recently adopted by the

Vermont Department of Environmental Conservation, and designed to manage the volume, rate and pollutant load of stormwater runoff after a site has undergone final stabilization following completion of the construction activity.

“Stormwater Runoff” shall mean Precipitation, snowmelt, and the material dissolved or suspended in precipitation and snowmelt that flows on the surface of the ground and discharges into surface waters or into groundwater via infiltration.

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

“Structure” shall mean a house, building or any other assembly of materials used for human occupancy, including but not limited to residence, place of employment, meeting places and places used for recreation.

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

“Two-Family Property” or “Two-Family Dwelling” shall mean any single parcel of developed land that contains a total of two dwelling units as the only principal use. This definition includes two-family properties where a legal home business/occupation exists.

“Undeveloped Property” shall mean any property that exists in a natural state.

“Un-permitted Premises” shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips, that does not require a NPDES permit to discharge stormwater, or a state stormwater discharge permit, or a construction erosion control permit, or stormwater best management practices constructed and submitted for receiving stormwater credits.

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

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

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

“Zoning Administrator” shall mean the person or persons appointed to administer and enforce the St. Albans City Land Development Regulations.

Chapter 2. Administration.

Sec. 2.1 Responsibility for Administration.

The City Manager shall appoint an Administrative Officer to implement and enforce the provisions of this Ordinance. The City Manager and Administrative Officer may also delegate other powers and duties to implement and enforce this Ordinance to persons or entities acting in the beneficial interest of or in the employ of the City of St. Albans. Except where otherwise noted in this Ordinance, the Administrative Officer shall administer, implement, and enforce the provisions of this Ordinance.

Sec. 2.2 Technical Review.

In the event the Administrative Officer finds, in the discharge of their duties under this Ordinance, that they require the assistance of qualified professionals in stormwater management, erosion control, engineering or related fields to determine compliance with the provisions of this Ordinance, the Administrative Officer may require an independent review of one or more aspects of a permit, plan or application, with the cost of the review to be paid by the applicant or permittee.

Chapter 3. Illicit Discharge and Stormwater Connection

Sec. 3.1 Purpose and Intent.

Under the authority set forth in the City of St. Albans Charter §§ 16-22, 10 V.S.A. Chapter 47, 24 V.S.A. Chapters 97 and 101, and 24 V.S.A § 2291(14), and to provide for the public health, safety, welfare and convenience, it is hereby declared that it shall be a public nuisance for anyone to contribute pollutants, illegally connect, or illegally discharge into the Municipal Separate Storm Sewer System, (MS4), or to otherwise discharge non-stormwater discharges in violation of the requirements of this Ordinance. It is the further purpose of this Chapter to provide procedures for the regulation of non-stormwater discharges to the MS4, and where required by public health, safety, or welfare, to provide for the abatement or removal of any public nuisance related thereto. This Chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont.

The objectives of this Chapter are:

- A. To regulate the introduction of pollutants to the MS4 from non-stormwater discharges by any user;
- B. To prohibit illicit connections and illegal discharges to the MS4;
- C. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Chapter.

Sec. 3.2 Applicability.

This Chapter applies to all properties and parcels within the City of St. Albans.

Sec. 3.3 Prohibitions.

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

B. The construction, use, maintenance or continued existence of illicit connections to the MS4 are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

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

Sec. 3.4 Exemptions.

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

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

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

C. Dye testing is an allowable discharge, but requires notification of, and acknowledgement of receipt of notification by, the Administrative Officer prior to the time of the test.

D. The prohibition in this Section shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and

administered under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4 by the Administrative Officer.

Sec. 3.5 Industrial or Construction Activity Discharges.

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

Chapter 4. Monitoring of Discharges.

Sec. 4.1 Applicability.

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

Sec. 4.2 Access to Premises.

A. The Administrative Officer and his/her representatives shall be permitted to enter and inspect any premise subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a person has security measures in force that require proper identification and clearance before entry into its premise, the person shall make the necessary arrangements to allow access to the Administrative Officer and his/her representatives.

