

Sec. 18-43. - Illicit discharges.

- (a) *General prohibitions.* Except as set forth under section 18-45 of this article or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.
- (b) *Specific prohibitions.* Any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits is prohibited.
- (c) *Authorized exceptions.* Unless the mayor, or his designee, determines that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibition set forth under section 18-43(a) of this article:
- (1) Flows from firefighting;
 - (2) Water line flushing and other contributions from potable water sources;
 - (3) Landscape irrigation and lawn watering;
 - (4) Irrigation water;
 - (5) Diverted stream flows;
 - (6) Rising groundwaters;
 - (7) Direct infiltration to the stormwater system;
 - (8) Uncontaminated pumped groundwater;
 - (9) Foundation and footing drains;
 - (10) Water from crawl space pumps;
 - (11) Air conditioning condensation;
 - (12) Springs;
 - (13) Individual residential car washings;
 - (14) Flows from riparian habitats and wetlands; and
 - (15) Dechlorinated swimming pool contributions.
- (d) *Illicit connections.* No person may maintain, use or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this article. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.
- (e) *Administrative order.* The mayor, or his designee, may issue an order to any person to immediately cease any discharge, or any connection to the stormwater system, determined by the mayor, or his designee, to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

Sec. 18-44. - Spills and dumping.

- (a) *General prohibitions.* Except as set forth under section 18-43(c) of this article or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.
- (b) *Specific prohibitions.* Any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.
- (c) *Notification of spills.* As soon as any person has knowledge of any discharge to the stormwater system in violation of this article, such person shall immediately notify the mayor or town clerk by telephone and if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and clean up of such discharge and shall confirm such telephone notification in writing to the mayor within three (3) calendar days.
- (d) *Administrative order.* The mayor, or his designee, may issue an order to any person to immediately cease any discharge, or connection to the stormwater system, determined by the mayor, or his designee, to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

(Ord. No. 166-93-31, § 1, 5-3-93)

Sec. 18-45. - Enforcement.

- (a) *Injunctive relief.* Any violation of any provision of this article, or of any regulation or order issued hereunder, shall be subject to injunctive relief if necessary to protect the public health, safety or general welfare.
- (b) *Continuing violation.* A person shall be deemed guilty of a separate violation for each and every day during any continuing violation of any provision of this article, or of any regulation or permit issued hereunder.
- (c) *Enforcement actions.* The mayor, or his designee, may take all actions necessary, including the issuance of notices of violation, the filing of court actions and/or referral of the matter to the town code enforcement board to require and enforce compliance with the provisions of this ordinance and with any regulation or permit issued hereunder.

(Ord. No. 166-93-31, § 1, 5-3-93)

Sec. 18-46. - Inspections and monitoring.

- (a) *Authority for inspections.* Whenever necessary to make an inspection to enforce any of the provisions of this article, or regulation or permit issued hereunder, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a

violation of any of the provisions of this article, or regulation or permit issued hereunder, any authorized official may enter any property, building or facility at any reasonable time to inspect the same or to perform any duty related to enforcement of the provisions of this article or any regulations or permits issued hereunder; provided that:

- (1) If such property, building or facility is occupied, such authorized official shall first present proper credentials and request permission to enter, and
 - (2) If such property, building or facility is unoccupied, such authorized official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building or facility, and shall request permission to enter. Any request for permission to enter made hereunder shall state that the owner or person in control has the right to refuse entry, and that in such event that entry is refused, the authorized official may enter to make inspection only upon issuance of a search warrant by a duly authorized magistrate or judge. If the owner or person in control refuses permission to enter after such request has been made, the authorized official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area-wide inspection shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of this article, including but not limited to random sampling and sampling in areas with evidence of stormwater contamination, non-stormwater discharges, or similar factors.
- (b) *Authority for monitoring and sampling.* Any authorized official may establish on any property such devices as are necessary to conduct sampling or metering of discharges to the stormwater system. During any inspections made to enforce the provisions of this article, or regulations or permits issued hereunder, any authorized official may take any samples deemed necessary.
- (c) *Requirements for monitoring.* The mayor, or his designee, may require any person engaging in any activity or owning any property, building or facility to undertake such reasonable monitoring of any discharge(s) to the stormwater system and to furnish periodic reports.

(Ord. No. 166-93-31, § 1, 5-3-93)