

**CITY OF ESSEX JUNCTION
CITY COUNCIL
REGULAR MEETING
MINUTES OF MEETING
November 13, 2024**

COUNCILORS PRESENT: Raj Chawla, President; Amber Thibeault; Vice President; Tim Miller, Clerk; Marcus Certa, Elaine Haney.

ADMINISTRATION: Regina Mahony, City Manager; Chris Gaboriault, Fire Chief; Susan McNamara-Hill, City Clerk, Chelsea Mandigo, Water Quality Superintendent; Jess Morris, Finance Director;

OTHERS PRESENT: Alexis Brown, Lauren Chicote, Rolenda Corrow, Paul Courtois, Jeff Dube, George Dunbar, Jocelyn Emilo, Christine Gaynor-Patterson, Gabe Handy, Shawn Handy, Pat Lynch, Bridget Meyer, Nick Meyer, Jordan Mitchell, Meghan O'Rourke, Nichole Rogerson, Brad Rubman, Brian Sheldon, Cindy Smith, Richard Smith, Jason Struthers, Saramichelle Stultz, Dennis Thibeault, Mike Thorne, Tim Tremblay, Sarah Volinsky, Jim Waite, Nick Warner, Resa.

1. CALL TO ORDER

City Council President Chawla called the meeting to order at 6:30 P.M.

2. AGENDA ADDITIONS/CHANGES

None.

3. APPROVE AGENDA

None needed.

4. PUBLIC TO BE HEARD

a. Comments from public on items not on the agenda

Brad Rubman spoke as a representative of the Autumn Pond development, which will eventually comprise 417 units once the final phase of construction is completed. He spoke about the rental registry proposal, saying that it does not seem like a practical way to monitor rental units, given the myriad types of inspections that units go through on an annual basis.

Christine Gaynor-Patterson spoke about the rental registry item. She shared an anecdote about a friend who moved into a rental unit and then discovered that it suffered from unsafe living conditions and had to move out of Essex Junction as a result. She emphasized that there need to be some measure of protections for renters to live in safe units.

5. PUBLIC HEARING

a. Public Hearing on Ordinance 8 Regulations of Motor Vehicles

City Council President Chawla opened the public hearing.

City Manager Mahony outlined the changes to the ordinance as proposed. She said the changes generally relate to the Crescent Connector and traffic pattern change coming out of Global Foundries, as well as additions around the Whitcomb Farms neighborhood.

There were no public comments.

Councilor Certa made a motion, seconded by Councilor Haney, to close the public hearing. The motion passed 5-0.

b. Public Hearing on Stormwater Management and Utility Ordinances

City Council President Chawla opened the public hearing.

Water Quality Superintendent Mandigo outlined the proposed ordinance changes, saying that some chapters are being amended, some are proposed additions to the municipal code as ordinances, and that there is also an additional stormwater utility credit manual. She noted amendments to Chapter 19 that would reference the City's stormwater ordinance rather than the Town's ordinance, and establish policies and procedures related to stormwater for the City. She noted the creation of Chapter 20 in the municipal code for stormwater management. She also noted the creation of Chapter 21, which would create a stormwater utility, outline its administration, development, and procedures, establish the residential units assigned to each parcel, form a stormwater enterprise fund, and would establish a stormwater billing and collections system and credit manual for fees for non-single-family parcels. She provided a brief description of what a stormwater utility is, how it is funded, and how it manages stormwater. She spoke about next steps, which include a second public hearing on December 11th, approving the ERU rate, and setting the next ERU rate as part of the Fiscal Year 2026 budget process.

The following public comments were received:

- Gabe Handy asked about the methodology used to calculate the stormwater fees assessed for each property. Water Quality Superintendent Mandigo replied that a consultant helped calculate the amount of impervious surface for every non-single-family residential parcel through aerial assessment. Mr. Handy expressed concern about increasing costs of doing business in Essex Junction, between tax increases and new fees such as this. Water Quality Superintendent Mandigo noted that since separating from the Town, the City needed to create its own stormwater management system and create a funding mechanism for stormwater capital that doesn't impact the General Fund, as well as create an equitable way for all parcels to contribute funds.
- Rolenda Corrow asked several clarifying questions, and Water Quality Superintendent Mandigo provided more detail, and City Manager Mahony asked Ms. Corrow to reach out to her directly with other questions regarding her specific situation.
- George Dunbar suggested having a definition of impervious surfaces articulated in the ordinance, and Water Quality Superintendent Mandigo noted that there is a definition included in Chapter 20. He asked several clarifying questions about exemptions in the ordinance, and Water Quality Superintendent Mandigo provided answers.
- Saramichelle Stultz asked if there were considerations during separation about the funds the City paid into the Town's stormwater fund, and City Council President Chawla replied that this was a negotiation item and that any capital funds remaining that were paid into the Town would remain with the Town. Ms. Stultz asked about the impacts of missing the EPA-mandated deadlines for compliance, and Water Quality Superintendent Mandigo replied that these deadlines and milestones are requirements of the federal government on the State, and that any action resulting in missing the milestones would be passed down from the State to the municipalities covered by these requirements.

Councilor Haney made a motion, seconded by Councilor Certa, to close the public hearing. The motion passed 5-0.

6. BUSINESS ITEMS

a. Discussion and Consideration of Amendments to Ordinance 8 Regulations of Motor Vehicles

City Council President Chawla made a motion, seconded by Councilor Certa, that the City Council approve the amendments to Essex Junction Municipal Ordinance Chapter 8: An Ordinance Relating to Motor Vehicle Regulations. The motion passed 5-0.

b. Discussion and Consideration of Stormwater Related Ordinances – Amendments to Ordinance 19 (Stormwater Permit Transfer), New Ordinance 20 (Stormwater Management) and New Ordinance 21 (Stormwater Utility)

Councilor Certa asked how stormwater utility formation will impact the line items related to stormwater in the FY25 General Fund budget. City Manager Mahony replied that there is currently \$230,000 in the General Fund budget for stormwater management, which is funding the bare minimum necessary to comply with regulations. She said that it isn't funding a stormwater management position, nor supporting stormwater-related capital projects, both of which are needed. She said that any stormwater utility rate for FY25 assumes the costs above \$230,000, since the \$230,000 is already included in the General Fund budget for this fiscal year. She said that any stormwater utility fee for FY25 would begin in February 2025 or later.

City Council President Chawla made a motion, seconded by Councilor Certa, to hold a public hearing at the City Council's December 11, 2024 meeting to further discuss the stormwater utility ordinances discussed at tonight's meeting. The motion passed 5-0.

c. Department Head Brief to Council, Susan McNamara-Hill, City Clerk

City Clerk McNamara-Hill began by speaking about highlights from the last six months. She noted that staff moved into the Senior Center space in July for the duration of 2 Lincoln Street renovations and that most are currently teleworking due to space constraints. She spoke about primary elections held in August, as well as the General Election held last week. She noted that all elections have generally gone smoothly, though they have experienced high turnout. She spoke about a traffic pattern change when exiting the polls that worked well and was an improvement over prior elections. Councilor Certa said that he had a very positive experience at the election, and said that he appreciated Clerk McNamara-Hill being present on site for the entirety of Election Day. Councilor Haney commended Clerk McNamara-Hill and her staff's work to run a smooth election. She also asked how residents can be prepared for the upcoming reappraisal and appeal process, and Clerk McNamara-Hill recommended that people attend the training that VLCT will put on. Councilor Miller congratulated Clerk McNamara-Hill for receiving the State Treasurer of the Year award.

d. *Recreation Advisory Committee Interviews and Consideration of Appointments

The City Council interviewed Jeff Dube, Jocelyn Emilo, Pat Lynch, Bridget Meyer, Nichole Rogerson, and Mike Thorne for seats on the Recreation Advisory Committee (RAC). Each candidate introduced themselves and spoke about their backgrounds, qualifications, and interest in serving the community on the RAC. The Council asked each candidate about their experience in the parks, what their favorite parks and park activities are, how the parks could be improved, their vision for a healthy parks department, what kinds of programming EJRP should have and offer for the community. Candidates spoke about their variety of reasons for wanting to serve on the RAC, what perspectives they could offer the RAC, and suggestions for identifying sustainable funding sources for programming. Candidates were given the opportunity to ask questions of the Council.

e. Annual Winooski Valley Parks District Presentation and Discussion

Nick Warner, Executive Director, and Lauren Chicote, Operations Manager, of the Winooski Valley Parks District, presented the WVPD Annual Report. They provided a brief overview of the District, which includes 8 municipalities and a portfolio of over 1,700 acres of permanently conserved land across 18 public parks. He said that the participating municipalities supply over 80% of the funding for the district, which is used to fund the district's three staff. He spoke about leveraging grants and a significant number of volunteers to support the district as well. He spoke about number of significant flooding events that have occurred over the last several years, noting that they have learned a lot about water resiliency through those experiences. He spoke about the properties the district is in the process of acquiring, including a 29-acre parcel owned by the Town of Williston, a parcel that would enlarge the Colchester Pond park, and working on a canoe launch with the Town of Essex.

f. Annual Town Meeting TV Presentation and Discussion

Meghan O'Rourke, Projects Director, and Jordan Mitchell, Director of Operations, of CCTV, presented the Town Meeting TV Annual Report for FY25 and budget proposal for FY26. Ms. Mitchell spoke about the coverage provided to Essex Junction over the past year, which included 38 City Council, Development Review Board, and Planning Commission meetings, as well as more general non-municipal meeting coverage. She highlighted a monthly program co-hosted by City Manager Mahony and Communications

Director Snellenberger called Junction City News, which has helped with community outreach. She noted that Town Meeting TV is funded by cable subscribers of Comcast and Burlington Telecom, and that municipal contributions help to cover other operating costs. She noted that this year, Town Meeting TV is requesting a contribution of \$14,586 for general operating funds from Essex Junction, which represents a 5% increase over the prior year. She spoke about Town Meeting TV's work to diversify its revenue sources, given that cable revenue is declining. She noted that they received legislatively appropriated funding in the prior year.

Councilor Certa asked what is being considered for additional revenue diversification, such as a broadband user fee. Ms. O'Rourke replied that they are monitoring legislation and regulatory activity at the national level that could affect funding, but that they don't have a clearer roadmap for the next ten years in this area. Other Councilors thanked Town Meeting TV staff for their work to produce municipal meeting recordings.

g. Discussion and Consideration of a Rental Registry Program

City Manager Mahony began by noting that this topic has been discussed at four City Council meetings last autumn and winter, and that a proposal did not move forward at that time. She said that it still remains important for the Council to consider a rental registry and inspection program for the City for a number of reasons. She said that staff are proposing starting with a rental registry program, which would come at no fee to property owners and landlords, and would allow the City to inventory the rentals it has in the City. She said that they could move forward with a rental inspection program in the future, once data is collected from the registry. She said that this current proposal does not include any ordinance creation or amendments. She confirmed that the software that would be used to track rentals is already available for the Fire Department to use.

City Council President Chawla added that the state may develop a statewide system in the future, which would eliminate the need for the City to have its own rental registry and inspection program, but said that the data collected from a registry would be valuable. Councilor Miller asked if the Fire Department has the capacity and budget to stand up and collect the data necessary to populate the registry. Chief Gaboriault replied that the Fire Department would begin by putting together a questionnaire of basic information about the rental properties and asking high volume landlords test it out, and then insert a flyer in next year's tax bill asking that all rental owners complete the survey. He said that this would be no-cost and would not be administratively complex. He said that this would also provide more insight into properties for improved emergency response. Councilor Certa expressed concern that this could detract from other high-priority activities and initiatives in the community, and that its ultimate goal still seems to be to inform an inspection program. Councilor Haney said that this data collection would be important for the City's development needs and for the Fire Department's ability to safely evacuate people from burning buildings. She asked about data on complaints from tenants received by the Health Officer and where that would be housed. City Manager Mahony noted that tenant complaints go directly to the state fire marshal. She said staff can provide health officer data and can reach out to the state fire marshal to see what complaint data they have received. Councilor Certa said that they need to think through what they will do with the information and data collected through a rental registry. City Council President Chawla said that this proposal seems like a good first step to obtain more detailed information on the City's rental housing stock.

The following public comments were received:

- George Dunbar asked what compliance mechanism the City will use to ensure that it has an accurate database rather than just estimates. City Manager Mahony replied that this intended initial step assumes compliance.
- Resa said that if one of the uses of the data is to determine how many individuals reside in a home for purposes of fire rescue, that is difficult to ascertain even with this survey. Chief Gaboriault said that the information in the survey is more than the City currently has, and would be good information to have when responding to an emergency at a residence.

- Rolenda Corrow suggested sending a survey to everyone (even single-family home owners) in the City to obtain the information the Fire Department says will be useful. She also asked why the City doesn't already have this information.
- Gabe Handy said the system currently isn't broken and doesn't think this proposed data collection is necessary, given the number of inspections each rental unit needs to go through.
- Jason Struthers said this is an obvious cash grab and is an attempt to incrementally implement the inspection program. He said it would represent the third-highest fee in the state and is a redundant proposal. He asked how this proposal helps the housing crisis. He asked how the Fire Department would respond differently to a call based on the collected data. He also asked what issues renters are causing in the City.
- Jim Waite asked what finite decisions will come out of this finite proposal.
- Brian Shelden said the point of this proposal is tenant safety and the City would be collecting data to know where it can be doing a better job with public safety.
- Alexis Brown noted that because the City already has around 95% of this data, this exercise would simply confirm the data that the City already has. She also spoke about the state's strong smoke detector and carbon monoxide laws. She spoke about the City's low vacancy rate. She emphasized that she supports data collection on rentals but that most landlords do not want an inspection program due to affordability.