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

C. The Administrative Officer and his/her representatives shall have the right to set up on any permitted premises such devices as are necessary in the opinion of the Administrative Officer to conduct monitoring and/or sampling of the premises stormwater discharge.

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

E. Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the owner or operator of the premise at

the written or oral request of the Administrative Officer and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator of the premise.

F. Unreasonable delays in allowing the Administrative Officer and his/her representatives access to permitted premises are a violation of this Chapter. A person who is the operator of a premise with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Administrative Officer and his/her representatives reasonable access to the permitted premises for the purpose of conducting any activity authorized or required by this Chapter.

G. If the Administrative Officer and his/her representatives have been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Chapter, 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 Chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Administrative Officer may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 4.3 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the use of Best Management Practices.

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

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

Sec. 4.4 Notification of Spills.

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

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

Chapter 5. Erosion and Sediment Control

Sec. 5.1 Purpose and Intent.

A. The purpose of this Chapter is to regulate and prevent the discharge of sediment to the MS4 and surface waters and to provide for the abatement of any public nuisance related thereto. This Ordinance establishes these regulations to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process and General Permit No. 3-9014 (2012) as issued by the State of Vermont.

B. Under the authority of Section 18 of the City of St. Albans Charter, 10 V.S.A. Chapter 47, 24 V.S.A. Chapters 97 and 101, and 24 V.S.A. § 2291(14), and to provide for the public health, safety, welfare and convenience, it is hereby declared a public nuisance for any person to discharge sediment into the MS4 or surface waters in violation of this Ordinance or an approved Erosion and Sediment Control Plan.

Sec. 5.2 General Prohibition.

No person shall cause, allow, or permit any sediment created by soil erosion resulting from Land Disturbance Activity to enter the MS4 or the surface waters of the City.

Sec. 5.3 Erosion Prevention and Sediment Control Plans.

A. Land Disturbance Activity disturbing less than one acre of land, either individually or as part of a Common Plan of Development, that is not subject to the requirements of the Vermont Construction General Permit 3-9020, that is not exempt under Section 5.4, and that meets any of the following criteria, shall require an Erosion Prevention and Sediment Control Plan approved by the Administrative Officer:

1. Any Land Disturbance Activity disturbing more than 50 SF within 30 linear feet of the centerline of Grice Brook, Rugg Brook or Stevens Brook.
2. Any Land Disturbance Activity disturbing more than 100 SF located within a Stormwater Impaired Watershed.
3. Any Land Disturbance Activity disturbing more than 500 SF located outside a Stormwater Impaired Watershed.

4. Any project that, in the opinion of the Administrative Officer, has the potential to cause significant erosion, resulting in the transport of sediment to surface waters or the MS4 or endanger property or public safety if not properly mitigated and controlled.

B. The content of an Erosion Prevention and Sediment Control Plan shall be as set forth in the City of St. Albans Construction Stormwater Guidance Document, as amended. All erosion control practices, sediment control practices, waterway and watercourse protection practices and construction site access practices shall be consistent with the City of St. Albans Construction Stormwater Guidance Document and shall be adequate to prevent erosion and transportation of sediment to the satisfaction of the Administrative Officer.

C. The Administrative Officer shall review each Erosion Prevention and Sediment Control Plan to determine its conformance with the City of St. Albans Construction Stormwater Guidance Document and this Ordinance. Within thirty (30) days after receiving an application for review, the Administrative Officer shall in writing: 1) Approve the Plan; 2) Approve the Plan subject to such conditions as may be necessary to secure the objectives of this Ordinance; or 3) Disapprove the Plan, indicating in writing the reason(s) and procedure for submitting a revised Plan.

D. In the event an Erosion Prevention and Sediment Control Plan is associated with an application for another permit or decision to be issued by the City of St Albans, the Erosion Prevention and Sediment Control Plan shall be deemed to be a required component of a complete application for the associated permit or decision.

Sec. 5.4 Exemptions.

