

CITY OF NEWBURYPORT
MASSACHUSETTS



STORMWATER MANAGEMENT
ORDINANCE

CODE OF ORDINANCES
CHAPTER 17 (XVII)

Adopted by the City Council on September 13th, 2010

Approved by the Mayor on September 24th, 2010

ARTICLE I. IN GENERAL

Sec. 17-1. Authority.

This Ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to G.L. c.83, §§ 1, 10, and 16, as amended by St. 2004, c. 149, §§ 135-140, and pursuant to the regulations of the Federal Clean Water Act (40 CFR 122.34).

Sec. 17-2. Purposes, Objectives and Intent.

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding. Regulation of illicit connections and discharges to the municipal storm drainage system is necessary for the protection of the City's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The Purposes, Objectives and Intent of this Ordinance are as follows:

A. Detection and Elimination of Illicit Discharges, Connections and/or Obstructions

1. To prevent pollutants from entering the City's Municipal Separate Storm Sewer System (MS4) and Waters of the Commonwealth of Massachusetts;
2. To prohibit illicit discharges, connections and obstructions to the MS4;
3. To require the removal of all such illicit discharges, connections and/or obstructions;
4. To comply with state and federal statutes and regulations relating to stormwater discharges; and
5. To establish the legal authority to ensure compliance with the provisions of this Ordinance through inspection, monitoring, and enforcement.

B. Control of Construction and Post-Construction Run-Off

1. To protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control construction-site stormwater runoff and post-construction stormwater discharges, which can adversely affect public safety, public and private property, surface water, groundwater resources, drinking water supplies, recreation, and aquatic habitats. In addition, this Ordinance is intended to ensure and promote compliance with US Environmental Protection Agency (EPA) stormwater management regulations pertaining to municipal separate storm sewer systems (MS4s).
2. To establish minimum construction-site and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff generated from new development and redevelopment;
3. To require practices that eliminate soil erosion and sedimentation resulting from land disturbance activities;
4. To encourage the use of nonstructural stormwater management practices or "low-impact development practices", wherever practicable;
5. To establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,
6. To prevent pollutants from entering the City's municipal separate storm sewer system (MS4).

Sec. 17-3. Definitions.

ACTIVE GROUNDWATER DEWATERING SYSTEM – Any groundwater dewatering system that is not achieved by means of gravity only (i.e., use of mechanical or pumping apparatus).

APPLICANT – Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth of Massachusetts or the Federal government to the extent permitted by law requesting a Stormwater Management Permit for proposed land disturbances.

AUTHORIZED ENFORCEMENT AGENCY – (See Department of Public Services)

BEST MANAGEMENT PRACTICE (BMP) – An activity, procedure, restraint, or structural or non-structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) – A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT – The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CLEARING – Any activity that removes the vegetative surface cover.

DEPARTMENT OF PUBLIC SERVICES (DPS) – For the purposes of this Ordinance, the Department of Public Services (DPS) shall be the “Authorized Enforcement Agency.” The Department of Public Services (under the direction of the Director of Public Services), its employees, officers, or agents are designated to enforce the provisions of this Ordinance and any regulations, orders, violation notices, enforcement orders and permit conditions relative thereto on behalf of the City.

DEVELOPMENT – The modification of land to accommodate a new use or expansion of use, usually involving construction.

DIRECTOR OF PUBLIC SERVICES – For the purposes of this Ordinance, the Director of Public Services shall be the “Enforcement Officer.” The Director of Public Services shall be the City’s authorized agent to enforce the provisions of this Ordinance and any regulations, orders, violation notices, enforcement orders and permit conditions relative thereto on behalf of the City.

DISCHARGE OF POLLUTANTS – The addition from any source of any pollutant or combination of pollutants into the municipal storm drainage system or into the waters of the United States or Commonwealth of Massachusetts from any source.

ENFORCEMENT OFFICER – (See Director of Public Services)

EROSION – The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENT CONTROL PLAN – A document containing narrative, drawings, and details developed by a Massachusetts Registered Professional Engineer (P.E.) or a Certified Professional in Erosion and Sediment Control (CPESC), which includes BMPs, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbances. The plan is required as part of the application for a Stormwater Management Permit.

GRADING – Changing the level or shape of the ground surface.