Councilor Haney made a motion, seconded by City Council President Chawla, that the City Council authorize staff to move forward with a rental housing registry program. The motion passed 4-1 (Councilor Miller dissenting).

h. **Discussion and Consideration of an Executive Session to discuss a Contract
See #9b below.

7. CONSENT ITEMS

- a. Approve Meeting Minutes: October 30, 2024
- b. Approve Amendments to Banner Policy Application and Increase the Fee
- c. Execute the Step 1 Planning Loan for the Pump Station Improvements – River St., Maple St., West St.
- d. Approve Development Fee Schedule Amendments

Councilor Thibeault made a motion, seconded by City Council President Chawla, to approve the consent agenda with a minor change to the development fee schedule (#7d), to in the first paragraph, last sentence, remove the words "school impact fees" and delete the extra "s" at the end of the paragraph. The motion passed 5-0.

8. COUNCILOR COMMENTS & CITY MANAGER REPORT:

City Manager Mahony noted that the Library is currently working on their strategic plan and have fielded a survey and encouraged residents to take it. She said there are still several minor punch list items on the Crescent Connector project. City Council President Chawla spoke about a very positive letter received about the Public Works Department and thanked them for their service. Councilor Certa thanked the Fire Department for putting on a great lifesaving event.

9. READING FILE

- a. Check Warrant #24059 11/01/2024
- b. Regional Boards and Committees Minutes Memo
- c. October Financial Reports
- d. Property Valuation and Review Letter from VT Department of Tax and Form RA-308
- e. Reappraisal November 2024 Update and Timeline
- f. Lead Service Line Inventory Notification Letters
- g. Bike Walk Advisory Committee 10/22/2024

h. Police Community Advisory Board Minutes 10/15/2024

10. **EXECUTIVE SESSION**

a. *An Executive Session may be needed for the appointment of public officials
None.

b. **An Executive Session may be needed to discuss a Contract

Councilor Certa made a motion, seconded by City Council President Chawla that the City Council make the specific finding that premature disclosure of the contractual matters would place the city at a substantial disadvantage. The motion passed 5-0.

Councilor Certa made a motion, seconded by City Council President Chawla, that the City Council enter into executive session to discuss a contract, pursuant to 1 V.S.A. § 313(a)(1)(A) to include the City Council, City Manager, and Mark Brislin, EJRP. The motion passed 5-0.

Councilor Thibeault made a motion, seconded by City Council President Chawla, to exit executive session. The motion passed 5-0 at 10:59 P.M.

11. **ADJOURN**

Councilor Thibeault made a motion, seconded by City Council President Chawla, to adjourn the meeting. The motion passed 5-0 at 10:59 P.M.

Respectfully Submitted,
Amy Coonradt

**CITY OF ESSEX JUNCTION, VT
MUNICIPAL CODE
CHAPTER 8
AN ORDINANCE RELATING TO MOTOR VEHICLE REGULATIONS**

ALL ORDINANCES CONTROLLING ITEMS OF STREET PARKING, STOP SIGNS, TRAFFIC LIGHTS, SPEED LIMITS, AND ETC. HAVE BEEN COMBINED UNDER THIS CHAPTER.

SECTION 801. PARKING:

There shall be no parking of motor vehicles, of any kind, within the public right-of-way on either side of the following named public streets and described areas:

Brickyard Road - from Main Street in an easterly direction for a distance of 225 feet to Sugartree Lane and from the east entrance of East Creek Condominiums to the east entrance of #60 Brickyard Road.

Crestview Road - from Main Street in a westerly direction for a distance of 100 feet.

Mill Street - its entire length.

Robinson Parkway - its entire length.

Hillcrest Road - from its intersection with Prospect Street for a distance of 90 feet in a southerly direction (1/28/03).

Iroquois Avenue - westward 60 feet from Park Street.

Lincoln Street - from the 5 corners to Lincoln Place.

Lincoln Terrace - its entire length.

Main Street - From Five Corners northeasterly for 100 feet; Southwesterly of the railroad tracks for a distance of 100 feet; northeasterly of the railroad tracks for a distance of 290 feet; 25 feet west of Pleasant Street to the City limits.

Memorial Way - its entire length.

Maple Street - its entire length.

Park Street - on the west side, from the Five Corners for 600 feet (after the driveway of 27 Park Street). On the east side of Park Street, from the Five Corners to the southerly railroad tracks. (adopted 4/10/90) (Amended Sept. 2024)

Park Terrace - its entire length.

Pearl Street - its entire length.

Prospect Street - westward 200 feet from Lincoln Street.

River Street - its entire length.

Rivendell Drive - within 200' of Maple Street.

South Summit Street - from Pearl to the railroad tracks.

Summit Street - north of Pearl on the west side and on the easterly side from the main entrance of Summit Street School to the driveway of #19 Summit Street. (amended 4/27/99).

SECTION 802:

There shall be no parking of motor vehicles, of any kind, within the public right-of-way on the side of the street so designated on the following streets:

Beech Street - on the west side of the street extending 20' on either side of the curb cut for Sweetwater Lane and the Countryside Pool.

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Church Street - on the east side, beginning at the church driveway and extending northerly to Main Street.

Church Street - on the west side from Main Street in a southerly direction for a distance of 100 feet.

Grove Street - on the westerly side between Central and Main Street.

Hiawatha Avenue - on the west side from Owaissa Ave. to Nahma, and on the east side from the north property line of 26 Hiawatha to the fire hydrant in front of Hiawatha School, between the hours of 7:30 - 8:30 a.m. and 2:30-3:30 p.m. when school is in session. The School Department has the authority to post this area as a no parking zone during evening assemblies. Residents of the west side of Hiawatha are exempt from this ordinance. (adopted Jan. 12, 1993, amended 8/28/07)

Lincoln Street - on the west side from the 5 corners to 210 feet north of Lincoln Terrace.

Lincoln Street - on the west side from Prospect Street to a point northerly for a distance of 125 feet.

Lincoln Street - on the west side for a distance of twenty-five feet north of the driveway at 44 Lincoln Street.

Maplewood Lane - on the westerly side of within 500 feet of its intersection with Maple Street.

Park Street - on the west side for a distance of 87 feet at the corner of Iroquois Avenue in front of 47 Park Street. (adopted 10/27/92)

Prospect Street - on the north side from Hillcrest to Lincoln Street. On the south side from the intersection of Summit Street to the westerly end of the property line for 36 Prospect Street, between the hours of 2PM and 3:30 PM Monday through Friday from August 15th through June 30th of the following year (Amended 1/28/03).

Railroad Street - on the east side.

School Street - north of Pearl Street on the east side, from Pearl Street in a northerly direction on the west side for a distance of 200 feet between the hours of 7-9 a.m. and 2:30 - 6 P.M., on the south side of Pearl Street on the east side from Pearl Street to Park Terrace and south of Pearl Street on the west side for a distance of 70 feet.

South Street - on the north side from West Street to Nahma Avenue.

SECTION 803. LIMITED TIME PARKING:

Central Street: There shall be a fifteen (15) minute parking limit between Lincoln Street and the railroad tracks (Amended 10/28/03).

Lincoln Place: There shall be a parking limit of 1 hour on both sides of Lincoln Place from 8:00 a.m. to 5:00 p.m. and a parking limit of 2 hours on both sides of Lincoln Place from 5:01 p.m. to 7:59 a.m. with the exception of 1 parking space at the curb cut on the north side behind 22 Railroad Avenue, and the 9 parking spaces on the North side east of Lincoln Street and the driveway between the Federal Building and 22 Railroad Avenue.

Main Street: There shall be a parking limit of one hour on both sides of Main Street from Pearl Street, northeast to the railroad tracks. In addition to the above 1-hour limit, the two parallel parking spaces located northeast of Memorial Way on Main Street shall be designated "No Parking Midnight to 9 A.M.". (amended 11/09/93 & 5/14/02)

Park Street: There shall be a one-hour parking limit on the westerly side between Iroquois Avenue and the driveway opening for 37 & 39 Park Street. (added 9/26/06)

Railroad Avenue: There shall be a parking limit of 1 hour on both sides of Railroad

Commented [RM1]: Removed limited parking in front of 34 Park St.

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Avenue from 8:00 a.m. to 5:00 p.m. and a parking limit of 2 hours on both sides of Railroad Avenue from 5:01 p.m. to 7:59 a.m. This ordinance shall apply to all sections of Railroad Avenue between Central Street and Main Street, with the following exceptions:

(1) There will be No Parking on the eastern side of Railroad Avenue from Central Street south for a distance of 140'; this area shall be for "Bus Parking Only", and.

(2) For that portion of Railroad Avenue located on the eastern side of Railroad Avenue which lies between the Railroad Station and a point which is 185' north of Main Street there shall be no parking restrictions.

(3) Commercial Exemption: Those businesses on Railroad Avenue which can demonstrate that the nature of their business requires that heavy items be moved from a business vehicle to the store throughout the day can apply to the Council for a maximum of one permit which would exempt them from the one-hour day time parking limit on Railroad Avenue. This permit would be good for one year and would be subject to revocation by the City Manager for cause.

Summit Street: There shall be a 15-minute parking limit on the easterly side from the Summit Street School's southerly driveway to the main entrance of Summit Street School during the hours of 7:30 a.m. to 4:30 p.m., Monday through Friday, from September 1 through June 15. (amended April 27, 1999)

SECTION 804. RESIDENT ONLY PARKING:

No person shall park any vehicle, except vehicles with a valid residential parking permit and clearly identifiable service or delivery vehicles, on any street designated as residential parking.

(a) Streets designated as residential parking at all times include:

1. Old Colchester Road (from North Street to the Town of Essex line)

(b) Streets designated as residential parking Monday through Friday, 7:00 AM to 3:00 PM, September 1st through July 1st include:

1. Drury Drive

2. Drury Drive Extension;

3. Upland Road;

4. Meadow Terrace;

5. Brookside Avenue;

6. Crestview Road;

7. Grove Street (between North Street and Central Street);

8. North Street.

(c) The City Clerk shall annually issue two residential parking permits for each Dwelling Unit on a designated street. A Dwelling Unit shall mean a dwelling structure, or portion thereof, designed, constructed or used as living quarters for one family persons, and which includes facilities for food preparation, sleeping and sanitation.

(d) Residential parking permits shall be displayed on the left-hand side of the dashboard of any vehicle parked in the street that requires a residential parking permit during the times described above in Section 804 (a) and (b) period listed in subsection (a).

(e) Vehicles parked as permitted under this section shall be subject to all other parking requirements of the City of Essex Junction Municipal Code.

Section 804 adopted by Trustees October 13, 1998, amended 10/25/00, and 7/11/06 and XX/XX/2024.

SECTION 810. OTHER PARKING RESTRICTIONS:

- (a) There shall be no parking at any time on any street within the 20 feet of an intersection with another street or designated crosswalk unless otherwise provided.
- (b) There shall be no parking at any time within 6 feet of any fire hydrant.
- (c) There shall be no parking at any time to block any portion of a public sidewalk.
- (d) There shall be no parking, on any public highway, in any manner, so that the parked vehicle would prevent the passage of fire trucks, rescue or other emergency vehicles.
- (e) There shall be no parking at any time within any public street wherein the driver's side of the vehicle is next to the property, sidewalk, curb, or road edge, except on one-way streets.
- (f) There shall be no parking, at any time, on any City Street blocking any designated driveway or part thereof.
- (g) No person shall park or leave unattended a vehicle of any type in any designated fire lane or bike lane.

SECTION 815. WINTER PARKING BAN:

No person shall ~~between the hours of 12 midnight and 7:00 a.m.~~ park or leave unattended a vehicle of any type on any street, road, or right-of-way in the City of Essex Junction ~~from during the period~~ December 1 through April 1, ~~1 of the next year between the hours of 12 midnight and 7:00 a.m.~~

SECTION 818. CITY PARKING LOTS:

The following regulations shall apply to parking lots operated by the City:

- (a) The City Council may, by resolution, designate not more than 50% of the parking spaces in any lot as "Reserved" and establish fees for the use of RESERVED parking spaces.
- (b) Any parking space designated as "Reserved" will be clearly marked and will be unavailable for public parking at all times. "Reserved" spaces shall not be sublet.
- (c) The City Council, or their designee, may authorize the use of RESERVED parking spaces by specific individuals upon payment to the City of the established fee. Such individuals must display a parking permit issued by the City when using a RESERVED parking space.
- (d) No parking shall be permitted in City parking lots between the hours of Midnight and 6 a.m. The Council may exempt designated spaces from this limitation. (Adopted 10/12/93)

SECTION 820. TEMPORARY PARKING BAN:

No person shall park or leave unattended a vehicle of any type on any street, road, or right-of-way in the City of Essex Junction that has been closed for the purpose of cleaning, clearing, oiling, repairing, surfacing a street, ~~S~~special ~~E~~vents, parades, or pruning or removing trees. The City Public Works, Essex Junction Fire, or Essex Police departments may close such a street to the parking of vehicles by causing signs to be posted thereon in conspicuous locations indicating the prohibition of parking thereon and the hours the parking ban is in effect. For the purposes of this Section, "~~S~~special ~~E~~vents" shall include, but not be limited to, the

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Annual City Block party and the Five Corners Farmers Market.

