

## **Chapter 7 - Storm Drainage**

### Article 1 – Purpose and Applicability

#### **Sec 7-01. - Purpose.**

- (a) The purpose of this Chapter 7 of the Bloomfield Code of Ordinances is to:
  - (1) Provide for the health, safety, and general welfare of the citizens of Bloomfield through the regulation of non-stormwater and potential hazard-causing or environmentally degrading discharges to the storm drainage system and the prohibition of obstructions which may interfere with the free discharge of floodwaters.
  - (2) Provide compliance with the requirements of the National Pollutant Discharge Elimination System ("NPDES") permit process and the State of Connecticut's General Permit for the Discharge of Small Municipal Separate Storm Sewer Systems (the "MS4 General Permit").
  - (3) Provide for protection of the public investment in, the public functions of, and the public interests in operating the storm drainage system.

#### **Sec 7-02. - Applicability.**

- (a) This chapter shall apply to:
  - (1) Any and all discharge or flow of any kind entering the storm drainage system having been generated, increased, concentrated, realigned, or redirected to any degree due to human interference or action (in relation to the natural flow of stormwater without such human interference or action), unless explicitly exempted by this chapter or in writing by the Authorized Enforcement Agent; or,
  - (2) Obstructions, or potential obstructions, to the flow of stormwater within the storm drainage system or watercourses.

### Article 2 – General Provisions

#### **Sec 7-03. - Stormwater Management Regulations.**

- (a) In conjunction with this Chapter 7, the Town Council shall adopt Stormwater Management Regulations setting forth standards and provisions to further the implementation and enforcement of the provisions of this Chapter 7.
- (b) The Authorized Enforcement Agent shall have authority to create, modify, promulgate, apply, and enforce said Stormwater Management Regulations.

**Sec 7-04. - Applicable Definitions and terminology**

- (a) Specific definitions and terminology as may be used within or otherwise applicable to this Chapter 7 shall be as set forth in said Stormwater Management Regulations.

**Sec 7-05. - Responsibility for administration.**

- (a) The Authorized Enforcement Agent (AEA) shall administer, implement, and enforce the provisions of this Chapter 7 and the Stormwater Management Regulations. The Authorized Enforcement Agent is the Town Manager, or the official or employee of the Town of Bloomfield so designated by the Town Manager. The AEA may, as deemed appropriate and with approval of the Town Manager, at any time authorize other officials or employees of the Town to act in his stead, to any degree or limitation and on any relevant matter.

**Sec 7-06. - Protection of flow ways.**

- (a) No entity shall cause or contribute to, or allow any situation to persist that threatens to cause or contribute to, the obstruction of the storm drainage system or any watercourse as a result of debris (including parts, pieces, or remnants of trees or other vegetation), wreckage, or other material or obstruction which prevents or may tend to prevent the free discharge of flood waters; nor shall any property owner allow any of the same to occur upon their property.

**Sec 7-07. - Illegal discharge a nuisance.**

- (a) Any illegal discharge (as defined in the Stormwater Management Regulations), or credible threat of illegal discharge, is hereby defined as a nuisance by the Bloomfield Town Council per CGS Sec. 7-148(c)(7)(E), and may be prohibited and abated per the provisions of this Chapter 7 and the Stormwater Management Regulations.

**Sec 7-08. - Presumption of responsibility.**

- (a) The rebuttable presumption of responsibility for any discharge to the storm drainage system shall rest with the premises owner most directly associated with such discharge.
- (b) The rebuttable presumption of responsibility for any connection, including any flows entering the storm drainage system at such connection, shall rest with the permittee associated with such connection. Where no permit exists, the AEA shall use his/her best judgment, taking into consideration any reasonable factors deemed appropriate thereby, which factors may include known easements or other documented arrangements, proximity of subject premisses to the connection, relative flow amounts being contributed to the discharge flows by subject premisses, or previous relevant approvals, permits, or enforcement actions of any kind, to determine what Entity is the responsible party.