A. Any emergency activity that is immediately necessary for the protection of life, property or natural resources shall not require an Erosion Prevention and Sediment Control Plan immediately before the commencement of Land Disturbance Activities. However, an Erosion Prevention and Sediment Control Plan shall be required if the associated Land Disturbance Activities last more than 96 hours.

B. Any active nursery or garden for permanent landscaping or harvested for personal use of products shall not require an Erosion Prevention and Sediment Control Plan, provided that, in the opinion of the Administrative Officer, the activity does not have the potential to cause significant erosion or stormwater management impacts, or endanger property or public safety.

Sec. 5.5 Inspection.

A. For all projects for which an Erosion Prevention and Sediment Control Plan has been approved, the Administrative Officer shall make inspections, and either shall approve that portion of the work completed or shall notify the permittee that the work fails to comply with the Erosion Prevention and Sediment Control Plan. To obtain inspections, the applicant shall request an inspection from the Administrative Officer at least three (3) business days before commencement of any of the following:

1. Start of construction, at which time the inspection shall include inspection of the limits of disturbance to ensure the limits are correctly and fully demarcated on the site;

2. Installation of all sediment and erosion control measures;
3. Completion of final grading;
4. Completion of final landscaping.

B. In lieu of inspection by the Administrative Officer, the Administrative Officer may, upon written request of the applicant, allow the applicant to provide a written certification from a professionally licensed engineer, or a certified professional in erosion and sediment control (CPESC), certifying compliance with the Erosion Prevention and Sediment Control Plan upon completion of the activities enumerated in subsection A. above. The applicant shall make regular inspections of all control measures in accordance with the inspection schedule outlined in the Erosion Prevention and Sediment Control Plan and shall provide written certification to the Administrative Officer upon completion of each inspection, noting any remedial action required to achieve compliance with the Erosion and Sediment Control Plan.

Sec. 5.6 Access to Land Disturbance Activities.

The Administrative Officer or his/her designee shall be permitted to enter and inspect any Land Disturbance Activities in the City of St. Albans to determine compliance with this Ordinance and the Erosion Prevention and Sediment Control Plan. The limits of Land Disturbance Activity shall be physically demarcated using measures described in the City of St. Albans Construction Stormwater Guidance Document.

Sec. 5.7 Surety.

As a condition of approval of an Erosion Prevention and Sediment Control Plan, the Administrative Officer may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee good faith execution of the approved Erosion Prevention and Sediment Control Plan. Surety generally shall be required only in those instances where a site's conditions or a proposed land disturbing activity pose a unique or substantial threat of causing erosion or sedimentation in surface waters or the MS4, or where there are unique technical issues affecting the content and prospective effectiveness of an Erosion Prevention and Sediment Control Plan.

Chapter 6. Post-Construction Stormwater Management.

Sec. 6.1 Purpose and Intent.

Under the authority set forth in the City of St. Albans Charter §§ 16-22, 10 V.S.A. Chapter 47, and 24 V.S.A. Chapters 97 and 101, and 24 V.S.A. § 2291 (14), and to provide for the public health, safety, welfare and convenience, it is hereby declared that it shall be a public nuisance for anyone to improperly manage stormwater runoff created by land development, or to otherwise manage stormwater runoff caused by land development in violation of the requirements of this Ordinance.

It is the purpose of this Chapter to provide procedures for the regulation of stormwater runoff caused by land Development, and where required by public health, safety, or welfare, to provide for the abatement or removal of any public nuisance related thereto. This Chapter establishes

minimum stormwater management requirements for post-construction sites in the City of St. Albans, in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont. The specific purposes of this Chapter are:

- A. To minimize increases in stormwater runoff from Development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion;
- B. To maintain the integrity of stream channels and minimize disruption to natural hydrologic processes from land development;
- C. To minimize increases in non-point source pollution caused by stormwater runoff from Development which would otherwise degrade local water quality;
- D. To reduce stormwater runoff rates and volumes, soil erosion, and non-point source pollution through the effective use of landscaping, surfacing, and stormwater treatment practices, and to ensure that these management controls are properly maintained;
- E. To establish the legal authority to carry out all review, inspection and enforcement procedures necessary to ensure compliance with this Chapter.