SECTION 825. VIOLATION DEEMED NUISANCE – NOTICE, TOWING & CHARGES:

- (a) The parking or leaving any vehicle in violation of this Chapter is hereby declared to be a public nuisance.
- (b) ~~The fact that a vehicle which is illegally parked is registered in~~ In any matter, proceeding, notice, hearing or violation where proof of ownership of a vehicle is required under this Chapter, the name of the person, rental agency or company to whom the vehicle is registered ("Registrant") shall serve as prima facie proof of evidence that such person, rental agency or company Registrant was in control of the automobile at the time of the violation such notice.
- (c) ~~It shall be sufficient notice of a~~ violation notice for a law enforcement officer to shall be issued by law enforcement in writing leave written notice on an official form securely attached to ~~on~~ the vehicle, and indicate the following: ~~ing~~ the specific nature of violation; the time of the violation; ~~the~~ and date of the violation; the location of the violation; and the registration number of the vehicle, and such other information as ~~seems~~ the issuing officer deems appropriate.
- (d) "Parking," in this Chapter for these purposes, shall means leaving a vehicle at rest with or without an operator in attendance unless otherwise provided.
- (e) The Public Works Department, or Fire Department of the City of Essex Junction, or any lawful police official within the State of Vermont, are hereby authorized to remove and tow away, or have removed and towed away, by commercial towing service, any vehicle illegally parked in any place where such parked vehicle violates in violation of this Chapter, creates or constitutes a public nuisance, or where such vehicle creates or constitutes causes a traffic hazard, blocks the use of fire hydrants, obstructs or may obstruct the movement of emergency vehicles, or interferes with the free flow of traffic or has three or more unpaid violations. In addition to towing, a police officer may issue a ticket in accordance with as described in sub-section (g) below.
- (f) A vehicle so towed away to storage under the provisions of for violation of this Chapter may be redeemed by the its owner of the vehicle upon the payment of all towing charges, fees, storage charges, or other expenses incurred in the moving of the vehicle, except that the charge of towing each vehicle shall not exceed an amount as established by the City Manager. The operator of the commercial towing service may hold such vehicle until such charges have been paid. In addition, any vehicle towed due to three or more outstanding violations shall be required to pay all fines prior to their vehicles being released to them by the commercial towing service.
- (g) Any person who violates at the provisions of this Chapter may be ticketed Twenty-Five Dollars per violation (\$25.00) for such offense by any lawful police official of the state of Vermont as listed below:
Twenty-five dollars per violation

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(h) ~~Under certain circumstances (i.e. in order to clear streets for special events) the City may choose to have a vehicle towed to a location other than a commercial storage facility and may elect to choose to bear the cost of such towing (i.e. to clear streets for special events).~~

(i) ~~The provisions of this chapter are declared to be separable in that any provision declared to be invalid shall not affect the validity of the remaining provisions.~~

SECTION 830. ONE WAY STREETS:

It is hereby prohibited to operate a vehicle, motorcycle or other form of common conveyance in the following directions on the following streets or roads:

(a) ~~Operation of any type of vehicle, motorcycle, or other form of common conveyance in an easterly direction on the road between Lincoln Street and Main Street~~ On Memorial Way in front of

~~TD Bank shall be prohibited;~~

(b) ~~Operation of any type of vehicle, motorcycle, or other form of common conveyance in a southerly direction on Summit Street; is hereby prohibited.~~

(c) ~~Operation of any type of vehicle, motorcycle, or other form of common conveyance in a westerly direction on Prospect Street between Lincoln and Summit Streets; is hereby prohibited.~~

(d) ~~Operation of any type of vehicle, motorcycle, or other form of common conveyance in a northerly direction on School Street, north of Pearl Street between Pearl Street and Lincoln Terrace; is hereby prohibited.~~

(e) ~~Operation of any type of vehicle, motorcycle, or other form of common conveyance in an easterly direction on Lincoln Place between Railroad Street and Lincoln Street; is hereby prohibited. (amended 3/14/06)~~

(f) ~~Operation of any type of vehicle, motorcycle, or other form of common conveyance in an easterly direction on Park Terrace from School Street for 245 feet east; (adopted 4/10/90)~~

(g) ~~Operation of any type of vehicle, motorcycle, or other form of common conveyance in a westerly direction on Mill Street is hereby prohibited. (adopted Nov. 24, 1993; and)~~

(h) ~~Operation of any type of vehicle, motorcycle or other form of common conveyance in a southerly direction on Ivy Lane between Main Street and Central Street is hereby prohibited. (Adopted on Nov. 9, 1993, amended 6/24/03.)~~

Commented [RM2]: River Street has been removed

On the streets of Essex Junction designated as one-way streets and, on those streets, where, by appropriate pavement or street markings, more than one lane of traffic is designated in the same direction, it shall become lawful to overtake, and pass said vehicle proceeding in the same direction on either side thereof. The operator of any such vehicle, upon any such street shall, before turning his vehicle from one traffic lane into another traffic lane, indicate by hand signal or directional light, his intentions so to do, and shall turn into the other lane only after using due care and caution to avoid accidents. When traffic lanes are so marked to indicate their use for a right turn only, left turn only, through traffic only, or a combination of the above of same, no person shall operate a vehicle except in the direction so indicated by such markings. ~~Proper notice on the streets as indicated above shall be accomplished so that the operator of any vehicle, motorcycle, or other form of common conveyance, may be aware of the provisions of this Ordinance.~~

SECTION 835: BICYCLE PATH

No motorized vehicle of any type shall operate on any bicycle lane or path, trail or sidewalk or municipal open space, except for a vehicle entering or exiting a driveway (with the understanding that motorists shall yield to pedestrians or bicyclists using the bike path). (Amended 11/14/00, 10/23/01, 6/10/03, & ~~09~~XX/XX/2024)

Commented [RM3]: Reference to specific roadways were removed

SECTION 840: PROHIBITED RIGHT-HAND TURNS

(a) No Vehicle of any type, motorcycle or other form of common conveyance shall make a right-hand turn at any time at the following locations:

(1) ~~The~~ stop bar at the Five Corners from Main Street onto Lincoln Street. (adopted June 22, 1993), ~~and~~

(2) From River Street onto Stanton Drive.

(b) No Vehicle of any type, motorcycle or other form of common conveyance shall make a right hand turn at times when an illuminated sign indicating NO TURN ON RED is displayed to drivers at the following locations:

(1) ~~F~~rom Pearl Street onto Park Street (at the Five Corners Intersection);

(2) ~~F~~rom Park Street onto Maple Street (at the Five Corners Intersection);

(3) ~~F~~rom Maple Street onto Main Street (at the Five Corners Intersection);

(4) ~~F~~rom Lincoln Street onto Pearl Street (at the Five Corners Intersection);

(5) ~~From Railroad Street onto Park Street;~~

(6) ~~F~~rom South Summit Street onto Pearl Street, ~~and~~

(7) ~~F~~rom Pearl Street onto South Summit Street.

(Subsection b, 1-4 & 6-7 adopted 3/14/00, 5 adopted XX/XX/2024)

SECTION 841: PROHIBITED LEFT-HAND TURNS:

(a) No Vehicle of any type, motorcycle, or other form of common conveyance shall make a left-hand turn at any time at the following locations:

(1) ~~F~~rom the westbound lane of Pearl Street between the ~~A5~~-Five Corners ~~@~~ (intersection of Routes 15, 2A & 117) and a point 155 feet westerly of the intersection of Pearl and Park Streets;

(2) ~~F~~rom Main Street into the driveway between 4 and 10 Main Street. (adopted 4/10/90);

(3) ~~A~~t the Five Corners from Main Street onto Maple Street. (Adopted 4/10/90);

(4) ~~F~~rom the Park Street driveway of 1 Maple Street onto Park Street. (Adopted 12/9/97), ~~and~~

(5) ~~F~~rom ~~Maple Street onto Park Street.~~ adopted XX/XX/2024

SECTION 846: SPEED LIMITS

No vehicle of any type, motorcycle or other form of common conveyance shall be operated at a speed in excess of that listed below and posted on the streets named. The speed limit on the following streets shall be 25 mph with exceptions noted with an asterisk*:

ABNAKI AVENUE	ATHENS DRIVE	BROWNELL DRIVE
ACORN CIRCLE	BEECH STREET	CAMP STREET
ADAMS CT	BRIAR LANE	CASCADE COURT
ALGONQUIN AVENUE	BRICKYARD ROAD	CASCADE STREET
ARLINGTON STREET	BROOKS AVENUE	CASCADNAC AVENUE
ASPEN DRIVE	BROOKSIDE AVENUE	CENTRAL STREET

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CHEROKEE AVENUE	KILN ROAD	RAILROAD STREET
CHERRY STREET	KILN ROAD EXT	REDWOOD TERRACE
CHURCH STREET	LAMOILLE STREET	RIVENDELL DRIVE
CLEMS DRIVE	LAVOIE DRIVE	RIVER STREET ****
CORDUROY ROAD	LINCOLN PLACE	ROSEWOOD LANE
COUNTRYSIDE DRIVE	LINCOLN STREET *	ROSCOE COURT
CREE AVENUE	LINCOLN TERRACE	ROTUNDA AVENUE
CRESTVIEW ROAD	LOUBIER DRIVE	SCHOOL STREET
CURTIS AVENUE	MAIN STREET **	SENECA AVENUE
CUSHING DRIVE	MANSFIELD AVENUE	SEWAGE TREATMENT
DENSMORE DRIVE	MAPLE STREET	PLANT ROAD
DOON WAY	MAPLEWOOD LANE	SILVERBOW TERR
DRURY DRIVE	MASON ROAD	SOUTH STREET
DUNBAR DRIVE	MCGREGOR STREET	SOUTH HILL DRIVE
EAST STREET	MEADOW TERRACE	S. SUMMIT STREET
EAST WILLIAMS ST	MEMORIAL WAY	SOUTHVIEW ROAD
EDGEWOOD DRIVE	MILL STREET	STANTON DRIVE
EDUCATIONAL DRIVE	MOHAWK AVENUE	SUGARTREE LANE
ELM STREET	MURRAY ROAD	SUMMIT STREET
FAIRVIEW DRIVE	NAHMA AVENUE	SYCAMORE LANE
GILES DRIVE	NORTH STREET N.	TAFT STREET
GRANDVIEW AVENUE	HILLCREST ROAD	TAMARACK DRIVE
GRANT STREET	OAK STREET	TYLER DRIVE
GREENWOOD AVE	OLD COLCHESTER	UPLAND ROAD
GROVE STREET	ONEIDA AVENUE	VALE DRIVE
HAWTHORN CIRCLE	ONONDAGA AVENUE	VILLA DRIVE
HAYDEN STREET	ORCHARD TERRACE	WARNER AVENUE
HIAWATHA AVENUE	OWAISSA AVENUE	WAVERLY STREET
HILLCREST ROAD	PARK AVENUE	WENONAH AVENUE
HUBBELLS FALLS DR	PARK STREET	WEST STREET
HURON AVENUE	PARK TERRACE	WEST STREET EXT.
IROQUOIS AVENUE	PEARL STREET ***	W. HILLCREST ROAD
JACKSON STREET	PINE COURT	WILKINSON DRIVE
JONES AVENUE	PLEASANT STREET	WILLEY'S COURT
JUNIPER RIDGE RD	POPLAR COURT	WILLIAMS STREET
KETCHAM DRIVE	PROSPECT STREET	WOODS END DRIVE
KILLORAN DRIVE	RAILROAD AVENUE	WRISLEY STREET

* Lincoln Street., from the five corners the limit shall be 25 mph, from North Street to the City limit, the limit shall be posted by the Vermont Agency of Transportation.

** Main Street, from the Five Corners to the Indian Brook, the limit shall be 25 mph, from Indian Brook to the City limits the limit shall be 30 mph. (amended April 14, 1998)

*** Pearl Street, from the Five Corners to 110 Pearl Street (Wendy's restaurant), the limit shall be 25 mph in both directions. In the westbound direction, from 110 Pearl St (Wendy's restaurant) to West Street Extension, the limit shall be 30 mph. From West Street Extension to Susie Wilson Road in the westbound direction, the limit shall be 45 mph. In the eastbound direction

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from Susie Wilson Road to approximately 300 feet west of West Street Extension, the limit shall be 45 mph. From approximately 300 feet west of West Street Extension to Warner Avenue in the eastbound direction, the limit shall be 35 mph. From Warner Avenue to 110 Pearl St (Wendy's restaurant) in the eastbound direction, the limit shall be 30 mph.
**** River Street, the limit shall be 35 mph.

SECTION 847:

Emergency vehicles while in the performance of an emergency are exempt from the provisions of this Ordinance.

SECTION 848: STOP SIGNS

The operator of any vehicle, motorcycle, or other form of common conveyance shall come to a full stop before entering any intersection from any street, avenue, or road upon which there is a stop sign facing in his/her direction. The operator shall not proceed until the intersection is clear.

Stop signs shall be erected on the streets, avenues, and roads at intersections listed below:

On Abnaki Avenue (on both sides) @ South Summit St.

On Algonquin Avenue (on both sides) @ Iroquois Ave.

On Adams Court @ West Street

On Aspen Drive @ Beech Street (both intersections)

On Athens Drive @ Main St.

On Beech Street (on both sides) @ Countryside Drive

On Briar Lane (westerly intersection) @ Rosewood Lane

On Brickyard Road @ Main St. and @ Corduroy Rd.

On Brooks Avenue @ Villa Drive and @ Warner Ave.

On Brownell Drive @ West St.

On Camp Street @ Maple St.

On Cascade Court @ Cascade St.

On Cascade Street @ Park Street and

At Cascade Street On road from Wastewater Treatment Plant.

