

THE CITY OF WARWICK
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 66
SEWERS AND SEWAGE DISPOSAL

No..... Date.....

Approved.....Mayor

Be it ordained by the City of Warwick:

Section I. Chapter 66 of the Code of Ordinances of the City of Warwick is hereby amended, as follows:

See Exhibit A, attached hereto and incorporated herein by reference.

Section II. The City Clerk of the City of Warwick is hereby authorized and directed to cause said changes to be made to the relevant provisions of the Code of Ordinances for the City of Warwick.

Section III. This Ordinance shall take effect upon passage and publication as prescribed by law.

SPONSORED BY: COUNCILMAN COLANTUONO
ON BEHALF OF
MAYOR AVEDISIAN

COMMITTEE: ORDINANCE

1 EXHIBIT A

2 Chapter 66

3 Article I – General Provisions

4 Article II - Illicit Connections and Discharges to the Municipal Separate Storm Sewer

5 **Sec. 66-7. Purpose.**

6 The purpose of this ordinance is to provide for the health, safety, and general welfare of the
7 citizens of the City of Warwick through the regulation of non-storm water discharges to the
8 City of Warwick's Municipal Separate Storm Sewer System ("MS4"). Specifically, this
9 ordinance is intended to:

- 10 (a) Prohibit illicit connections and discharges to Warwick's Municipal Separate
11 Storm Sewer System.
- 12 (b) Prevent or reduce to the maximum extent possible, impairment to waters of
13 the state and pollutants from entering the Warwick's Municipal Separate
14 Storm Sewer System.
- 15 (c) Provide for compliance with the relevant federal statutes, state law and
16 regulations related to storm water discharges, including but not limited to the
17 General Permit Rhode Island Pollutant Elimination System Storm Water
18 Discharge from Small Municipal Separate Storm Sewer Systems and from
19 Industrial Activity at Eligible Facilities Operated by Regulated Small MS4s,
20 as modified and/or re-issued.
- 21 (d) Prohibit, and enforce such prohibition against non-storm water discharges
22 that are not expressly authorized under a Rhode Island Pollutant Discharge
23 Elimination System Permit, including but not limited to allowable non-storm
24 water discharges that are deemed to be significant contributors of pollutants
25 to Warwick's Municipal Separate Storm Sewer System.
- 26 (e) Prevent improper disposal and handling of waste, litter, yard waste, pet waste
27 and household hazardous waste that might otherwise contribute to pollution
28 or impairment of waters of the State via Warwick's Municipal Separate Storm
29 Sewer System.
- 30

1 **Sec. 66-8. Authority.**

2 This ordinance is issued in accordance with the relevant requirements of Title 45 Towns and
3 Cities, Chapter 6 Ordinances (R.I.G.L. 45-6-1, et seq, as amended).

4
5 **Sec. 66-9. Definitions.**

6 The Term "Allowable Non-Storm Water Discharges" means discharges expressly allowed
7 pursuant to a Rhode Island Pollutant Discharge Elimination System Permit. In accordance
8 with Part I.B.3 of the *General Permit Rhode Island Pollutant Discharge Elimination System*
9 *Storm Water Discharge from Small Municipal Separate Storm Sewer Systems and from*
10 *Industrial Activity at Eligible Facilities Operated by Regulated Small MS4s* and provided
11 such discharges are not deemed Significant Contributors of Pollutants, defined as a discharge
12 or source of pollutants identified by the City and/or State as having a reasonable potential to
13 cause or contribute to an in-stream excursion above the applicable water quality standard
14 including designated uses or designated as a significant contributor of pollutants to the MS4
15 or waters of the State as designated through a TMDL or other water quality determination
16 provisions in accordance with Rule 31 (a)(1)(vii) and Rule 31(a)(1)(viii), to the MS4,
17 Allowable Non-Storm Water Discharges may include, but are limited to the following:

- 18 (a) Discharges which result from the wash down of vehicles at retail dealers
19 selling new and used automobiles where no detergents are used and
20 individual residential car washing.
- 21 (b) External building wash down where no detergents are used.
- 22 (c) Use of water to control dust.
- 23 (d) Firefighting activities.
- 24 (e) Fire hydrant flushings.
- 25 (f) Natural springs.
- 26 (g) Uncontaminated groundwater.
- 27 (h) Dechlorinated pool discharges.
- 28 (i) Air conditioning condensate.
- 29 (j) Lawn watering.