Sec. 6.2 Applicability of Post-Construction Stormwater Management Requirements.

This Chapter applies to Development activities that result in the creation, expansion or redevelopment of impervious surface, as such terms are defined in this Ordinance and as enumerated in Section 6.4, unless otherwise exempted under Section 6.5. All projects undertaken by the City of St. Albans shall be subject to the applicable provisions of this Chapter.

Sec. 6.3 Prohibitions.

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

Sec. 6.4 Permits.

No person shall be granted an approval by the City of St. Albans for any Development regulated under this Chapter without compliance with the following provisions:

- A. Projects that result in the creation of new impervious surface greater than one acre or the expansion of existing impervious surface of greater than one acre shall require evidence of application to the Vermont Department of Environmental Conservation for coverage under General Permit 3-9015 for Stormwater Discharges or an Individual Stormwater Discharge Permit, as applicable.

B. Projects resulting in one acre or more of land disturbance, whether as an individual project or under a Common Plan of Development, and that do not otherwise require coverage under General Permit 3-9015 for Stormwater Discharges or a Vermont Individual Stormwater Discharge Permit shall require approval by the Administrative Officer or his/her designee of a Stormwater Management Plan equivalent to the requirements of General Permit 3-9015 for Stormwater Discharges as enumerated in the Vermont Stormwater Management Manual, as most recently revised.

Sec. 6.5 Exemptions.

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

- A. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
- B. Any active nursery or garden harvested for personal use of products and that, in the opinion of the Administrative Officer, does not have the potential to cause significant erosion or stormwater management impacts, or endanger property or public safety, if post-construction stormwater is not properly mitigated and controlled.
- C. Construction or modification of single-family or two-family dwellings and accessory structures and appurtenances thereto, where no impervious surface or structure is proposed to be sited within 30 linear feet of the centerline of Grice Brook, Rugg Brook or Stevens Brook, and that, in the opinion of the Administrative Officer, does not have the potential to cause significant erosion or stormwater management impacts, or endanger property or public safety, if post-construction stormwater is not properly mitigated and controlled.

Sec. 6.6 Stormwater Management Plans; Content and Preparation.

A. At a minimum all stormwater management practices in a Stormwater Management Plan shall meet the design requirements set forth in the Vermont Stormwater Management Manual, as most recently amended. All Plans shall include a Maintenance Plan as described in Section 6.8 of this Ordinance.

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

Sec. 6.7 Stormwater Management Plans; Approval Process.

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

B. The Administrative Officer will review each Plan to determine its conformance with the provisions of this regulation, unless explicitly exempted within this Ordinance. Within 30 days after receiving an application for review, the Administrative Officer shall in writing:

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

Sec. 6.8 Maintenance of Stormwater Management Practices and Landscaping.

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

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

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

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

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

Sec. 6.9 Access to Stormwater Treatment Practices.

The Administrative Officer shall be permitted to enter and inspect any property where stormwater treatment practices are being, or have been constructed, subject to regulation under this Ordinance as often as may be necessary to determine compliance with the Stormwater Management Plan and this Ordinance.

Sec. 6.10 Inspection Requirements.

The applicant shall notify the Administrative Officer via email, mail or telephone no less than three (3) business days in advance of the start of Construction. The Administrative Officer or his/her designees shall inspect stormwater treatment practices a minimum of once during the construction phase to verify that practices are being constructed per the approved Stormwater Management Plan and shall inspect the stormwater treatment practices upon notification of completion. If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No additional work shall proceed until any violations are corrected and all work previously completed has received approval from the Administrative Officer.

Sec. 6.11 Inspection Certifications.

In lieu of the requirements outlined in Section 6.10 of this Chapter, the Administrative Officer may allow or require that the applicant or their agent provide a written certification from a professionally licensed engineer certifying compliance with the Stormwater Management Plan, as approved.

Sec. 6.12 Surety Requirements.