On Central Street @ Lincoln Street and @ Educational Ctr Dr.

On Central Street (on both sides) @ Grove Street

On Cherokee Avenue (on both sides) @ South Summit St.

On Cherry Street (on both sides) @ South Summit St.

On Cherry Street @ the Merchants Bank Driveway

On Church Street @ Main St. and @ East St.

On Clems Drive @ West St.

On Corduroy Road @ Beech St. and @ Briar Lane.

On Countryside Drive @ Brickyard Rd and at the north intersection with Beech Street.

On Crestview Road @ Drury Drive and @ Main St.

On Cushing Drive @ Lavoie Drive

On Curtis Avenue @ Pearl St.

On Densmore Drive @ Main St. and @ Brickyard Rd.

On Doon Way @ South St.

On Drury Drive @ Educational Center Drive

On Dunbar Drive @ Cushing Drive

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On East Street @ Maple St. and @ Pleasant St.
On Educational Center access road @ Old Colchester Rd.; Main St.; Drury Dr; and Central St.
On Elm Street @ Maple Street
On Fairview Drive @ Main Street
[On Giles Drive @ Cascade Street](#)
On Grant Street @ Maple St. and @ Jackson St.
On Greenwood Avenue @ Cascade Ct.
On Grove Street (on both sides) @ Central St.
On Grove Street @ North St. and @ Main St.
On Hawthorn Circle (both intersections) @ Fairview Drive
On Hayden Street @ West Street
On Hayden Street @ the southerly intersection of Wilkinson Dr
On Hiawatha Avenue @ West Street
On Hillcrest Road @ Pearl St. and @ Prospect St.
On ~~Hubbell~~=sHubbells Falls Road @ Beech Street and @ Juniper Ridge Road
On Huron Avenue @ West Street and @ Mohawk Avenue
On Iroquois Avenue @ South Summit St.
On Jackson Street @ exit from public Works Complex
On Juniper Ridge Road @ Fairview Drive
[On Ketcham Drive @ Giles Drive](#)
On Killoran Drive @ West St.
[On Kiln Road Ext @ Kiln Road and @ Woods End Drive](#)
On Kings Court @ Maple St.
[On Lavoie Drive @ South Street and @ Dunbar Drive](#)
On Lamoille Street @ East St.
On Lincoln Place @ Railroad Ave.
On Lincoln Terrace @ Lincoln St. and @ School St.
On Locust Lane @ Hubbell=s Falls Drive
On Main Street @ Ivy Lane Parking Lot.
On Mansfield Avenue @ Maple St. and @ Brickyard Rd.
On Maplewood Lane @ Maple St.
On MacGregor Street @ Jackson St.
On Meadow Terrace @ Drury Drive
On Mohawk Avenue @ South Summit St.
On Nahma Avenue @ South St.
On North Street @ Central St., Lincoln St., and Grove St.
On North Hillcrest Road @ Hillcrest Rd.
On Oak Street @ Maple St.
On Old Colchester Road @ North Street.
On Orchard Terrace @ South St.; @ Iroquois from either direction.
On Owaissa Avenue @ Hiawatha Avenue
On Park Avenue @ Pleasant Street.
On Park Terrace @ Park St. and @ School St.
On Pleasant Street @ Main St. and @ Mansfield Ave.
On Prospect Street @ Lincoln St.
On Railroad Avenue @ Central St. and @ Main Street

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At Railroad Avenue On the fire lane between 4 & 8 Railroad Ave.
On Railroad Street @ Main Street
On Redwood Terrace @ at Cascade Court
On Rivendell Drive @ Maple St. and @ Briar Lane
On Roscoe Court @ West Street
On Rosewood Lane (at the easterly end) @ Briar Lane and @ Mansfield Ave.
On School Street @ Pearl St. from either direction
On School Street @ Lincoln Terrace (to stop vehicles traveling
from the Holy Family church parking lot).
On Seneca Avenue (both sides) @ South Summit St.
On Sewage Treatment Plant Road @ Cascade Street
On Silver Bow Terrace @ Park St.
On South Street (east and west bound) @ West St. and @ South St.
On South Hill Drive @ Southview Rd. & @ Redwood Terrace (both sides)
On South Summit Street @ West Street.
On Southview Road @ South St. and @ Redwood Terrace
On Stanton Drive @ River St.
On Summit Street @ Prospect St.
On Sugartree Lane (both intersections) @ Brickyard Rd.
On Sycamore Lane (both intersections) @ Juniper Ridge Road
On Taft Street @ Main Street
On Tamarack Drive @ Beech Street (both intersections)
On Tyler Drive @ Wilkinson Drive (both intersections)
On Upland Road @ Drury Drive
On Vale Drive @ Brickyard Rd and @ Countryside Drive
On Warner Avenue @ Pearl St.
On Wenonah Avenue @ West Street
On West Street @ South Street and at the northerly intersection with West Street Ext. (to stop
cars approaching from the dead-end section of West Street).
On West Street Extension @ West Street.
On West Hillcrest Road @ Pearl Street
On Wilkinson Drive @ South Street and @ the northerly intersection of Hayden Street
On Willeys Court @ Pearl Street.
On Williams Street @ Willeys Court
On Woods End Drive @ Rivendell Drive and @ Briar Lane
On Wrisley Court @ Wrisley Street
On Wrisley Street @ Jackson St.

SECTION 849: TRAFFIC LIGHTS

Any person operating any type of vehicle, motorcycle, or other form of common conveyance shall, when coming upon an intersection wherein there is installed traffic control lights, facing in their direction, adhere to said device as follows:

- (a) If the traffic light is a single light unit showing only amber or yellow or is a unit that is blinking only amber or yellow, proceed with caution through the intersection.
- (b) If the traffic light is a single light unit with the red-light blinking, stop, then proceed with caution through the intersection.

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- (c) If the traffic light is showing green, proceed through the intersection.
- (d) If the traffic light is a multi-light device and is showing amber prior to entering the intersection, said individual shall cause such vehicle to stop. If the vehicle has already entered the intersection under an amber condition, said person and vehicle shall proceed with caution. If this traffic light is showing red, then said person shall cause said vehicle to come to a full stop until said device changes to green.

SECTION 850:

Permanent traffic control lights are authorized at the following intersections:

- (a) The intersection of Park and South Streets.
- (b) The intersection of Maple, Pearl, Park, Lincoln and Main Streets, commonly referred to as the Five Corners.
- (c) The intersection of Pearl and South Summit Streets.
- (d) On Pearl Street at the entrance to the shopping centers on either side.
- (e) The intersection of West and Pearl Street.
- (f) The intersection of Pearl Street and Susie Wilson Road.
- (g) The intersection of Maple Street and Railroad Street.
- (h) The intersection of Main Street (Route 15), Crestview, and Brickyard Road.
- (i) On Maple Street at the intersection of Maple Street Extension and Robinson Parkway.
- (j) The intersection of Park Street and Railroad Street.
- (k) On Park Street at the intersection of Iroquois Avenue and Franklin Street.

Other traffic control devices of a mobile or portable nature may temporarily be utilized by the Police Department for emergency situations as they deem necessary.

SECTION 851:

Any person who violates the provisions of this ~~Ordinance~~ Chapter may receive a Vermont Civil Violation Complaint or be issued a municipal ticket for Twenty Five Dollars (\$25.00) or any other amount as authorized by or set forth in Title 23 of the Vermont Statutes Annotated ~~(edited)~~ for said offense by any local lawful police official or any other Vermont law enforcement agency authorized to enforce vehicular laws. Appeals, adjudication and payment of tickets shall be handled in ~~to~~ the Vermont Traffic and Municipal Ordinance Judicial Bureau.

SECTION 852: PROHIBITION OF TRUCKS

Motor trucks with a registered vehicle weight in excess of sixteen thousand pounds (16,000 lbs.) shall be prohibited from the following streets in the City:

Cherry Street	North Street
Crestview Road	Park Terrace
Curtis Avenue	School Street
Drury Drive	South Summit Street
Grove Street	South Street, from Park Street to West
Iroquois Avenue, from Park Street	Summit Street
to South Summit Street	West Street and West Street Extension
Lincoln Terrace	

This article shall not apply to motor trucks making deliveries to or from properties

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located on such streets or emergency vehicles. This exemption shall also apply to motor vehicles originating from properties located on such streets.

Note: Pursuant to the provisions of 23 V.S.A. Sec. 1042, this ordinance received approval from the Secretary of Transportation on June 13, 1990. (effective July 21, 1990)

SECTION 853. PROHIBITED PASSING:

On Main Street in an easterly direction beginning at Brickyard Road to 161 Main Street.

SECTION 855:

Each of the provisions of this Ordinance are severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

CITY OF ESSEX JUNCTION, VT**MUNICIPAL CODE****CHAPTER 19****ORDINANCE ESTABLISHING STORMWATER PERMIT TRANSFER AUTHORITY
FOR EXPIRED AND UNPERMITTED DISCHARGES TO IMPAIRED WATERWAYS****SECTION 1901. BACKGROUND**

- A. Adopted on July 22, 2014, as Chapter 19 in the City of Essex Junction Municipal Code, to establish and transfer responsibility for the State of Vermont issued Department of Environmental Conservation authorization to discharge permits under general stormwater permits and for unpermitted discharges to impaired waterways within the City of Essex Junction.
- B. The Vermont Agency of Natural Resources Department of Environmental Conservation (“DEC”) issues Authorization to Discharge Permits under General Permits for area or site-specific stormwater discharges to applicants, including municipalities, private parties, and shared stormwater systems involving both privately owned and publicly owned components.
- C. Valid stormwater system discharge permits have been issued by the DEC for projects in the non-impaired and impaired waterways within the City, and the City has accepted full responsibility for such permits when it involves public infrastructure.
- D. As of the adoption of Chapter 19 of the Municipal Code on July 22, 2014, valid stormwater system discharge permits have not been issued to expired stormwater permit holders in the impaired waterways due to the inability to legally authorize, under State law, renewal of the previously issued Authorization to Discharge Permits.
- E. Current responsibility for previously issued expired stormwater permits and valid stormwater system discharge permits in the impaired watersheds in the MS4 area varies widely. In some cases, there is a well-defined chain of responsibility from the “owner” of the original permit to the current permit holder. In other cases, permit responsibility is either poorly defined or non-existent notwithstanding that permit responsibility runs with the land. Some expired and valid (permit) discharges are defined in the original permit as directly to a stream or waterbody; in others, they are defined as being directed to or connected to a shared stormwater system.
- F. Pre-existing unpermitted stormwater discharges occur within the impaired and non-impaired waterways. These discharges were either never issued permits or the discharges occurred before DEC began issuing discharge permits. Pre-existing unpermitted stormwater discharges into impaired waterways shall obtain legal coverage under the MS4 general permit in the manner outlined in this Ordinance.
- G. The City of Essex Junction regulates stormwater discharges through its Municipal Code.

SECTION 1902. PURPOSE

- A. The City seeks to develop consistent policies and procedures for the determination of stormwater permit responsibility for both valid stormwater system discharge permits, and expired stormwater permits, and to establish minimum requirements for the transfer of expired and future new permit responsibility by and between the appropriate parties.
- B. The City's MS4 responsibility for the operation, repair, and maintenance of stormwater infrastructure extends only to public stormwater infrastructure and proportional shared responsibility on shared stormwater systems. The City may accept permit responsibility if determined by the appropriate legislative body to be in the City's best interest. Factors to be considered when determining whether acceptance of permit responsibility is in the City's "best interest" include, but are not limited to, whether improved water quality is not otherwise obtainable without additional City participation, potential cost savings to the City, or provision of land or easements for treatment or storage of stormwater for shared systems. The non-public contributing stormwater permittee shall be responsible for the operation, maintenance, repair, replacement, and upgrade of the non-public infrastructure unless the City determines that accepting some or all of this responsibility is in its best interests as defined above.

SECTION 1903. AUTHORITY

For purposes of this Ordinance, the "appropriate legislative body" for the City is the City Council.

SECTION 1904. DEFINITIONS

"Authorization to Discharge Permits" shall mean permits issued by the State of Vermont to discharge stormwater into receiving water bodies, which may or may not be valid permits at the time of adoption of this Ordinance.

"Best Management Practices" or "BMPs" shall mean any structural or non-structural site improvements recognized as the most effective and practical means to prevent and reduce stormwater volumes and flows to achieve water quality goals. BMPs include measures to prevent pollution and measures to mitigate pollution. BMPs include schedules of activities, prohibitions of practices, pollution prevention, education practices, natural resource protection, maintenance and operating procedures, management and treatment practices, and measures to control site runoff, spills, or leaks and reduce pollution.

"Expired stormwater permits" shall mean stormwater permits previously issued by the State of Vermont that are no longer current.

"Flow Restoration Plan(s)" shall mean a stream flow plan required by the State of Vermont designed to implement stormwater runoff controls producing runoff characteristics that return stream flows to compliant, stable flow conditions as required to meet the water-quality based Total Maximum Daily Load ("TMDL") requirements for a particular impaired waterway.

"Impaired waterways" means rivers, lakes, or streams that do not meet one or more water-quality standards, and therefore, are considered too polluted for their intended uses.

"Municipal Separate Storm Sewer System" and "MS4" shall mean a collection system or 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 Essex Junction or another designated MS4 entity that discharges to surface waters or groundwater; (ii) designed or used for collecting or conveying or discharging stormwater and groundwater entering the system; (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 the Environmental Protection Agency or 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-impaired waterways” shall mean rivers, lakes, or streams that currently meet the designated water-quality standards for the waterbody.

