

**Catch Basin Discharge
To Public Storm-Water Conveyance Systems**

Chapter 75

**From the Code
Of the
Town of Windham**

**County of Cumberland
State of Maine**

Adopted by Windham Town Council order 06-145 September 26, 2006
Effective date: October 26, 2006

October 2006

§75-1 Authority.

This ordinance is adopted pursuant to the Home Rule powers under the Maine Constitution and 30-A M.R.S.A. §3001.

§75-2 Purpose

The purpose of this ordinance is to require private owners of catch basins that discharge to public conveyance storm water systems to annually clean, inspect, maintain and report to the Public Works Director prior to October 1st of each year in order to protect the public storm-water infrastructure. *[Reference note The Town also has a Non-Storm Water Discharge Ordinance, Chapter 143, which prohibits non-storm water discharges into the public storm water system]*

§75-3 Definitions

- A. **Catch Basin** – An inlet designed to intercept and redirect surface waters.
- B. **Clean** – to remove all sediment, trash and any foreign object that is found.
- C. **Maintain** – to maintain the catch basin and conveyances to the public conveyance system, as designed and approved.
- D. **Private Owner/Person** – Any individual, firm, corporation, municipality, quasi-municipal corporation, State or Federal agency or other legal entity which creates, initiates, originates or maintains a Discharge of Storm Water or Non-Storm Water Discharge.
- E. **Discharge of Storm Water** – Any storm water runoff, snow melt runoff and discharge that is conveyed from private property through the use of a catch basins and piping to the municipal owned or maintained drainage systems.
- F. **Non-Storm Water Discharge** – Any discharge not composed entirely of storm water.

§75-4 Administration.

This ordinance shall be administered by the Public Works Department which shall administer, implement and enforce the provision of this ordinance and shall serve as the Enforcement Authority.

§75-5 Required Activities.

Any private owner or person who is responsible for the maintenance of a discharge of storm water or a non-storm water discharge shall be responsible for the following:

A. Compliance with any conditions of approval placed upon a site plan or subdivision approval and relating to maintenance of the storm water system for the property or for non-storm water discharge requirements.

B. Annual maintenance of a storm water system or non-storm water discharge system. Such maintenance shall include an inspection of the system to ensure that it is functioning as designed, removal of all sediment, trash and any foreign object found in the system and any other actions necessary to clean and maintain the system.

C. Submission of a written report substantially in the form required by the Enforcement Authority, a sample of which is attached as an exhibit, along with a sketch showing the location and identification of catch basins and other drainage structures. The report shall include the results of the inspection and a description of the maintenance work and any repairs undertaken. Such report shall be submitted no later than October 1 of each year.

D. Payment to the Town of a twenty-five dollar (\$25.00) filing fee plus twenty-five dollars (\$25.00) for each catch basin if the annual inspection under subparagraph B is performed by the Public Works Department; or payment of a twenty-five dollar (\$25.00) filing fee if the report is completed and signed by a certified professional engineer registered in the State of Maine.

§75-6 Violations; Penalties.

Penalties/Fines/Injunctive Relief. Any person who violates this Ordinance shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the Town's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this Ordinance also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the Town for violation of federal and State environmental laws and regulations caused by or related to that person's violation of this Ordinance; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Section.

§ 75-7 Consent Agreement.

Consent Agreement. The Enforcement Authority may, with the approval of the municipal officers, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance for the purposes of eliminating violations of this Ordinance and of recovering fines, costs and fees without court action.

§75-8 Appeal

Any person receiving Appeal of Notice of Violation. Any person receiving a Notice of Violation or suspension notice may appeal the determination of the Enforcement Authority to the Town Manager.

§ 75-9 Enforcement Measures.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or in the event of an appeal to the Town Manager within 45 days of a decision of the Town Manager affirming the Enforcement Authority's decision, then the Enforcement Authority may recommend to the municipal officers that the Town Attorney file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

§ 75-10 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, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this Ordinance.

Catch Basin Cleaning Form

Date: _____ Precipitation in the last three days? No Yes

Supervisor/Crew Leader: _____

Basin Location	Problem Identified? (Check all that apply)			Comments
	Flow	Poor Condition	Oil Sheen	