- 1 (k) Potable water sources including waterline flushings.
- 2 (l) Irrigation drainage.
- 3 (m) Pavement washwaters where spills or leaks of toxic or Hazardous Materials
4 have not occurred (unless all spilled materials have been removed) and where
5 detergents are not used.
- 6 (n) Discharges from foundation or footing drains where flows are not
7 contaminated with process materials such as solvents, or contaminated by
8 contact with soils where spills or leaks of toxic or Hazardous Materials have
9 occurred.
- 10 (o) Uncontaminated utility vault dewatering.
- 11 (p) Dechlorinated water line testing water.
- 12 (q) Hydrostatic test water that does not contain any treatment chemicals and is
13 not contaminated with process chemicals.
- 14 (r) Discharges from sump pumps where flows are not contaminated with process
15 materials such as solvents, nor contaminated with wastes, nor contaminated
16 by contact with hazardous materials.

17
18 The term "Authorized Enforcement Agent," for the purposes of this Ordinance, means the
19 Director of the City of Warwick Department of Public Works or his/her representative, who
20 is a Warwick city employee, director, agent, officer, or consultant acting to implement or
21 enforce this ordinance.

22
23 The term "Discharge(s)" means the addition of any Pollutant to Municipal Separate Storm
24 Sewer System from any Point Source.

25
26 The term "Illicit Discharge(s)" means any Discharge to the Municipal Separate Storm Sewer
27 System ~~or Watercourses~~ that is not composed entirely of storm water with the exception of
28 Allowable Non-Storm Water Discharges expressly allowed pursuant to a Rhode Island
29 Pollutant Discharge Elimination System Permit, provided such discharges are not deemed
30 Significant Contributors of Pollutants to the MS4.

1
2 The term "Municipal Separate Storm Sewer System" or "MS4" means a conveyance or system
3 of conveyances (including roads with drainage systems, municipal streets, catch basins,
4 ditches, man-made channels, or storm drains):

5 (1) Owned or operated by the City.

6 (2) Designed or used for collecting or conveying storm water.

7 (3) Which is not a combined sewer.

8 (4) Which is not part of a sanitary sewer ~~publicly owned treatment works.~~

9
10 The term "Operator" means the party or parties that either individually or taken together have
11 the day-to-day operational control over activities at the facility and the ability to make
12 modifications to such activities.

13
14 The term "Owner" means the party or parties that either individually or taken together has
15 legal title to any premise.

16
17 The term "Person" means an individual, trust, firm, joint stock company, corporation
18 (including a quasi-governmental corporation) partnership, association, syndicate,
19 municipality, municipal or state agency, fire district, club, non-profit agency or any
20 subdivision, commission, department, bureau, agency or department of state or federal
21 government (including quasi-governmental corporation) or of any interstate body and any
22 agent or employee thereof.

23
24 The term "Point Source(s)" means any discernible, confined, and discrete conveyance,
25 including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure,
26 container, rolling stock, concentrated animal feeding operation, or vessel, or other floating
27 craft, from which Pollutants are or may be discharged. This term does not include return
28 flows from irrigated agriculture.

1 The term "Pollutant(s)" means any dredged material, solid waste, incinerator residue, sewage,
2 garbage, sewage sludge, sediment, filter backwash, munitions, chemical wastes, biological
3 materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt,
4 industrial or municipal or agricultural waste or effluent, petroleum or petroleum products,
5 including but not limited to oil; or any material which will likely alter the physical, chemical,
6 biological, or radiological characteristics and/or integrity of water, such as ~~any dredged~~
7 ~~spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical~~
8 ~~wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment,~~
9 ~~rock, sand, cellar dirt and industrial, municipal,~~ agricultural waste, pet waste, litter, yard
10 waste or ~~household~~ hazardous waste.

11
12 The term "RIPDES" means the Rhode Island Pollutant Discharge Elimination System.

13
14 ~~The term "Watercourse" means a natural or man-made surface drainage channel or body of~~
15 ~~water (including a lake or pond) through which a water flow occurs, either continuously or~~
16 ~~intermittently.~~

17
18 **Sec. 66-10. Prohibited Discharges or Connections.**

19 No Person shall Discharge or cause Discharge into a Municipal Separate Storm Sewer
20 System ~~or Watercourses~~, which is not comprised entirely of storm water, unless such
21 Discharge is an Allowable Non-Storm Water Discharge as defined in this ordinance or is
22 authorized by a RIPDES Permit. This shall include, but is not limited to the following:

- 23 (a) The construction, use, maintenance, or continued existence of illicit
24 connections to the MS4 ~~storm drain system~~.
- 25 (b) This prohibition expressly includes, without limitation, illicit connections
26 made in the past, regardless of whether the connection was permissible under
27 law or practices applicable or prevailing at the time of connection.
- 28 (c) A Person is considered to be in violation of this ordinance if the Person
29 connects a line conveying ~~sewage~~ Pollutant(s) to the MS4, or allows such a
30 connection to continue.