“Non-public contributing stormwater permittee” shall mean a current stormwater permit holder, including homeowner associations and any successors or assigns, of either a valid or expired stormwater permit that is not a public entity.

“Non-public stormwater infrastructure” shall mean stormwater infrastructure not owned, operated, or maintained by the City.

“Non- Structural BMPs” BMPs that use natural measures involving site characteristics to reduce the volume of stormwater or eliminate the source of the pollutant.

“Parcel” and “Property” shall mean 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 Essex Junction that could legally be sold as a separate entity as of January first 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. Included in this definition are all roadways owned by the City, the State, and the Federal Government.

“Private stormwater system owner” shall mean the non-public owner of a stormwater system, including homeowner associations and any successors or assigns, consisting of, but not limited to, culverts, pipes, catch basins, treatment ponds, treatment devices, and/or stormwater infiltration systems.

“Public stormwater infrastructure” shall mean stormwater infrastructure such as, but not limited to, sewers, drains, culverts, pipes, catch basins, treatment ponds, treatment devices, and/or stormwater infiltration systems, all of which are under City ownership or within City easements, and which infrastructure has been accepted by the City as a component of the City stormwater system.

“Residual Designation Authority (RDA)” shall mean the authority granted to the United States Environmental Protection Agency and delegated to the State of Vermont to issue a permit directly to a party or parties discharging stormwater to a waterbody that has a TMDL and where discharges are contributing to water quality violations.

“Shared stormwater system” shall mean a stormwater system such as, but not limited to, culverts, pipes, catch basins, treatment ponds, treatment devices, sewers, drains, and/or stormwater infiltration systems that consist of both public and non-public stormwater infrastructure.

“Stormwater” shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

"Structural" BMPs are devices engineered and constructed to provide treatment and temporary storage of stormwater runoff.

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

"Unpermitted stormwater discharges" means a system discharging stormwater to a stream or watercourse that has never been issued any type of authorization to discharge stormwater by either the City or the State of Vermont.

"Valid stormwater system" shall mean a system that has been issued a stormwater permit by the City or the State of Vermont that is current concerning the issuance and expiration dates of the permit.

SECTION 1905. NPDES PHASE 2 MS4 REQUIREMENT FOR EXPIRED AUTHORIZATION TO DISCHARGE PERMITS

- A. The Vermont Agency of Natural Resources (VANR) Authorization to Discharge Permit Number 7024-9014 issued to the City under NPDES MS4 General Permit 3-9014 requires the City to submit to the Secretary of VANR a plan for addressing expired stormwater permits discharging to the MS4 permittee's system, which was accomplished through the proposed adoption of this Ordinance.
- B. A compliance date of October 2015 is set within the Authorization to Discharge Permits for verification of the condition of all public and non-public stormwater infrastructure identified in and approved under each original expired permit that was met.
- C. On expired permits within the impaired waterways or with regard to discharges that have no permits in the impaired waterways, it is the intent of the VANR to either have these permits ultimately come under the umbrella of the City MS4 Permit or issue Residual Designation Authority (RDA) permits directly to each permittee or party responsible for the stormwater discharge not covered under the MS4 umbrella permit.

SECTION 1906. CLASSIFICATION OF STORMWATER SYSTEMS WITHIN THE CITY AS RELATES TO AUTHORIZATION TO DISCHARGE PERMITS

Due to the complexity and variety of existing permit "ownership" and types of permits, the City has classified all valid stormwater system discharge permits and all expired stormwater permits into one of the following four types for purposes of determining permit responsibility:

1. **Type 1 Stormwater System** consists of a system of stormwater infrastructure that is entirely on public land (public rights of way, municipally-owned property, or on public stormwater easements) and owned by the City, including residential subdivisions or groups of houses with no non-public stormwater infrastructure, such as privately-owned catch basins or privately-owned stormwater pipelines connected into stormwater systems on public land (excluding private underdrain systems). For purposes of this Ordinance, a "private underdrain system" is stormwater infrastructure serving individual private lots or buildings from the private lot or building to the point of interconnection with public stormwater infrastructure.

- a. Examples of Type 1 stormwater systems include:
 - I. Public buildings such as municipal offices, police stations, fire stations, municipal highway garage complexes, schools, or other educational facilities with no on-site stormwater infrastructure (other than underdrains connected with public stormwater infrastructure) that do not discharge directly into a stream, and/or similar facilities.
 - II. Residential subdivisions with valid or expired permits in the City. Those residential subdivisions presently identified by the City as meeting the Type 1 criterion are listed in Table 1 in the Appendix to this Ordinance. Table 1 may be revised by the City, acting through its Municipal Manager or their designee(s) as such additional systems are identified.
 - b. Type 1 stormwater systems do not include any private lot, residential subdivision, or groups of housing covered under an expired stormwater permit that has non-public stormwater infrastructure such as catch basins and pipelines (excluding private underdrain systems) connected to public stormwater infrastructure.
2. **Type 2 Stormwater System** consists of a system of stormwater infrastructure that is entirely contained on private property, discharges directly or indirectly to a stream or other recognized water body and is not directly connected by piping to a Type 1 or Type 3 stormwater system.
- a. Examples of Type 2 stormwater systems include:
 - I. Private residential, commercial, or industrial systems that retain all stormwater flows onsite as originally designed and have valid or expired permits for such discharge, and private residential, commercial, or industrial systems that discharge some or all of their stormwater flows to a stream or other recognized water body.
 - II. Select stormwater systems in the City. Those private residential, commercial, or industrial systems presently identified by the City as meeting the Type 2 criterion are listed in Table 1 in the Appendix to this Ordinance. Table 1 may be revised by the City, acting through its Municipal Manager or their designee(s) as such additional systems are identified.
3. **Type 3 Stormwater System** consists of a shared stormwater system covered under either valid and/or expired stormwater permits that combines stormwater flow from both public and non-public stormwater infrastructure before discharging stormwater directly or indirectly into a stream, swale, or other method of water conveyance to waters of the State.
- a. Examples of Type 3 stormwater systems include:
 - I. Non-public stormwater infrastructure systems that discharge directly to public stormwater infrastructure; public stormwater infrastructure systems that discharge to non-public stormwater infrastructure; public and non-public infrastructure systems that discharge to a common stormwater pond or open swale on public or private property or an outfall pipe leading to a stream, swale or other conveyance to a recognized water body; other systems that combine stormwater flow from both public and non-public stormwater infrastructure; prior valid stormwater

permits involving both public and non-public components covered under one issued permit with responsibility defined in the permit between public and non-public contributors to a stormwater system.

- II. Those combined public-private systems in the City presently identified by the City as meeting the Type 3 criterion are listed in Table 1 in the Appendix to this Ordinance. Table 1 may be revised by the City, acting through its Municipal Manager or their designee(s) as such additional systems are identified.

4. **Type 4 Stormwater System**

- a. Any other type of stormwater system not covered under Types 1 through 3.
- b. Unique stormwater systems with valid or expired stormwater permits not included in Types 1 through 3 have not been identified as of the date of adoption of this Ordinance. This category is reserved for such systems.
- c. Stormwater systems involving both City and Vermont Agency of Transportation (VTRANS) infrastructure.
- d. Those combined public-private systems in the City that are identified by the City as meeting the Type 4 criterion will be listed in Table 1 in the Appendix to this Ordinance created by the City, acting through its Municipal Manager. Table 1 may be revised by the City, acting through its Municipal Manager or their designee(s) as additional systems are identified.

SECTION 1907. METHODOLOGY FOR ESTABLISHMENT OF PERMIT RESPONSIBILITY FOR EACH TYPE OF STORMWATER SYSTEM

A. Type 1 Stormwater Systems

1. The City accepts responsibility for all valid Type 1 stormwater system permits in the non-impaired waterways, all expired Type 1 stormwater system permits in the impaired waterways, and all future Type 1 stormwater system permits. These permits are consolidated under the City's NPDES MS4 General Permit 3-9014.
2. The City accepts responsibility for the operation, maintenance, repair, replacement, and upgrade of all public stormwater infrastructure included in Type 1 stormwater systems, except for private underdrain systems and overland stormwater flow systems from private lands such as driveways, open swales, and vegetated land. Such private underdrain systems and overland flow systems shall remain the responsibility of the property owner.
3. Acceptance of stormwater permit responsibility by the City does not relieve individual property owner(s) or housing and/or homeowner association(s), or any successor(s) and assign(s), from compliance with other sections of the City's stormwater ordinance or State environmental regulations, including but not limited to sections dealing with illicit discharges, offsite discharge of sediment, site erosion, fertilizer application with respect to phosphorous and overall compliance with best stormwater management practices as defined in adopted regulations or ordinances.

B. Type 2 Stormwater Systems

1. The City shall have no responsibility for the operation, maintenance, repair, replacement, or upgrade of non-public stormwater infrastructure identified in a valid or expired stormwater permit, or non-public stormwater infrastructure added subsequent to the original version of a valid or expired permit, to meet an approved Flow Restoration Plan (FRP) unless it is determined by the appropriate legislative body, in its sole discretion, to be in the City's best interests, as defined in Section 602.B above, to accept some or all of this responsibility.
2. The City may accept MS4 permit responsibility for valid or expired Type 2 stormwater system permits if requested by the current private stormwater system owner provided the following conditions are satisfied:
 - a. The private stormwater system owner under an original valid or expired permit enters into a written agreement with the City, which includes, at a minimum, the requirements set forth in section 1907(B)(2)(b), below. A form of the Type 2 Stormwater System Agreement is provided in Appendix B of this Ordinance. If the private stormwater system owner has not entered into a written agreement with the City, the City will request the State to use its RDA to require permit compliance by the holder of the expired Type 2 stormwater permit.
 - b. The written agreement specified in section 1907(B)(2)(a) by and between the City and a private stormwater system owner shall, at a minimum, require the following:
 - i. All applicable permit fees, including initial fees and all future renewal fees, if any such fees are required, shall be paid by the Type 2 private stormwater system owner.
 - ii. The Type 2 private stormwater system owner shall allow the City to hire a professional engineer, at no cost to the City of the Type 2 stormwater permit, to inspect and certify that the Type 2 non-public stormwater infrastructure complies with the infrastructure requirements as contained in the expired permit. Alternatively, the current holder of the expired non-public stormwater permit may hire a professional engineer, acceptable to the City, to perform the necessary inspection and certification. Future inspections that occur after the initial certification inspection of Type 2 non-public stormwater infrastructure shall be conducted by the City at no charge to the private stormwater system owner.
 - iii. The Type 2 non-public contributing stormwater permittee shall correct any deficiencies noted as a result of the engineer's inspection at their own expense
 - iv. The Type 2 non-public contributing stormwater system permittee shall be responsible for permanent maintenance, repair, replacement, and upgrade, if necessary, of all elements covered under the Type 2 stormwater system permit. The City shall conduct annual system compliance inspections to verify the condition and maintenance of the

- Type 2 stormwater system and report findings, and the responsible party identified under the Type 2 stormwater system permit.
- v. The Type 2 non-public contributing stormwater system permittee shall sweep clean all paved private roadways or parking lots at least twice per year and clean out all private catch basins whenever the depth of deposited material exceeds 50% of the depth of the catch basin sump or enter into an agreement with the City to perform the services for a fee.
 - vi. The failure of the Type 2 non-public contributing stormwater system permittee to perform the required actions under b. iv. and v. shall be deemed a violation of this Ordinance and shall subject the non-public contributing stormwater system permittee to penalties under Chapter 20 of the Municipal Code. The City has the right but not the obligation to take the necessary actions to ensure that the required maintenance is performed and otherwise correct any violation of this Ordinance.
 - vii. The cost of required stormwater system upgrades to the Type 2 stormwater system to meet the City's adopted and State approved FRP shall be borne by the non-public contributing stormwater system permittee unless it is determined by the City to be in its best interests as defined in Section 1902.B above to participate in some or all of the system upgrade project or project costs.
3. Any prior written agreements entered into by the City and non-public contributing stormwater system permittees shall remain in full force with respect to cost sharing and operation, maintenance, repair, and replacement of existing stormwater infrastructure.
- a. Permit responsibility and upgrades to meet the FRP are separate elements of stormwater responsibility not defined in previous agreements, and therefore, this Ordinance is the controlling document relative to permitting.
 - b. In the event of any conflict between pre-existing agreements and the ordinance, the pre-existing agreements shall control.
4. Acceptance of partial stormwater permit responsibility by the City shall not relieve non-public contributing stormwater system permittees from compliance with all other elements of the stormwater ordinance or applicable State environmental regulations, including but not limited to sections dealing with illicit discharges, offsite discharge of sediment, site erosion, fertilizer application with respect to phosphorous and overall compliance with best stormwater management practices as defined in adopted regulations or ordinances.