As a condition of approval and issuance of the permit, the Administrative Officer may at his/her discretion require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved Stormwater Management Plan, and any other related permit conditions. Surety generally shall be required only in those instances where a site's conditions or a proposed land development activity pose a unique or substantial threat of causing stormwater runoff-related problems in surface waters or the MS4, or where there are unique technical issues affecting the content and prospective effectiveness of the Stormwater Management Plan.

Sec. 6.13 As-Built Drawings.

Within thirty (30) days of completion of a project, the applicant shall submit as-built drawings of all stormwater treatment practices to the Administrative Officer.

Chapter 7. [Reserved]

Chapter 8. Management of Construction Waste and Debris.

Sec. 8.1 Construction Waste and Debris.

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

- A. Piles of uncontained wastes, and wastes stored in open containers, shall be covered during windy conditions that would result in the mobilization of debris into the MS4 or waterways, and shall be covered prior to significant forecasted rain (0.25 inches in a 24-hour period).
- B. No dumpsters shall be hosed out onto the construction site.

Chapter 9. Enforcement.

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

Sec. 9.1 Remedies not Exclusive.

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

Sec. 9.2 Judicial Bureau Municipal Civil Complaint Ticket.

Pursuant to 24 V.S.A., Chapters 59 and 61 and 4 V.S.A., Chapter 29, the City may commence prosecution in the Judicial Bureau for any violation of this Ordinance by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of one hundred dollars (\$100.00), the waiver fee shall be fifty dollars (\$50.00); a second offense ticketed for the same violation shall be punishable by a fine of two hundred dollars (\$200.00), the waiver fee shall be one hundred dollars (\$100.00); all third and subsequent offenses ticketed for the same violation shall be punishable by a fine of five hundred dollars (\$500.00), the waiver fee shall be two hundred and fifty dollars (\$250.00).

Sec. 9.3 Other Enforcement Remedies Generally; Fines, Injunctive Relief.

- A. Any person violating any of the provisions of this Ordinance shall be subject to fines as outlined in Section 9.2 In addition to any other penalty authorized by this section, any person,

partnership, or corporation convicted of violating any of the provisions of this Ordinance shall be required to bear the expense of such restoration.

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

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

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

Chapter 10. Stormwater System User Fees.

Sec. 10.1 Establishment of Stormwater User Fees.

- A. A user fee based on an Equivalent Residential Unit (ERU) shall be imposed on all properties or parcels as otherwise defined in Section 10.1(D). An ERU shall equal that square footage that approximately represents the average of the area of impervious surface for all single family and two-family properties with total impervious surface less than 10,000 square feet in the City. The City Council shall, by resolution, establish the square footage that constitutes one ERU on a periodic basis.
- B. The City Council shall have the authority to set and modify the user fee rates so that the total revenue generated by said charges, and any secondary sources of revenue, shall be sufficient to fund the City's stormwater program.
- C. The City Council shall establish by resolution the annual rate for each ERU. The annual user fee for a specific property or parcel is determined by multiplying the rate per ERU times the number of ERUs allocated to the property or parcel.

- D. Owners of all parcels, including tax-exempt parcels, that are assigned an ERU value under Section 10.3 will be charged a stormwater fee. Owners of condominiums will be assigned an ERU and be charged a stormwater fee, unless their ownership association receives a St. Albans water and sewer bill for the combined property as of the adoption of this Ordinance, in which case the association will be charged the fee for the combined property's assigned ERU. The ERUs and stormwater fee for mobile home parks shall be assigned to the mobile home park owner. The Administrative Officer may waive charging a stormwater fee to any property whereby the owner cannot be easily determined and that the efforts to do so create an unreasonable and disproportionate burden to the utility and its rate payers in relationship to the overall public benefit.
- E. From time to time, the City Council may order that the impervious surface square footage basis for a portion or all of the City be updated using the most recent appropriate geographic information systems data. During this update, the Administrative Officer is allowed, but not required, to use other permitting, assessing or on-site measurement data to supplement the process.

Sec. 10.2 User Fee Credits.