1
2 **Sec. 66-11. Suspension of Municipal Separate Storm Sewer System Access.**

3 Any Person discharging to the Municipal Separate Storm Sewer System in violation of this
4 ordinance may have their Municipal Separate Storm Sewer System access terminated if such
5 termination would abate or reduce an Illicit Discharge. The Authorized Enforcement Agent
6 will notify a violator of the proposed termination of its MS4 access. The violator may
7 petition the Authorized Enforcement Agent for reconsideration and/or a hearing. A Person
8 commits a separate violation if a Person reinstates Municipal Separate Storm Sewer System
9 access to a premises terminated pursuant to this section, without the prior approval of the
10 Authorized Enforcement Agent.

11
12 **Sec. 66-12. RIPDES Permitted Discharges.**

13 Any Person subject to a RIPDES permit shall comply with all provisions of such permit and
14 provide notice to the Authorized Agent of ~~to~~ discharging to the MS4. Proof of compliance
15 with said permit may be required in a form acceptable to the Authorized Enforcement Agent
16 prior to discharge or connection to the MS4, or at any time requested by the Authorized
17 Enforcement Agent.

18
19 **Sec. 66-13. Inspections and Monitoring.**

20 To the extent permitted by State law or this Ordinance, or if authorized by the Owner or other
21 party in control of the property, the Authorized Enforcement Agent shall be permitted, upon
22 the presentation of credentials and other documents, as may be required by law, to enter upon
23 privately owned property for the purpose of performing their duties under this ordinance and
24 may make or cause to be made such examinations, inspections, surveys, monitoring, or
25 sampling as the Authorized Enforcement Agent deems reasonably necessary, and shall have
26 access to and copy, at reasonable times, any records that must be kept as required under any
27 applicable permit.

1 **Sec. 66-14. Requirement to Prevent, Control and Reduce Storm Water Pollutants.**

2 In an attempt to prevent, control, and reduce storm water Pollutants, any Person engaged in
3 activities or operations, or owning facilities or property which will or may result in Pollutants
4 entering storm water, the MS4 storm sewer system or waters of the State shall implement
5 Best Management Practices to the extent they are technologically achievable to prevent and
6 reduce such Pollutants. The Owner or Operator of a commercial or industrial establishment
7 shall provide reasonable protection from accidental Discharge of prohibited materials or
8 other wastes into the Municipal Separate Storm Sewer System or Watercourses. Facilities to
9 prevent accidental Discharge of prohibited materials or other wastes shall be provided and
10 maintained at the Owner or Operator's expense.

11
12 **Sec. 66-15. Watercourse Protection.**

13 ~~Every Person owning property through which a Watercourse passes, or such Person's lessee,~~
14 ~~shall keep and maintain that part of the Watercourse within the property reasonably free of~~
15 ~~trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or~~
16 ~~significantly retard the flow of water through the Watercourse. In addition, the Owner or~~
17 ~~lessee shall maintain existing privately owned structures within or adjacent to a Watercourse,~~
18 ~~so that such structures will not become a hazard to the use, function, or physical integrity of~~
19 ~~the Watercourse. The Owner or lessee shall not remove healthy bank vegetation beyond that~~
20 ~~actually necessary for maintenance, nor remove said vegetation in such a manner as to~~
21 ~~increase the vulnerability of the Watercourse to erosion. The property Owner or lessee shall~~
22 ~~be responsible for maintaining and stabilizing that portion of the Watercourse that is within~~
23 ~~their property lines in order to protect against erosion and degradation of the Watercourse~~
24 ~~originating or contributed from their property. Nothing in this section shall preclude any~~
25 ~~Owner/lessee from compliance with relevant provisions of the Rhode Island Freshwater~~
26 ~~Wetlands Act, R.I.G.L. 2-1-18, et seq., or other applicable laws or regulations.~~