C. Type 3 Stormwater Systems

1. The City will not accept responsibility for operation, maintenance, repair, replacement, and upgrade to meet an approved FRP of non-public stormwater infrastructure identified in a valid or expired stormwater permit or non-public stormwater infrastructure added subsequent to the original version of the valid or expired permit, unless it is determined by the City Council, in its sole discretion, to be in the best interests of the City, as defined in Section 1902.B above, to accept some or all of this responsibility.
2. The City will accept MS4 permit responsibility on a proportional basis by relative impervious area contributed within the permitted area of the shared stormwater system for

the valid or expired Type 3 stormwater system permit if requested by the non-public contributing stormwater system permittee and provided the following conditions are satisfied:

- a. The Type 3 non-public contributing stormwater permittee shall enter into a written agreement with the City, which includes, at a minimum, the requirements set forth in Section 1906(b)(i)-(vii) above. A form of the Type 3 Stormwater System Agreement is provided in Appendix C to this Ordinance. If the non-public contributing stormwater system permittee has not entered into a written agreement, the City will request the State to use its RDA to require permit compliance by the Type 3 non-public contributing stormwater system permittee.
 - b. If the Type 3 non-public contributing stormwater system permittee elects not to enter into a shared agreement with the City on MS4 permit responsibility, the City shall comply with the requirements pertaining to the public stormwater infrastructure and may request the State to use its RDA over that portion of the shared stormwater system not included within an agreement with the City.
 - c. All applicable permit fees, including initial fees and all future renewals, if such fees are required, shall be shared between the municipality and the non-public contributing stormwater permittee based on relative impervious area, unless the appropriate legislative body determines that it is in the City's best interests, as defined in Section 1902.B above, that such fees shall be paid either on a larger percentage than relative impervious area or in full by the City. If the City accepts permit responsibility, then the intent is to consolidate the permit under the municipal NPDES MS4 General Permit 3-9014.
3. Any prior written agreements entered into by the City and the Type 3 non-public contributing stormwater system permittee shall remain in full force with respect to cost sharing and operation, maintenance, repair, and replacement of existing stormwater infrastructure.
 - a. Permit responsibilities and upgrades to meet the FRP are separate elements of stormwater responsibility not defined in previous agreements and therefore this Ordinance is the controlling document relative to these issues.
 - b. In the event of any conflict between executed pre-existing agreements and this Ordinance, the pre-existing agreements shall control.
4. Acceptance of MS4 Permit responsibility by the City does not relieve non-public contributing stormwater system permittees from compliance with other elements of the City's stormwater ordinance or State environmental regulations, including but not limited to sections dealing with illicit discharges, offsite discharge of sediment, site erosion, fertilizer application with respect to phosphorous and overall compliance with best stormwater management practices as defined in adopted regulations or ordinances.

D. Type 4 Stormwater Systems

1. Other stormwater systems with valid or expired stormwater permits that do not qualify as a Type 1, 2, or 3 stormwater system.
2. These systems shall be managed on a case-by-case basis, using the general procedures and methods as applicable from the three system types described herein.
3. Permits involving the City and VTRANS shall fall under this category. VTRANS is a separate MS4 permittee. Under a future adopted FRP for each impaired waterway, the City will negotiate an agreement with VTRANS on the level of shared responsibility and costs for meeting the TMDL requirement of each impaired waterway. In the event an agreement cannot be negotiated with VTRANS, the City will request VANR to use its RDA concerning those VTRANS direct or indirect discharges contributing stormwater flow to the impaired watersheds under the VTRANS MS4 permit.

SECTION 1908. PENALTY

Any person violating any of the provisions of Chapters 19-21 of the City of Essex Junction Municipal Code ("this Ordinance") shall be subject to a civil penalty of Five Hundred Dollars (\$500) for each violation. Each day that any violation of any of the provisions of this Ordinance or a permit issued hereunder continues shall constitute a separate offense. The City may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this Ordinance including sampling and monitoring expenses.

APPENDIX A

Table 1: Expired and Valid Storm Water Permits in the City of Essex Junction as of the Date of Ordinance as amended 10/22/2024

Permit #	Project Name	Valid or Expired	Ordinance Type	Watershed
2-0855	Village Knoll-Woods End & Acorn	Valid	Type 1	Indian Brook
2-1103	Pleasant Street & East Street	Valid	Type 1	Indian Brook
1-1074	Countryside II Fairview Farms: Chestnut Lane	Valid	Type 2	Indian Brook
1-1074	Countryside II Fairview Farms: Spruce Lane	Valid	Type 2	Indian Brook
1-1074	Countryside II Fairview Farms: Walnut Lane	Valid	Type 2	Indian Brook
2-0835	Village Glen	Valid	Type 2	Indian Brook
1.1527.0111	Highland Village	Expired	Type 2	Sunderland Brook

1-0236	Brickyard	Valid	Type 2 & 3	Indian Brook
1-1074	Countryside II Fairview Farms: Locust Lane	Valid	Type 3	Indian Brook
2-0863	167 Pearl Street	Expired	TBD	Sunderland Brook

Appendix B

TYPE 2 STORMWATER SYSTEM AGREEMENT

This STORM WATER SYSTEM AGREEMENT (“Agreement”) is made this ____ day of _____ 20__ by and between the [City of Essex Junction], a Vermont municipal corporation with a principal place of business at [City address] [2 Lincoln Street], Essex Junction, Vermont 05452 (the [“City”]), and _____ with a principal place of business at _____ (“Permittee”). The City and Permittee are sometimes each referred to in this Agreement as a “Party” or collectively as the “Parties.”

WITNESSETH:

WHEREAS, the City has adopted Chapter 19 of the City of Essex Junction Municipal Code (“Chapter 19”) entitled Establishing Stormwater Permit Transfer Authority for Expired and Unpermitted Discharges to Impaired Waterways Regulation of; and

WHEREAS, the Storm Water Ordinance amendment identifies the requirements under Section 1907(B) necessary for the City to accept stormwater permit responsibility for a valid or expired Type 2 stormwater permit, as such type is defined in the Ordinance; and

WHEREAS, the Parties have identified that it is in their best interests to have the City accept stormwater permit responsibility by entering into this Agreement; and

WHEREAS, it is in the best interests of the Parties to work together to achieve State of Vermont stormwater permit compliance; and

WHEREAS, the Parties agree that the City has no responsibility for the operation, maintenance, repair, replacement, or upgrade of all non-public stormwater or stormwater-related infrastructure, or non-public stormwater infrastructure added to the original version of a valid or expired stormwater permit; and

WHEREAS, the City may in its sole discretion, if determined by the City Council to be in its best interests, to accept some or all of the operation, maintenance, repair, replacement, or upgrade of all non-public stormwater or stormwater-related infrastructure, at some future date;

NOW, THEREFORE, in consideration of the matters described above, and of the mutual benefits and obligations set forth in this Agreement, and on the express condition that all conditions precedent described below are satisfied, the Parties agree as follows:

SECTION ONE

[CITY] OBLIGATIONS

The City agrees to accept full or shared permit responsibility for valid or expired storm water system permits as follows and also shall:

1. Hire a professional engineer, at no cost to the City, to inspect and certify that the Type 2 stormwater system, including but not limited to catch basins, storm pipes, and treatment facilities, is in compliance with the infrastructure requirements as contained in the expired permit, unless such work is undertaken at no cost to the City by Permittee.
2. Conduct future inspections that occur after the initial certification inspection of Type 2 stormwater systems at no charge to the Permittee.
3. Conduct annual system compliance inspections to verify the condition and maintenance of the Type 2 stormwater system and report findings to the State and the Permittee.
4. Inspect and prepare an annual structural condition survey and extent of debris capture in all catch basins contributing to stormwater flow within the permitted area.
5. At the request of the Permittee, arrange for cleaning of non-public catch basins, and to bill such cleaning costs to the Permittee.
6. Make best efforts to minimize the impact on the Permittee's property and their business operations thereon in performing its obligations under this Agreement.

SECTION TWO

PERMITTEE OBLIGATIONS

Permittee shall:

1. Accept all responsibility for the operation, maintenance, repair, replacement, or upgrade of non-public stormwater infrastructure identified in a valid or expired stormwater permit, or non-public stormwater infrastructure added subsequent to the original version of a valid or expired permit, to meet an approved Flow Restoration Plan (FRP) unless it is determined by the City Council, in its sole discretion, to be in the City's best interests, as defined in Section 1902(B) above, to accept some or all of this responsibility.

2. To pay all applicable permit fees, including initial fees and all future renewal fees, if any such fees are required of the Type 2 stormwater system.
3. Hire a professional engineer, at no cost to the City, to inspect and certify that the Type 2 stormwater system, including but not limited to catch basins, storm pipes, and treatment facilities, is in compliance with the infrastructure requirements as contained in the expired permit, unless Permittee requests such work be performed by the City and the City agrees.
4. Correct any deficiencies identified in the engineer's stormwater system inspection at their own expense prior to the date for system certification.
5. Maintain, repair, replace, and upgrade as necessary all stormwater infrastructure covered under the Type 2 stormwater system permit.
6. Sweep clean all paved private roadways or parking lots at least twice per year and clean out all private catch basins whenever the depth of deposited material exceeds 50% of the depth of the catch basin sump, or enter into an agreement with the City to perform the services for a fee.
7. Bear all costs of required stormwater system upgrades (if needed) to the Type 2 stormwater system to meet the City's adopted and State approved FRP unless it is determined by the City to be in its best interests as defined in Section 1902(B) of the Chapter 19 to participate in some or all of the system upgrade project or project costs.
8. Comply with all other elements of the stormwater Ordinance or other applicable State environmental regulations, including but not limited to sections dealing with illicit discharges, offsite discharge of sediment, site erosion, fertilizer application with respect to phosphorous and overall compliance with best stormwater management practices as defined in adopted regulations or ordinances.
9. Perform any necessary structural repairs to any non-public stormwater infrastructure beyond the annual routine maintenance within at least six (6) months of discovery of such needed structural repair or, if not repaired within six months of discovery, reimburse the City for all its costs for such catch basin repair plus a ten percent (10%) surcharge for associated administrative expenses relating to such repair.
10. Indemnify, defend, and hold harmless the City and its officers, employees, agents, and representatives for and from any claims for liability and or damages arising out of the City's performance of the required annual operations and maintenance and required testing of the stormwater infrastructure, including all catch basins and pipes, that may occur on Permittee's property, except to the extent such claims (a) arise from the gross negligence or intentional misconduct of the City or its employees, agents or contractors.

SECTION THREE

MISCELLANEOUS

1. The City will notify the Permittee at such time as the FRP for the watershed in which the property lies is adopted as to any obligations of the Permittee to make on-site stormwater improvements as required under the FRP.

2. All payments required under this Agreement shall be due upon receipt of an invoice. Any payments not made within thirty (30) days of their due date shall accrue interest at a rate of one percent (1%) per month on the past due amount until paid in full.
3. The Parties covenant and agree that the conditions and obligations under this Agreement shall run with the land and shall accrue to the benefit of and be binding upon their respective successors and assigns as if they were parties to this Agreement. Any payments required under this Agreement not made when due shall constitute a lien on the property of the Party failing to make payment and shall be collectible in the same fashion as unpaid property taxes.
4. In the event a Party resorts to the judicial process to enforce another Party's obligations hereunder, the prevailing Party shall be entitled to recover its reasonable attorneys' fees.
5. This Agreement shall be interpreted consistent with and governed by the laws of the State of Vermont.
6. This Agreement consists of the entire understanding between the Parties relative to its subject matter, and may not be modified orally, but only by a written instrument signed by all Parties.

IN WITNESS WHEREOF, the Parties have caused their corporate seal to be affixed hereto and these premises to be signed in its name and on its behalf by its duly authorized agent as of the day and date first written above.

_____, VERMONT

BY: _____

Witness

Duly Authorized Agent

BY: _____

Witness

Duly Authorized Agent

STATE OF VERMONT

)

)

SS.

COUNTY OF CHITTENDEN

)

At Essex Junction in said County this ____ day of _____, A.D., ____, personally

appeared _____ duly authorized officer of _____, and he acknowledged this instrument, by him sealed and subscribed to be his free act and deed and the free act and deed of the City of Essex Junction.

Before me,

Notary Public

My Commission Expires: _____

STATE OF VERMONT)

) SS.

COUNTY OF CHITTENDEN)

At Essex Junction in said County this ____ day of _____, A.D., ____, personally appeared _____ duly authorized officer of _____, and he/she acknowledged this instrument, by him/her sealed and subscribed to be his/her free act and deed and the free act and deed of _____.

Before me,

Notary Public

My Commission Expires: _____

Appendix C

TYPE 3 STORMWATER SYSTEM AGREEMENT

This STORM WATER SYSTEM AGREEMENT ("Agreement") is made this ____ day of _____ 20__ by and between the [City of Essex Junction], a Vermont municipal corporation with a principal place of business at 2 Lincoln St Main Street, Essex Junction, Vermont 05452 (the ["City"]), and _____ with a principal place of business at _____ ("Permittee"). The City and Permittee are sometimes each referred to in this Agreement as a "Party" or collectively as the "Parties." (**NOTE: May be multiple parties to sign**)

WITNESSETH:

WHEREAS, the City has adopted Chapter 19 of the City of Essex Junction Municipal Code (“Chapter 19”) entitled Establishing Stormwater Permit Transfer Authority for Expired and Unpermitted Discharges to Impaired Waterways; and

WHEREAS, Chapter 19 identifies the requirements in section 605(C) necessary for the City to accept shared or full stormwater permit responsibility for a valid or expired Type 3 stormwater permit, as such type is defined in the Ordinance; and

WHEREAS, Permittee (***NOTE: May be multiple parties***) has identified that it is in their best interests to have the City accept stormwater permit responsibility by entering into this Agreement; and

WHEREAS, it is in the best interests of the Parties to work together to achieve State of Vermont stormwater permit compliance; and

WHEREAS, the Parties agree that the City has no responsibility for the operation, maintenance, repair, replacement, or upgrade of all non-public stormwater or stormwater-related infrastructure, or non-public stormwater infrastructure added to the original version of a valid or expired stormwater permit and shared responsibility on stormwater systems consisting of both public and non-public infrastructure; and

WHEREAS, the City may in its sole discretion, if determined by the City Council to be in the City’s best interests, to accept some or all of the operation, maintenance, repair, replacement, or upgrade of all non-public stormwater or stormwater-related infrastructure, at some future date;

NOW, THEREFORE, in consideration of the matters described above, and of the mutual benefits and obligations set forth in this Agreement, and on the express condition that all conditions precedent described below are satisfied, the Parties agree as follows:

SECTION ONE.