- A. The Stormwater Utility Credit Manual shall specify the design and performance standards of on-site stormwater systems, activities and services which qualify for application of a user fee credit and the method of calculating credits. Under no circumstances shall a credit be applied to the stormwater bill for parcels having only 1 ERU, or to condominium properties for which the total combined impervious equals only 1 ERU. The City Council, by resolution, shall have the authority to approve, modify or disapprove the Credit Manual.
- B. Any property or parcel owner may appeal the determination regarding an award of a credit. The appeal process is outlined under Chapter 11 of this Ordinance.
- C. Credits may be awarded retroactively for one (1) year from the date of initiation of the stormwater user fee. Thereafter, credits shall be applied to user fees on the next billing period after the completed credit application is approved.
- D. Any award of credit shall be conditioned on continuing compliance with the City's design and performance standards as stated in the Stormwater Utility Credit Manual and/or upon continuing provision of the systems, facilities, services, and activities provided, operated, and maintained by the property or parcel owner or owners upon which the credit is based. The Administrative Officer may revoke a credit at any time for non-compliance by providing thirty (30) days written notice of a non-complying condition and intent to revoke the credit to the property or parcel owner. If the non-compliance is not cured within the thirty (30) day period, the Administrative Officer shall eliminate the credit for user fee bills issued to the property or parcel owner after such period.

Sec. 10.3 Assignment of ERUs

- A. Single Family and two-family properties or parcels with less than 6,000 square feet of impervious shall be billed one (1.0) ERU, as defined in Section 10.1.
- B. All properties or parcels with no impervious surface shall be billed one (1.0) ERU, as defined in Section 10.1.
- C. Owners of condominiums will be assigned an ERU rounded to the nearest 0.5 and greater than zero (0), unless their ownership association already receives a water/wastewater utility bill for the combined property as of the adoption of this Ordinance, in which case the association will be assigned an ERU rounded to the nearest whole number as defined in Section 10.3, subsection D.
- D. All properties or parcels with impervious surface that do not qualify under Section 10.3, subsections A through C, shall be billed the ERU's that are determined by dividing the total impervious surface on the property or parcel by one (1.0) ERU as defined in Section 10.1. The resulting value shall be rounded to the nearest whole number and shall be greater than zero (0). In those instances when the calculations produce a value exactly half-way between two numbers, (.5) the number is rounded up to the next whole number.
- E. Notwithstanding the other subsections of this Section, no City-owned parcel that contains a Public Stormwater Treatment Facility and no City street rights-of-way shall be assigned any ERUs.
- F. Also, notwithstanding the other subsections of this Section, the City Manager or their designee may enter into agreements with property owners to reduce the number of assigned ERUs for any properties that contain a Public Stormwater Treatment Facility. Such agreements may also be made for property owners that make financial contributions to Public Stormwater Treatment off-site and could include reductions in assigned ERUs for any other related properties.
- G. A property-owner may appeal their ERU assignment to the Administrative Officer. The Administrative Officer may choose to use GIS data, permitting and assessing information, and on-site measurements to update the impervious surface square footage basis of the appellant's property's ERU. After the Administrative Officer's analysis, the property's ERU may be adjusted up or down or stay the same. If changed, the new ERU shall take effect on the next billing period after the analysis is complete. The property-owner may appeal the Administrative Officer's decision pursuant to Chapter 11.

Sec. 10.4 Billing and Collection

- A. Stormwater user fees shall be billed quarterly and shall be reflected on the utility bill for each property or parcel owner.
- B. The filing of an appeal pursuant to Chapter 11 of this Ordinance shall not relieve a property

or parcel owner of the obligation to pay the user fee when due.