## Article 3 – Enforcement

### **Sec 7-09. - Citation**

- (a) Notwithstanding any other enforcement measure or remedy as may be available to or undertaken by the Town or other regulatory agency with respect to any subject violation, any violation of this Chapter shall be subject to penalties and enforcement per Sec. 1.8, and the hearing procedure with respect to the same as per Sec. 1.8.5, of this Code of Ordinances. Any failure to comply with any provision of this Chapter or the Stormwater Management Regulations shall be considered a violation of this Chapter.
- (b) The penalty associated with any citation for violation of any provision of this Chapter or the Stormwater Management Regulations shall be \$100 per offense; provided that the AEA, with the approval of the Town Manager, and taking into consideration, as applicable, the actual or potential effects on the health, safety, and general welfare of the citizens of Bloomfield or surrounding communities, the actual or potential harm to person, property, or the environment, general public policy, compliance history of the responsible party, and any other extenuating factors, may increase the penalty up to \$250 per offense as deemed warranted thereby.
- (c) In addition to serving as the written warning required under Section 7-148(c)(10) of the Connecticut General Statutes, a Notice of Violation (NOV) issued in accordance with the provisions of the Stormwater Management Regulations may identify required corrective measures to be undertaken and one or more timeframes associated with the progress of such corrective measures, including when such corrective measures are to be successfully completed. The requirements set forth in any NOV issued in relation to the enforcement of this Chapter shall be complied with, notwithstanding any citation, or the outcome of any appeal associated with any such citation, as may be issued per provision 7-09(a) above.
- (d) Failure to comply with any requirement set forth in any such NOV is considered a violation of this Chapter, and may lead to further enforcement actions by the Town as set forth in the Stormwater Management Regulations.
- (e) Notwithstanding the foregoing provisions of this Section 7-09, the AEA or Town Manager may, without prior notice, and at any time up to and including immediately, suspend storm drainage system discharge access when such suspension is deemed necessary thereby to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to property, the storm drainage system or waters of Connecticut. In any such instance, the AEA or Town Manager may take such steps as deemed necessary to prevent or minimize such danger or associated damage. Such steps may include issuing requirements to the responsible party to undertake or complete appropriate elimination, abatement, or mitigation measures, or other actions, in a timely manner, or for the Town to undertake the same where the AEA or Town Manager deems that the responsible party is failing or unable to do the same. This provision does not, and is not intended to, impart any obligation on the AEA, Town Manager, or otherwise on the Town to so undertake the same under any circumstances.

- (f) The Town may seek to recover, and the responsible party shall be liable to the Town for, any costs or expenses incurred by the Town in association with actions or measures undertaken by the Town under Paragraphs 7-09(d) or 7-09(e) above.
- (g) The Town shall not be held liable to any person for injury or damage as may be incurred as a result of suspension of storm drainage system discharge access in accordance with the provisions of this Chapter 7 or the Stormwater Management Regulations, or failure to enact such suspension; and, any liability for the same is presumed to rest with the party held responsible for the conditions or situations that prompted, or might have prompted, such suspension.
- (h) Notwithstanding any enforcement undertaken under this Chapter, other enforcement may be undertaken by the Town in accordance with other Town ordinances or regulations, including inland wetlands and watercourses regulations, zoning regulations, or subdivision regulations.

## Article 4 – Discharges and Connections

### **Sec 7-10. - Permit Required for Discharge and Connection.**

- (a) A connection permit from the Town, as issued to the premises, in the opinion of the AEA, directly responsible, is required for any connection or discharge of stormwater to the Town storm drainage system; and any such permit shall be obtained prior to commencing such connection or any discharge or construction work associated therewith.
- (b) Such permit shall be in accordance with the applicable provisions of the Rights of Way Ordinance (Chapter 17, Article III) and the Permit Manual referenced therein.

### **Sec 7-11. - Hold harmless and indemnification prerequisite to connection permit.**

- (a) No connection permit issued in accordance with Sec. 7-10 hereof shall be valid until the property owner directly responsible for such connection, and every property owner anticipated to contribute to the discharge of such connection for whom the AEA deems it is reasonably in the Town's interest to obtain the same, shall have executed a hold harmless and indemnification on a form provided by the Town, having been reviewed and approved by the Town Attorney, appropriately relieving the Town of all responsibility for any damage resulting from said connection or permit to discharge, indemnifying the Town with respect to the same, and otherwise protecting the interests of the Town with respect to the same.

### **Sec 7-12. - Prohibition of Illegal Discharges.**

- (a) No entity shall discharge or cause to be discharged into the municipal storm drainage system any illegal discharge, as defined in the Stormwater Management Regulations, including discharges that contain pollutants or that may cause or contribute to a violation of applicable water quality standards, nor shall any entity create or allow the continued existence of any facilities or situation that poses a credible threat of the same. The commencement, conduct, or continuance of any illegal discharge to the storm

drainage system is prohibited except as described in the Stormwater Management Regulations, and provided that any such excepted discharge shall not contribute to a violation of water quality standards or shall not significantly contribute pollutants to the storm drainage system.

**Sec 7-13. - Maintenance and monitoring of Stormwater Facilities and Discharges.**

- (a) Stormwater retention or treatment facilities or measures that are required (by any law, regulation, or permit) or installed with the intent or effect of mitigating illegal discharge must be properly maintained in order to continue to provide such mitigation as intended or at effective levels over time.
- (b) The AEA may at any time, whether or not associated a Notice of Violation or any other enforcement action, require monitoring or reporting as associated with any regulated facility or discharge in any manner or frequency as deemed by the AEA to be appropriate and reasonable to meet the objectives and requirements of this Chapter, the Stormwater Management Regulations, or the MS4 General Permit.

**Sec 7-14. - Prohibition of Illicit Connections.**

- (a) The construction, use, maintenance, or continued existence of illicit connections to the storm drainage system is 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. Notwithstanding other actions as may be a violation hereunder, an entity is considered to be in violation of this provision if the entity connects a line conveying, intended to convey, or with the reasonable possibility to convey an illegal discharge to the storm drainage system, or allows such a connection to continue.