CITY OBLIGATIONS

The City agrees to accept full or shared permit responsibility on a proportional basis by relative impervious area contributed by the public and non-public stormwater infrastructure within the permitted area for valid or expired stormwater system permits. The relative impervious area has been agreed as follows: City __%; Permittee __%. The City also shall:

1. Hire a professional engineer, at no cost to the Permittee, to inspect and certify that the Type 3 stormwater system, including but not limited to catch basins, storm pipes, and treatment facilities, is in compliance with the infrastructure requirements as contained in the expired permit, unless such work is undertaken at no cost to the City on non-public stormwater infrastructure by Permittee.
2. Conduct future inspections that occur after the initial certification inspection of Type 3 stormwater systems at no charge to the Permittee.
3. Conduct annual system compliance inspections to verify the condition and maintenance of the Type 3 stormwater system and report findings to the State and the Permittee.
4. Inspect and prepare a structural condition survey and extent of debris capture in all catch basins contributing to stormwater flow within the permitted area.
5. At the request of the Permittee, arrange for cleaning of non-public catch basins, and to bill such cleaning costs to the Permittee.
6. Make best efforts to minimize the impact on any Permittee's property and their business operations thereon in performing its obligations under this Agreement.

SECTION TWO PERMITTEE OBLIGATIONS

Permittee (***NOTE: May be multiple parties***) shall:

7. Accept all responsibility for the operation, maintenance, repair, replacement, or upgrade of non-public stormwater infrastructure identified in a valid or expired stormwater permit, or non-public stormwater infrastructure added subsequent to the original version of a valid or expired permit, or their portion of a shared stormwater system to meet an approved Flow Restoration Plan (FRP) unless it is determined by the appropriate City Council, in its sole discretion, to be in the City's best interests, as defined in Section 602(B) of the Chapter 19 to accept some or all of this responsibility.
8. Pay their proportionate share of all applicable permit fees, including initial fees and all future renewal fees, if any such fees are required of the Type 3 stormwater system, and
9. Hire a professional engineer, at no cost to the City, to inspect and certify that the non-public or shared portion of Type 3 stormwater system, including but not limited to catch basins, storm pipes, and treatment facilities, is in compliance with the infrastructure requirements as contained in the expired permit, unless Permittee requests such work be performed by the City.
10. Correct any deficiencies on the non-public portion of the stormwater system identified by the engineer's stormwater system inspection at their own expense prior to the date for system certification.
11. Maintain, repair, replace, and upgrade as necessary all non-public stormwater infrastructure and share responsibility for portions of shared stormwater systems covered under the Type 3 stormwater system permit according to the percentages identified above.

12. Sweep clean all paved private roadways or parking lots at least twice per year and clean out all private catch basins whenever the depth of deposited material exceeds 50% of the depth of the catch basin sump on non-public private stormwater infrastructure or enter into an agreement with the City to perform such services for a fee.
13. Bear the cost of required stormwater system upgrades on non-public portions of the shared stormwater systems and to share in the costs of all shared elements of the stormwater system (if needed) to the Type 3 stormwater system to meet the City's adopted and State approved FRP according to the percentages identified above unless it is determined by the City to be in its best interests as defined in Section 602(B) of Chapter 19 to participate in some or all of the system upgrade project or project costs.
14. Comply with all other elements of the stormwater Ordinance or other applicable State environmental regulations, including but not limited to sections dealing with illicit discharges, offsite discharge of sediment, site erosion, fertilizer application with respect to phosphorous and overall compliance with best stormwater management practices as defined in adopted regulations or ordinances.
15. Perform any necessary structural repairs to any non-public stormwater infrastructure beyond the annual routine maintenance within at least six (6) months of discovery of such needed structural repair or, if not repaired within six (months) of discovery, reimburse the City for all its costs for such catch basin repair plus a ten percent (10%) surcharge for associated administrative expenses relating to such repair; and share in such costs on shared elements of the stormwater system according to the percentages identified above.
16. To indemnify, defend, and hold harmless the City and its officers, employees, agents, and representatives for and from any claims for liability and or damages arising out of the City's performance of the required annual operations and maintenance and required testing of the stormwater infrastructure, including all catch basins and pipes, that may occur on Permittee's property, except to the extent such claims (a) arise from the gross negligence or intentional misconduct of the City or its employees, agents or contractors.

SECTION THREE

MISCELLANEOUS

17. The City will notify the Permittee at such time as the FRP for the watershed in which the property lies is adopted as to any obligations of the Permittee to make on-site stormwater improvements as required under the FRP.
18. All payments required under this Agreement shall be due upon receipt of an invoice. Any payments not made within thirty (30) days of their due date shall accrue interest at a rate of one percent (1%) per month on the past due amount until paid in full.
19. The Parties covenant and agree that the conditions and obligations under this Agreement shall run with the land and shall accrue to the benefit of and be binding upon their respective successors and assigns as if they were parties to this Agreement. Any payments required under this Agreement not made when due shall constitute a lien on the property of the Party failing to make payment and shall be collectible in the same fashion as unpaid property taxes.

20. In the event a Party resorts to the judicial process to enforce another Party's obligations hereunder, the prevailing Party shall be entitled to recover its reasonable attorneys' fees.
21. This Agreement shall be interpreted consistent with and governed by the laws of the State of Vermont.
22. This Agreement consists of the entire understanding between the Parties relative to its subject matter, and may not be modified orally, but only by a written instrument signed by all Parties.

IN WITNESS WHEREOF, the Parties have caused their corporate seal to be affixed hereto and these premises to be signed in its name and on its behalf by its duly authorized agent as of the day and date first written above.

CITY OF ESSEX JUNCTION, VERMONT

Witness

BY: _____
Duly Authorized Agent

PERMITTEE

Witness

BY: _____
Duly Authorized Agent

STATE OF VERMONT)

) SS.

COUNTY OF CHITTENDEN)

At Essex Junction in said County this ____ day of _____, A.D., ____, personally appeared _____ duly authorized officer of _____, and he acknowledged this instrument, by him sealed and subscribed to be his free act and deed and the free act and deed of the City of Essex Junction.

Before me,

Notary Public

My Commission Expires: _____

DRAFT

CITY OF ESSEX JUNCTION, VT**MUNICIPAL CODE****CHAPTER 20****REGULATION OF STORMWATER MANAGEMENT****SECTION 2001. PURPOSE:**

The purpose of this ordinance is to protect the public health, safety, and welfare of the City of Essex Junction through the regulation of stormwater discharges to the Municipal Separate Storm Sewer (hereafter “MS4”) as required by federal and state law and surface water in the City.

This includes:

- a) Adverse effects of erosion and stormwater discharge from new development and redevelopment
- b) Illicit discharges
- c) Impacts from impervious surfaces
- d) Adverse impacts on water quality
- e) Flood risk reduction

SECTION 2002. INTENT:

The intent of this ordinance is to allow no increase in stormwater runoff because of land development activity.

SECTION 2003. APPLICATION:

Any discharge of stormwater from developed property in the City shall be subject to the provisions of this division.

Required Approvals:

- a) No owner of Developed Property in the City shall change or alter, or allow to be changed or altered, the discharge of stormwater from such property without first obtaining a permit or approval required under this or any other City Ordinance, state law, or federal law. As used herein, change or alter shall mean an act done that will result in a direct or indirect impact on the contribution of stormwater into the Public Stormwater System.
- b) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public storm drain or appurtenance thereof.

SECTION 2004. RELATION TO OTHER ORDINANCES

If the provisions of these regulations conflict with the provisions of another valid and enforceable Ordinance(s), the stricter provisions shall prevail.

SECTION 2005. ADMINISTRATION

Except where specifically noted in this Ordinance, the Water Quality Superintendent shall administer, implement, and enforce the provisions of this Ordinance. The powers and duties granted to and held by the Water Quality Superintendent in Chapters 19-21 of the City of Essex Junction Municipal Code may be delegated by the Water Quality Superintendent, at the Superintendent's discretion, to another qualified employee of the City of Essex Junction if the delegation is deemed appropriate and necessary by the Superintendent to achieve the intent and purpose of these Chapters.

SECTION 2006. DOCUMENTS REFERENCED

- 1) City of Essex Junction Land Development Code

SECTION 2007. DEFINITIONS

"Authorization to Discharge Permits" shall mean permits issued by the State of Vermont to discharge stormwater into receiving water bodies, which may or may not be valid permits at the time of adoption of this Ordinance.

"Best Management Practices" or "BMPs" shall mean any structural or non-structural site improvements recognized as the most effective and practical means to prevent and reduce stormwater volumes and flows to achieve water quality goals. BMPs include measures to prevent pollution and measures to mitigate pollution. BMPs include schedules of activities, prohibitions of practices, pollution prevention, education practices, natural resource protection, maintenance and operating procedures, management and treatment practices, and measures to control site runoff, spills, or leaks and reduce pollution.

"Construction" shall mean any clearing, grading, earthmoving, or excavating activity that results in land disturbance; the erection, placement, or assembly of any building or structure or additions thereto on any parcel; the moving and placement of any building, structure or materials onto any parcel.

"Department of Stormwater" shall mean the employees, contractors, or designees of the City of Essex Junction Water Quality Superintendent.

"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.

"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 that allow any non-stormwater discharge including sewage, process wastewater, laundry, 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 an authorized state agency or by the City.

"Illicit Discharge" shall mean any direct or indirect non-stormwater discharge to the storm drain system.

"Impaired waterways" means rivers, lakes, or streams that do not meet one or more water-quality standards, and therefore, are considered too polluted for their intended uses.

“Municipal Separate Storm Sewer System” and “MS4” shall mean a collection system or 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 Essex Junction or another designated MS4 entity that discharges to surface waters or groundwater; (ii) designed or used for collecting or conveying or discharging stormwater and groundwater entering the system; (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 the Environmental Protection Agency or 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-Stormwater Discharge” shall mean any discharge to the MS4 that is not composed entirely of stormwater.

“Parcel” and “Property” shall mean 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 Essex Junction that could legally be sold as a separate entity as of January first 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. Included in this definition are all roadways owned by the City, the State, and the Federal Government.

“Stormwater” shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

“Stormwater Runoff” shall mean flow on the surface of the ground, resulting from precipitation.

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

“Structural” BMPs are devices engineered and constructed to provide treatment and temporary storage of stormwater runoff.

“Unpermitted stormwater discharges” means a system discharging stormwater to a stream or watercourse that has never been issued any type of authorization to discharge stormwater by either the City or the State of Vermont.

“Water Quality Superintendent” shall mean the person who manages the stormwater and wastewater departments. Also referred to as the Superintendent in this document.

SECTION 2008. TECHNICAL REVIEW

In the event the Superintendent or Zoning Administrator 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 Superintendent or Zoning Administrator, as applicable, 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.

SECTION 2009. COMPLIANCE WITH EXISTING PERMITS

It shall be a violation of this Ordinance of any owner of Developed Property that is subject to any local, state, or federal permit requirements regarding the discharge of stormwater to fail to comply with such permit requirements.

SECTION 2010. WATERCOURSE PROTECTION

No person shall deposit or cause to be deposited in a watercourse or on the land impacted by runoff to the watercourse any trash, yard debris, or any other material that would pollute and adversely alter the natural flow of water through or can erode into the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. Natural riparian buffers and manmade watercourses established as part of a development and required by the City regulation shall be maintained.

SECTION 2011. PROHIBITION

- a) Under the authority set forth in 24 VSA Chapter 59 and 24 VSA § 2291 Subsection 14, 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 otherwise discharge non-stormwater discharges in violation of the requirements of this Ordinance.
- b) Illicit discharge-No person shall throw, deposit, or leave in or upon any premise, parcel, driveway, parking area, street, alley, sidewalk, stormwater systems or surface water in the City of Essex Junction, any object or material, including but not limited to refuse, rubbish, garbage, animal waste, litter, yard waste, or other abandoned objects, that 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 exempt.
- c) Illicit connection- 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.
- d) The prohibition in this section shall not apply to any non-stormwater discharges permitted under the 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 written approval must be granted for any discharge to the MS4 by the Water Quality Superintendent.
- e) The following discharges are exempt:
 - a. Water line flushing with De-chlorinated Water
 - b. Landscape irrigation

- c. Diverted stream flows
- d. Uncontaminated groundwater, either naturally rising or pumped
- e. Uncontaminated groundwater infiltration into stormwater drains
- f. Discharges from potable water sources
- g. Uncontaminated foundation drains
- h. Air conditioning condensate
- i. Irrigation water
- j. Springs
- k. Uncontaminated water from crawl space pumps
- l. Uncontaminated water from footing drains
- m. Lawn watering
- n. Individual residential car washing
- o. Flows from riparian habitats and wetlands
- p. De-chlorinated swimming pool discharges
- q. Street wash water
- r. Discharges or flows from firefighting activities occurring during emergencies not involving hazardous materials or oil.
- s. Dye testing if approved by the City Engineer.

SECTION 2012. NOTIFICATION OF SPILLS

Property owners or citizens responsible for facility operation and management who know or suspect the release of materials that may result in an illegal discharge to the stormwater system must immediately notify proper emergency response agencies. Release of non-hazardous materials shall be notified to the Water Quality Superintendent, Public Works Superintendent, or their designee.