27
28 **Sec. 66-15 6. Notification of Spills.**

29 Notwithstanding other requirements of law, as soon as any Person responsible for a facility or
30 operation, or responsible for emergency response for a facility or operation has information

1 of any known or suspected release of materials which are resulting or may result in
2 unauthorized Discharges or Pollutants discharging into storm water, the MS4 storm drain
3 system, or waters of the State from said facility, said Person shall take all necessary steps to
4 ensure the discovery, containment, and cleanup of such release. In the event of such a release
5 of a hazardous material said Person shall immediately notify emergency response officials of
6 the occurrence via emergency dispatch services (911). In the event of a release of non-
7 hazardous materials, said Person shall notify the Authorized Enforcement Agent no later than
8 the next business day. Notifications in person or by phone shall be confirmed by written
9 notice addressed and mailed to the Authorized Enforcement Agent within five (5) business
10 days of the phone notice. If the discharge of prohibited materials emanates from a
11 commercial or industrial establishment, the Owner or Operator of such establishment shall
12 also retain an on-site written record of the discharge and the actions taken to prevent its
13 recurrence. Such records shall be retained for at least three years. Nothing in this section shall
14 preclude any Owner/lessee from compliance with relevant provisions of the Rhode Island
15 Clean Water Act, R.I.G.L. 46-12-1, et seq. or other applicable laws or regulations.

16
17 **Sec. 66-167. Notification of Non-Compliance.**

18 If the Authorized Enforcement Agent finds a violation of this ordinance then a written notice
19 from the Authorized Enforcement Agent to compel correction shall be transmitted to the
20 Owner or Operator. Such notice shall set forth the nature of corrections required and the time
21 limit within which corrections shall be completed. Failure to comply with the required
22 corrections within the specified time limit shall be considered a violation of this chapter.

23
24 Such notice may require without limitation:

- 25 (a) The performance of monitoring, analyses, and reporting;
26 (b) The elimination of illicit connections or Discharges;
27 (c) That violating Discharges, practices, or operations shall cease and desist;
28 (d) The abatement or remediation of storm water pollution or contamination hazards and
29 the restoration of any affected property;
30 (e) Payment of a fine to cover administrative and remediation costs; and

1 (f) The implementation of source control or treatment BMPs.

2
3 If abatement of a violation and/or restoration of affected property is required, the notice shall
4 set forth a deadline within which such remediation or restoration must be completed. Said
5 notice shall further advise that, should the violator fail to remediate or restore within the
6 established deadline, the work will be done by a designated governmental agency or a
7 contractor and the expense thereof shall be charged to the violator.

8
9 **Sec. 66-17 8. Appeal of Notice of Non-Compliance.**

10 Any Person receiving a notice of non-compliance may appeal the determination of the
11 Authorized Enforcement Agent. The appeal must be received within thirty (30) days from the
12 date of the receipt of the notice of non-compliance. The appeal shall be in writing and
13 contain a detailed basis upon which the appeal was taken. The Authorized Enforcement
14 Agent shall then determine in writing and within ten (10) days whether to accept the appeal
15 or proceed to issue a notice of violation and cause a summons to issue to the appellant to
16 appear before the Warwick Municipal Court, the District Court or the Superior Court for the
17 State of Rhode Island, pursuant to the relevant jurisdictional provisions in place at the time of
18 any such appeal.

19
20 **Sec. 66-18 9. Enforcement Measures After Appeal.**

21 If no timely appeal of a notice of violation has been taken and the violation has not been
22 corrected pursuant to the requirements set forth in the notice of violation, or, in the event of
23 an appeal, within ten (10) days of the decision of the municipal authority upholding the
24 decision of the Authorized Enforcement Agent, then representatives of the Authorized
25 Enforcement Agent shall undertake all necessary actions, including requesting injunctive
26 relief through ~~the~~ a court of appropriate jurisdiction, to enter upon the subject private
27 property and take any and all measures necessary to abate the violation and/or restore the
28 property.

1 **Sec. 66-19 20. Administrative Orders.**

2 The Authorized Enforcement Agent is authorized to issue the following administrative orders
3 at any time they deem such action appropriate to secure timely and effective compliance with
4 this Ordinance or a Discharge permit or order issued pursuant to this Ordinance, whether or
5 not any previous notifications of violation have been provided to the user.