GROUNDWATER – Water beneath the surface of the ground.

ILLICIT CONNECTION – A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drainage system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this ordinance.

ILLICIT DISCHARGE – Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of stormwater, except as exempted in § 17-9. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to § 17-9.

IMPERVIOUS SURFACE – Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

LAND DISTURBANCE – Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY – The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site. In January 2008, this policy was incorporated into the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00 et seq).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAINAGE SYSTEM – The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT – A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE – Discharge to the municipal storm drainage system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN – A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OWNER – A person with a legal or equitable interest in property.

ORDINANCE – Refers to Chapter 17, Stormwater Management Ordinance of the “Code of Ordinances of the City of Newburyport, Massachusetts”.

OWNER – A person with a legal or equitable interest in property.

PERSON – An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE – Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT – Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts. Pollutants shall include without limitation:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;
- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (e) Pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (g) Dissolved and particulate metals;
- (h) Animal wastes;
- (i) Rock, sand, salt, soils;
- (j) Construction wastes and residues; and
- (k) Noxious or offensive matter of any kind.

PRE-CONSTRUCTION – All activity in preparation for construction.

PROCESS WASTEWATER – Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

REDEVELOPMENT – Development, rehabilitation, expansion, demolition, or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RUNOFF – Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT – Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION – The process or act of deposition of sediment.

SITE – Any lot or parcel of land or area of property where land disturbances are, were, or will be performed.

SOIL – Any earth, sand, rock, gravel, or similar material.

STORMWATER – Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN – A plan required as part of the application for a Stormwater Management Permit.

STORMWATER – Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STREAM – A body of running water, including brooks, creeks, and other water courses, which moves in a definite channel in the ground due to a hydraulic gradient. A portion of a stream may flow through a culvert, is naturally obscured, or beneath a bridge. A stream's flow may be intermittent (i.e., does not flow throughout the year), or perennial.

SURFACE WATER DISCHARGE PERMIT – A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL OR WASTE – Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE – A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH OF MASSACHUSETTS – All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, costal waters, and groundwater.

WASTEWATER – Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

WETLANDS – Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L. c. 131, § 40 and 310 CMR 10.00 et seq.

Sec. 17-4. Applicability.**1. Municipal Separate Storm Sewer System (MS4) and Waters of the Commonwealth of Massachusetts**

This Ordinance shall apply to flows entering the City's Municipal Separate Storm Sewer System (MS4) and Waters of the Commonwealth of Massachusetts.

2. Construction and Post-Construction Activities

Any construction activity, including clearing, grading, and excavation that will disturb equal to or greater than 10,000 square feet of land or will disturb less than 10,000 square feet of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 10,000 square feet of land in the City of Newburyport

After the initial common plan construction activity is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development. For example, after a house is built and occupied, any future construction on that lot (e.g., reconstructing after fire, adding a pool or parking area, etc.), would stand alone as a new common plan for purposes of calculating area disturbed to determine if a Stormwater Management Permit is required. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the site.

Sec. 17-5. Administration.

The Authorized Enforcement Agency (hereinafter referred to as the Department of Public Services), under the direction of the Enforcement Officer (hereinafter referred to as the Director of Public Services) shall administer, implement and enforce this Ordinance, and any rules and regulations adopted there under. Any powers granted to or duties imposed upon the Department of Public Services may be delegated in writing by the Director of Public Services to employees or agents of the Department of Public Services.

Sec. 17-6. Regulations.

The Department of Public Services may adopt and periodically amend rules and regulations, not inconsistent herewith, to effectuate the purposes of this Ordinance. Said regulations may include, but shall not be limited to provisions regarding: administration; application requirements and fees; permitting procedures and requirements; design standards; surety requirements; inspection and site supervision requirements; waivers and exemptions; and enforcement procedures. Said regulations shall be adopted within ninety (90) days of the effective date of this Ordinance in consultation with the Stormwater Advisory Committee appointed by the Mayor which must include a representative from the Department of Public Services, the Office of Planning and Development and the Health Department. Failure by the Department of Public Services to adopt such rules and regulations or a legal declaration of their invalidity by a court of law shall not have the effect of suspending or invalidating this Ordinance.

Sec. 17-7. Enforcement.

The Department of Public Services shall enforce this Ordinance and any regulations, orders, violation notices, enforcement orders and permit conditions on behalf of the City, and may pursue all civil and criminal remedies for such violations pursuant thereto.