SECTION 2013. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY USE OF BEST MANAGEMENT PRACTICES

Any person or entity owning, occupying, or having an interest in a property from which there has been an illicit discharge may be required to implement, at said person's or entity'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 discharge of stormwater associated with industrial activity to the extent practicable shall be deemed in compliance with the provisions of this Section.

SECTION 2014. POWER TO INSPECT

Duly authorized representatives of the City of Essex Junction shall be permitted to enter and inspect all properties subject to regulation under this Ordinance for the purposes of inspection, observation, measurement, sampling, and testing as often as needed to determine compliance. Authorized persons shall have the right to set up devices as necessary to conduct monitoring and or sampling of any regulated discharge from a property. Authorized persons may also examine and copy records of a property owner, agent, or manager that must be kept under the conditions of an NPDES permit to discharge stormwater.

SECTION 2015. OPERATION AND MAINTENANCE

All stormwater systems shall have a written, and approved, enforceable operation and maintenance agreement, duly recorded in the City land records with a copy sent to the Water Quality Superintendent, to ensure the system functions as designed. The maintenance agreement shall include a schedule for when and how often maintenance will occur and plans for annual inspections by a qualified individual to ensure proper performance of the facility between scheduled cleanouts. Where required, an annual report, which certifies the system has been inspected and maintained in accordance with submitted plans, must be submitted to the Water Quality Superintendent by September 1st of each year. City Staff may elect to audit some of the permits annually.

SECTION 2016. SUSPENSION

The City may, without notice, suspend MS4 discharge access to a person or entity when such suspension is necessary to stop an actual or threatened discharge that presents or may present danger to the environment, health, and welfare of the MS4.

SECTION 2017. ENFORCEMENT REMEDIES GENERALLY

An action, injunction, or other enforcement proceeding may be instituted in the Vermont Superior Court, Civil Division, by the City of Essex Junction to prevent, restrain, correct, or abate any violation or activity causing a violation or threatening to cause. 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 or future threatened violations, or to compel a person or persons to perform abatement or remediation of the violation; and to seek fines, penalties or damages for all costs, including reasonable attorney's fees, incurred by the City of Essex Junction in pursuing and obtaining such relief. In addition to any other remedies authorized in law or equity, the City of Essex Junction may seek an order specifically requiring:

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

SECTION 2018. PENALTY

Any person violating any of the provisions of Chapters 19-21 of the City of Essex Junction Municipal Code ("this Ordinance") shall be subject to a civil penalty of Five Hundred Dollars (\$500) for each violation. Each day that any violation of any of the provisions of this Ordinance or a permit issued hereunder continues shall constitute a separate offense. The City may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this Ordinance including sampling and monitoring expenses.

SECTION 2019. APPEALS TO CITY COUNCIL

Any interested person who believes that the staff has committed an error in making a decision or taking an action may appeal such act or decision to the City Council by filing a written Notice of Appeal with the City Clerk within 15 calendar days of the subject action or decision. The Notice of Appeal must identify the decision or action appealed from and identify the issues on appeal.

The Council shall conduct a duly warned Public Hearing. The Council shall take testimony and consider all relevant evidence before it and issue a written decision. A party aggrieved by a decision of the City Council may appeal the decision to the Vermont Superior Court, Civil Division, within 30 days of the date of the decision pursuant to Vermont Rule of Civil Procedure 75.

SECTION 2020. 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, or unauthorized discharge or discharge of pollutants.

SECTION 2021. 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.

CITY OF ESSEX JUNCTION, VT**MUNICIPAL CODE****CHAPTER 21****REGULATION OF STORMWATER UTILITY****SECTION 2101. PURPOSE**

- a) In November 2024, the City Council established the Essex Junction Stormwater Utility. The basic purpose of the utility is to administer the City's Stormwater Management Program, including stormwater infrastructure maintenance and repair, permitting, and capital improvements. The utility is a division of the City's Stormwater Department.
- b) The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of stormwater discharges to the stormwater system.
- c) The stormwater utility provides a stable and adequate source of revenue for the City's Stormwater Management Program which allocates the costs of stormwater services across every stormwater "user" in the City through a stormwater utility fee (or user fee). The impervious surface area on individual properties is the basis for the fee charged to property owners in the City. The stormwater fee that a property owner pays is directly proportional to the impervious surface found on the property.

SECTION 2102. ADMINISTRATION

Except where specifically noted in this Ordinance, the Water Quality Superintendent shall administer, implement, and enforce the provisions of this Ordinance. The powers and duties granted to and held by the Water Quality Superintendent in Chapters 19-21 of the City of Essex Junction Municipal Code may be delegated by the Water Quality Superintendent, at the Superintendent's discretion, to another qualified employee of the City of Essex Junction if the delegation is deemed appropriate and necessary by the Superintendent to achieve the intent and purpose of these Chapters.

SECTION 2103. DOCUMENTS REFERENCED

- a) City of Essex Junction Utility Billing Policy
- b) City of Essex Junction Stormwater Utility Credit Manual
- c) City of Essex Junction Land Development Code

SECTION 2104. DEFINITIONS

“Best Management Practices” or “BMPs” shall mean any structural or non-structural site improvements recognized as the most effective and practical means to prevent and reduce stormwater volumes and flows to achieve water quality goals. BMPs include measures to prevent pollution and measures to mitigate pollution. BMPs include schedules of activities, prohibitions of practices, pollution

prevention, education practices, natural resource protection, maintenance and operating procedures, management and treatment practices, and measures to control site runoff, spills, or leaks and reduce pollution.

“Credit” shall mean an annual reduction in a 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. The annual reduction in fee is subject to continued compliance with the terms of this manual.

“Department of Stormwater” shall mean the employees, contractors, or designees of the City of Essex Junction Water Quality Superintendent.

“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.

“Equivalent Residential Unit” (“ERU”) shall refer to the unit of measurement used to bill stormwater fees. It is equal to the square footage that represents the median of the area of impervious surface for all Single-Family Residential properties in the city.

“Exempt from stormwater fee” shall refer to 1) properties included within the limits of a railroad track right-of-way (property on which railroad stations, maintenance buildings, or other developed land used for railroad purposes is located shall not be exempt), 2) 1000 River St currently owned by GlobalFoundries, 3) properties that are required to develop and meet “Required Agricultural Practices” Sect.10V.S.A.§1264 and 4) those included within the limits of a public road right-of-way.

“Impervious area, surface, or cover” shall mean developed areas of land that prevent or significantly impede the infiltration of stormwater into the soil. Typical impervious surfaces include, but are not limited to roofs, sidewalks, walkways, driveways, parking lots, access extensions, alleys, and other paved, engineered, compacted, or gravel surfaces.

“Municipal Separate Storm Sewer System” and “MS4” shall mean a collection system or 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 Essex Junction or another designated MS4 entity that discharges to surface waters or groundwater; (ii) designed or used for collecting or conveying or discharging stormwater and groundwater entering the system; (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.

“Non-Single Family Residential” (“NSFR”) shall refer to all properties that are not Single Family Residential. This includes government properties, including those owned by the City of Essex Junction, the State of Vermont, and the federal government.

“Non- Structural BMPs” BMPs that use natural measures involving site characteristics to reduce the volume of stormwater or eliminate the source of the pollutant.

“Parcel” and “Property” shall mean any lot, subdivided piece of land or real property, unit of land, any subset of land, land owned in common, or a condominium unit or condominium association in the City of Essex Junction that could legally be sold as a separate entity as of January first 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. Included in this definition are all roadways owned by the City, the State, and the Federal Government.

“Single Family Residential” (“SFR”) shall mean property comprised of the following property types as defined in the city’s Land Development code: Dwelling, Single-Family, Dwelling, Two-Family or Duplex, or Dwelling, Three-Family or Triplex.

“Stormwater” shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

“Stormwater Runoff” shall mean flow on the surface of the ground, resulting from precipitation.

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

“Structural BMPs” are devices engineered and constructed to provide treatment and temporary storage of stormwater runoff.

“Transportation Separate Storm Sewer System, or TS4” shall mean Vermont Agency of Transportation owned or controlled state highways, sidewalks, multi-use pedestrian paths, welcome centers, airports, gravel pits, mineral mining facilities, maintenance facilities, park & rides, truck weigh stations, and other impervious surfaces, and Vermont Agency of Transportation owned facilities leased to third parties, except for rail lines, rail yards, public transit facilities, and rail trails.”

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

“Water Quality Superintendent” shall mean the person who manages the stormwater and wastewater departments. Also referred to as the Superintendent in this document.

SECTION 2105. ESTABLISHMENT OF STORMWATER UTILITY AND USER FEES

- a) A user fee based on an equivalent residential unit (“ERU”) shall be imposed on every owner of non-exempt Developed Property within the City, including tax-exempt properties.
- 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 motion the annual rate for each ERU.
- d) Impervious areas in the City shall be re-evaluated periodically. The City Council shall, by motion, establish the square footage that constitutes one ERU on a periodic basis.
- e) Fees will be calculated in accordance with the property customer class: SFR or NSFR, as defined in Section 2104 above.

SECTION 2106. ASSIGNMENT OF ERUs

- a) Parcels containing less than 500 square feet of impervious area shall be assigned zero (0) ERU, regardless of customer class.
- b) Each SFR property is assigned one (1) ERU.
- c) Each NSFR property is assigned the number of ERUs equal to the measured impervious surface on the parcel divided by ERU value and rounded up to the nearest integer.
- d) Exempt properties shall include 1000 River Street, Essex Junction currently owned by GlobalFoundries, and property regulated under the Required Agricultural Practices for discharges of agricultural waste or agricultural nonpoint source pollution pursuant to 24 V.S.A § 4414(9) as amended.

SECTION 2107. CREDITS

- a) The City stormwater utility offers credits against the stormwater fee for stormwater service customers who undertake specific, approved actions that reduce the impact of stormwater runoff on the public stormwater system, or provide an ongoing public benefit related to stormwater management. A credit is an ongoing reduction in the fee.
- b) Stormwater fee credits are offered by the stormwater utility to NSFR properties. These are credits for approved stormwater treatment practices (“STPs”), educational credits, Transportation Separate Storm Sewer System (“TS4”) credits, and MS4 credits. Individual SFR properties are not eligible to receive credits. Credits will remain in effect as long as the STP is approved, maintained, and functioning as designed.
- c) To qualify for any of the user fee credits, the stormwater utility customer must submit a complete credit application form and submit it by mail or electronically by email to the Water Quality Superintendent. The application will be evaluated to determine the amount of credit that an individual parcel will be given, which shall be within the Water Quality Superintendent’s sole discretion. Eligibility for user fee credits is independent of the State Stormwater permitting process. Properties both with and without valid State Stormwater permits are equally eligible for user fee credits.
- d) Refer to the City’s Stormwater Utility Credit Manual for detailed definitions of each credit type, credit policies, and application approval process.

SECTION 2108. BILLING AND COLLECTIONS

- a) Stormwater user fees will be billed tri-annually and shall be reflected on the utility bills for each property owner, where applicable, or a separate Stormwater bill. The bill shall also state the ERUs allocated to each property.
- b) A Property owner may appeal an allocation of ERUs to the Water Quality Superintendent by submitting a written notice of appeal within fifteen (15) calendar days of the mailing date of the bill. The Water Quality Superintendent shall promptly communicate with the property owner and issue a decision on the allocation of ERUs. A property owner may appeal the Water Quality

Superintendent's determination regarding credit revocation in the same manner. The filing of an appeal shall not relieve a property owner of the obligation to pay the user fee when due.

- c) In the event any Stormwater user fee is not paid within thirty (30) days from the billing date, a late penalty charge will be added to the fee together with interest charges. The amount of the late penalty charge and the interest rate on the overdue accounts shall be the same as those applied to delinquent utilities. If such payment is not made, Stormwater user fees will be collected using the City's Delinquent Utility and Shut Off policy.
- d) Property owners have a right to appeal their bills if they believe that the fee is in error. The City's Stormwater bill appeal policies shall be up to the discretion of the City Manager and are outlined in the Billing Policy document.

SECTION 2107. ESTABLISHMENT OF 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 from user fees will be placed into the Stormwater Enterprise Fund and may be retained and expended in the manner set forth herein.
- c) The City Council shall establish a dedicated Stormwater Enterprise Fund in the City budget and an accounting system to manage 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 Stormwater 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, nonoperating 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 City Council. Excess revenues may be placed into a reserve fund and may be retained and expended pursuant to the provisions of this Chapter.

SECTION 2018. PENALTY

Any person violating any of the provisions of Chapters 19-21 of the City of Essex Junction Municipal Code ("this Ordinance") shall be subject to a civil penalty of Five Hundred Dollars (\$500) for each violation. Each day that any violation of any of the provisions of this Ordinance or a permit issued hereunder continues shall constitute a separate offense. The City may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this Ordinance including sampling and monitoring expenses.

SECTION 2019. APPEALS TO CITY COUNCIL

Any interested person who believes that the staff has committed an error in making a decision or taking an action may appeal such act or decision to the City Council by filing a written Notice of Appeal with the City Clerk within 15 calendar days of the subject action or decision. The Notice of Appeal must identify the decision or action appealed from and identify the issues on appeal.

The Council shall conduct a duly warned Public Hearing. The Council shall take testimony and consider all relevant evidence before it and issue a written decision. A party aggrieved by a decision of the City Council may appeal the decision to the Vermont Superior Court, Civil Division, within 30 days of the date of the decision pursuant to Vermont Rule of Civil Procedure 75.

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