6
7 (a) Cease and Desist Order: The Authorized Enforcement Agent may issue an order to
8 cease and desist a violation or an action or inaction which threatens a violation and to
9 direct the user to comply forthwith or to take such appropriate remedial or preventive
10 action as may be needed to properly address the violation or threatened violation,
11 including halting operations and terminating the discharge.

12
13 (b) Compliance Order: The Authorized Enforcement Agent may issue an order requiring
14 a user to provide within a specified period of time, such treatment, pretreatment or
15 discharge control facilities or related appurtenances as are necessary to correct a
16 violation or to prevent a threatened violation. A compliance order may also direct
17 that a user provide improved operation and maintenance of existing discharge
18 facilities, conduct additional self-monitoring or submit appropriate reports or
19 management plans.

20
21 (c) Show Cause Order: The Authorized Enforcement Agent may issue an order to show
22 cause as to why a proposed enforcement action should not be taken. Notice shall be
23 served on the user specifying the time and place for a meeting, the proposed
24 enforcement action and the reasons for such action, and a request that the user show
25 cause as to why the proposed enforcement action should not be taken. Whether or not
26 a duly notified user appears as noticed, additional enforcement action may be
27 initiated.

28
29 (d) Consent Order: The Authorized Enforcement Agent may enter into consent orders,
30 assurances of voluntary compliance, or other similar documents establishing an

1 agreement with a user. Such orders shall include specific actions to be taken by the
2 user and specific time frames to correct a violation or to remove the threat of a
3 violation.

4
5 **Sec. 66-20 1. Penalties for Violation.**

6 Any Person who shall violate any provision of this article shall pay a fine not to exceed two
7 hundred and fifty (\$250.00) dollars per day for each day the violation remains unabated. The
8 Authorized Enforcement Agent may, at the discretion of a court of appropriate jurisdiction,
9 undertake measures necessary to abate the violation and restore the property at the Owner or
10 Operator's expense.

11
12 **Sec. 66-21 2. Cost of Abatement of the Violation.**

13 Within thirty (30) days after abatement of the violation by or under the direction of the
14 Authorized Enforcement Agent, the Owner or Operator will be notified by the Authorized
15 Enforcement Agent of the cost of abatement, including administrative costs. If the amount
16 due is not paid within a timely manner as determined by the Authorized Enforcement Agent,
17 the charges shall become a special assessment against the property and shall constitute a lien
18 on the property for the amount of the assessment. Any Person violating any of the provisions
19 of this section shall become liable to the City by reason of such violation. The liability shall
20 be immediately due and payable to the City. Interest at the rate of twelve (12) percent per
21 annum shall be assessed on the balance beginning on the first day following discovery of the
22 violation.

23
24 **Sec. 66-22 3. Injunctive Relief.**

25 It shall be unlawful for any Person to violate any provision or fail to comply with any of the
26 requirements of this Ordinance. If a Person has violated or continues to violate the provisions
27 of this ordinance, the Authorized Enforcement Agent may petition to a court of competent
28 jurisdiction for a temporary, preliminary or permanent injunction restraining the Person from
29 activities which would create further violations or compelling the Person to perform

1 abatement or remediation of the violation.

2
3 **Sec. 66-23 4. Violations Deemed a Public Nuisance.**

4 In addition to the enforcement processes and penalties provided, any condition caused or
5 permitted to exist in violation of any of the provisions of this Ordinance is a threat to public
6 health, safety, and welfare, and is declared and deemed a public nuisance, and may be
7 summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin,
8 or otherwise compel the cessation of such nuisance may be taken.

9
10 **Sec. 66-24 5. Criminal Prosecution.**

11 Any Person that has violated or continues to violate this Ordinance shall be liable to criminal
12 prosecution to the fullest extent of the law, and shall be subject to a criminal prosecution.
13 The Authorized Enforcement Agent may recover all attorney's fees, court costs and other
14 expenses associated with enforcement of this Ordinance, including sampling and monitoring
15 expenses.

16
17 **Sec. 66-25 6. Remedies Not Exclusive.**

18 The remedies listed in this ordinance are not exclusive of any other remedies available
19 under any applicable federal, state or local law and it is within the discretion of the
20 Authorized Enforcement Agent to seek cumulative remedies.

21
22 **Sec. 66-26 7. Adoption of Ordinance.**

23 This ordinance shall be in full force and effect upon its final passage and adoption and
24 publication as required by law. All prior ordinances and parts of ordinances in conflict with
25 this ordinance are hereby repealed.

26
27 **Sec. 66-27 8 –39. Reserved.**