1. Civil Relief. If a person violates the provisions of this Ordinance and/or any regulations, orders, violation notices, enforcement orders and permit conditions issued hereunder, the Department of Public Services may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

2. Orders

- A. The Department of Public Services may issue a written order to enforce the provisions of this Ordinance and any regulations, orders, violation notices, enforcement orders and permit conditions hereunder, which may include requirements to:
- (i) cease and desist from construction or land disturbance until there is compliance with this Ordinance, and an approved Stormwater Management Permit, including the stormwater management plan and the erosion and sediment control plan;
 - (ii) repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;
 - (iii) perform monitoring, analyses, and reporting; and
 - (iv) remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
 - (v) elimination of illicit discharges, connections and/or obstructions to the MS4;
 - (vi) performance of monitoring, analyses, and reporting;
 - (vii) that unlawful discharges, practices, or operations shall cease and desist; and
 - (viii) remediation of contamination in connection therewith.
- B. If the Department of Public Services determines that abatement or remediation of contamination or adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed by the violator or property owner.
3. Criminal Penalty. Any person who violates any provision of this Ordinance and/or any regulations, orders, violation notices, enforcement orders and permit conditions issued hereunder, shall be punished by a fine of \$300. Each day or part thereof that such violation occurs or continues to occur by failure to comply with an order or notice from the Department of Public Services shall constitute a separate violation.
4. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the City may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, § 21D and adopted by the City as a general ordinance¹ in which case the Department of Public Services of the City shall be the enforcing person. The penalty for the 1st violation (failure to comply with an order or notice from the Department of Public Services) shall be \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd and subsequent offenses shall be \$300. Each day or part thereof that such violation occurs or continues to occur shall constitute a separate offense.
5. Entry to Perform Duties Under this Ordinance. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Services, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ordinance and regulations and may make or cause to be made such examinations, surveys or sampling as the Department of Public Services deems reasonably necessary.
6. Appeals. Decisions or orders of the Director of Public Services and Department of Public Services shall be final. Further relief of a decision made under this Ordinance shall be reviewable in Superior Court in an action filed in accordance with Massachusetts General Laws, Chapter 249, Section 4.

¹ Editor's Note: See Ch. 1, General Provisions, § 1-17, Noncriminal disposition of ordinance violations.

ARTICLE II. NON-STORMWATER DISCHARGES, CONNECTIONS AND OBSTRUCTIONS

Sec. 17-8. Prohibited activities.

- (a) **Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth of Massachusetts.
- (b) **Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- (c) **Obstruction of Municipal Storm Drainage System.** No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system without prior written approval from the Department of Public Services.

Sec. 17-9. Exemptions.

The following exemptions are applicable to Section 17-8.

- (a) Discharge or flow resulting from fire fighting activities.
- (b) The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drainage system:
 - (1) Waterline flushing;
 - (2) Flow from potable water sources;
 - (3) Springs;
 - (4) Natural flow from riparian habitats and wetlands;
 - (5) Diverted stream flow;
 - (6) Rising groundwater;
 - (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (i.e., residential sump pumps);
 - (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - (9) Discharge from landscape irrigation or lawn watering;
 - (10) Water from individual residential car washing;
 - (11) Discharge from dechlorinated residential, public or semipublic swimming pool water (less than one ppm chlorine) and the pool is drained in such a way as not to cause a nuisance;
 - (12) Discharge from street sweeping;

- (13) Dye testing, provided verbal notification is given to the Department of Public Services prior to the time of the test;
- (14) Non-stormwater discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (15) Discharge for which advanced written approval is received from the Department of Public Services as necessary to protect public health, safety, welfare or the environment.

Sec. 17-10. Emergency suspension of municipal storm drainage system access.

The Department of Public Services may suspend municipal storm drainage system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Department of Public Services may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Sec. 17-11. Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth of Massachusetts, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Fire and Police Departments, Health Department, and the Department of Public Services. In the event of a release of non-hazardous material, the reporting person shall notify the Department of Public Services no later than the next business day. The reporting person shall provide to the Department of Public Services written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

ARTICLE III. CONSTRUCTION AND POST CONSTRUCTION STORMWATER MANAGEMENT OF NEW DEVELOPMENTS AND REDEVELOPMENTS

Sec. 17-12. Permit Required.