- C. . Stormwater user fees shall be considered delinquent thirty (30) days after the billing date. Delinquent stormwater user fees shall bear interest at the rate of one percent (1%) per month, or fraction thereof, for the first three months and thereafter one and one-half percent (1.5%) per month or fraction thereof, from the due date of such stormwater user fee bill. Such interest shall be imposed on a fraction of a month as if it were an entire month.
- D. All stormwater user fees, interest, finance charges, and court costs shall be a charge and a lien upon the property to which the stormwater user fee is assessed from the date the same becomes due until paid in full, in the same manner and to the same effect, as taxes are a lien upon real estate pursuant to 32 V.S.A. §5061 and 24 V.S.A. §3612.
- E. When a property pays late fees, interest and finance charges for stormwater, water and wastewater charges shown on one bill, any payments shall be applied toward the stormwater liabilities first, before being applied to water and wastewater liabilities.

Sec. 10.5 Establishment of Stormwater Enterprise Fund

- A. The user fees, as well as any secondary sources of revenue, shall be used to fund the City's efforts to manage stormwater in the municipality and operate the City's system for stormwater collection, conveyance and treatment.
- B. Revenues will be placed into the Stormwater Enterprise Fund and may be retained and expended in the manner set forth herein.
- C. The St. Albans City Council shall establish a dedicated stormwater enterprise fund in the City budget and an accounting system for the purpose of managing all funds collected for the purposes and obligations of the stormwater program. All revenues and receipts of the stormwater program shall be placed in the enterprise fund, which shall be separate from all other funds. Fees will be set at a rate that covers the costs associated with stormwater management, collection, conveyance, treatment, planning, staffing, engineering, maintenance and repair, public education, capital improvements, technical assistance, customer service, and other services approved by the City to implement the purposes of the stormwater program as set forth herein. The City Council may consider both stormwater quality and quantity management needs in determining whether to expend any funds in the Stormwater Enterprise Fund, and the use of the fund is limited to operating expenses, non-operating expenses such as equipment, payment of principal and interest on debt obligations, capital improvement projects, reserve expenses and other costs as deemed necessary by the St. Albans City Council.
- D. Excess revenues may be placed into a reserve fund and may be retained and expended pursuant to Section 10.5.

Chapter 11. Appeals.

The following process shall be followed for appeals to City decisions pertaining to this Ordinance:

Sec. 11.1 Appeals of Decisions of Administrative Officer or Director of Public Works

- A. Any aggrieved Person or parcel owner shall have the right to appeal any action or decision of the Administrative Officer or Director of Public Works under this Ordinance to the City Manager by filing a petition with the City Manager.
- B. Such petition shall be filed within fifteen (15) days after receipt of notice of such action or decision. Within forty-five (45) days following receipt of the petition, the City Manager shall hear the petitioner and the Administrative Officer and/or Director of Public Works. The City Manager shall determine whether he/she should affirm or reverse the Administrative Officer and/or Director of Public Works' decision or action or modify the same; any modification shall conform to the provisions of this Ordinance. The City Manager's determination shall be made in writing and shall be sent to the Administrative Officer and/or Director of Public Works and to the petitioner.
- C. Any aggrieved Person or parcel owner may appeal the decision of the City Manager to the St. Albans City Council, pursuant to Section 11.2.

Sec. 11.2 Appeals of Decisions of City Manager

- A. Any aggrieved Person or parcel owner shall have the right to appeal any action or decision of the City Manager under this Ordinance to the St. Albans City Council by filing a petition with the City Clerk and a copy with the City Manager.
- B. Such petition shall be filed within fifteen (15) days after receipt of notice of such action or decision. Within forty-five (45) days following receipt of the petition, the City Council shall meet and hear the petitioner and the Administrative Officer and/or Director of Public Works. The City Council shall determine whether they should affirm or reverse the City Manager's decision or action or modify the same; any modification shall conform to the provisions of this Ordinance. The City Council's determination shall be made in writing and shall be sent to the City Manager and to the petitioner.
- C. Any aggrieved Person or parcel owner may appeal the decision of the City Manager to the Vermont Superior Court, Civil Division, Franklin Unit, pursuant to V.R.C.P. 75.

Sec. 11.3 Ongoing Obligations.

The filing of an appeal shall not relieve a Person or parcel owner of the obligations of this

Ordinance.

Chapter 12. Effective Date.

This Ordinance shall take effect on July 1, 2018.

END OF TITLE.