No person may undertake any construction activity (as defined in Section ... item 2 "Applicability"), including clearing, grading, and excavation that will disturb equal to or greater than 10,000 square feet of land or will disturb less than 10,000 square feet of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 10,000 square feet of land in the City of Newburyport without a Stormwater Management Permit from the Department of Public Services pursuant to this Ordinance and regulations promulgated hereunder.

Sec. 17-13. Exemptions.

The following exemptions are applicable to Section 17-12:

- (1) Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.
- (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
- (3) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling that will not alter existing terrain or drainage patterns;
- (4) The construction of fencing that will not alter existing terrain or drainage patterns;
- (5) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
- (6) As authorized in the Phase II Small MS4 General Permit for Massachusetts, stormwater discharges resulting from the activities identified in § XX-17(a) that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Regulations (310 CMR 10.00 et seq.) as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with Chapter XX, Article II.
- (7) Emergency work to protect life, limb, or property.

Sec. 17-14. Waivers.

The following exemptions are applicable to Section 17-12:

- (a) The Director of Public Services may waive strict compliance with any requirement of Section 17-12 or the rules and regulations promulgated hereunder, where:
 - (2) such action is in the public interest, and
 - (3) is not inconsistent with the purpose and intent of this Ordinance.
- (b) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this Ordinance to the subject project and/or property does not further the purposes or objectives of this Ordinance, or that other means to accomplish the same purposes will be provided. Under no circumstances shall economic hardship be the sole basis for granting of a waiver from the provisions of this Ordinance or the regulations promulgated hereunder.
- (c) All waiver requests shall be reviewed by the Director of Public Services and if necessary, discussed with other City departments.

Sec. 17-15. Surety.

The Department of Public Services may require the permittee to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other security. The form and amount of any surety shall be deemed sufficient in the opinion of the Department of Public Services, based on the scale and nature of the subject project, to ensure that all work will be completed in accordance with the permit. If the project is phased, the Department of Public Services may release part of the bond as each phase is completed in compliance with the permit. The bond may not be fully released until the Department of Public Services has received any final inspection reports, and a satisfactory final inspection has been conducted, as required by Section 17-12 and any permits issued thereunder. At such time the Department of Public Services shall issue a Notice of Compliance and return any surety being held. Regulations adopted under Section 17-6 may include additional information on the calculation of surety.

ARTICLE IV. SEVERABILITY

Sec. 17-16.

The provisions of this ordinance are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid for any reason, such invalidity shall not affect the other provisions or application of this ordinance, and all other provisions shall continue in full force and effect.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

AUGUST 30, 2010

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED STORMWATER MANAGEMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWBURYPORT AS FOLLOWS:

ARTICLE I. IN GENERAL

Sec. 17-1. Authority.

This Ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to G.L. c.83, §§ 1, 10, and 16, as amended by St. 2004, c. 149, §§ 135-140, and pursuant to the regulations of the Federal Clean Water Act (40 CFR 122.34).

Sec. 17-2. Purposes, Objectives and Intent.

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding. Regulation of illicit connections and discharges to the municipal storm drainage system is necessary for the protection of the City's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The Purposes, Objectives and Intent of this Ordinance are as follows:

Full text available at the City Clerk's Office.

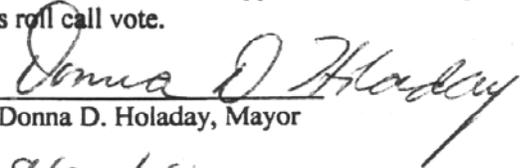

Councillor Barry N. Connell

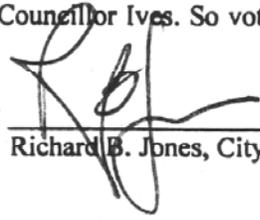
In City Council August 30, 2010:

Councillor Ives moved to approve first reading and order published seconded by Councillor Connell. So voted on a unanimous roll call vote.

In City Council September 13, 2010:

Councillor Connell moved to approve final reading seconded by Councillor Ives. So voted on a unanimous roll call vote.

Approve: 
Donna D. Holaday, Mayor

Attest: 
Richard B. Jones, City Clerk

Date: 9/24/10