

NOTICE OF ADOPTION TOWN OF MILTON STORMWATER UTILITY ORDINANCE

The Selectboard of the Town of Milton does hereby ordain:

Pursuant to the provisions of 24 V.S.A. Chapters 59 and 101, 24 V.S.A. Appx. ch. 129 § 104(b)(3) (Town Charter § 104(b)(3)), and other such general enactments as may be material thereto, on September 15, 2025, the Selectboard adopted the Town of Milton Stormwater Utility Ordinance with minor amendments to a number of sections that are described below. Among other provisions, this Ordinance establishes a Stormwater Utility and defines the regulations for the control and operation of Stormwater Services of the Town's Department of Public Works.

Dated this 22nd day of September, 2025.



Chris Taylor, Town Manager
Town of Milton

The Town of Milton Stormwater Utility Ordinance shall become effective on November 14, 2025, unless a petition signed by not less than 5% of the qualified voters of the Town requesting an Australian ballot vote on the question of repealing the Ordinance is filed with the Town Clerk on or before October 29, 2025. The full text of the Ordinance may be viewed at the Town Clerk's office or on the Town's website at www.miltonvt.gov.

For more information, contact: Chris Taylor, Town Manager, Town of Milton, 43 Bombardier Road, Milton, VT 05468, 802-893-6655, ctaylor@miltonvt.gov.

Amended Provisions

Section 2: Applicant: who files an application ~~for~~; **Application Fee:** Town's; **Best Management Practices (BMPs):** BMP measures may include;; **Commercial Building:** housing; **Common Plan of Development:** phases or stages ... considered for the purposes;; **Completed Construction:** For building development;; ... For subdivision development;; **Impervious Surface:** Vermont Agency of Agriculture, Food & Markets ... (i.e., cow paths);; **Municipal Separate Storm Sewer System or "MS4":** (i) owned ... groundwater;; **Person:** update hyperlink to <https://legislature.vermont.gov/statutes/section/01/003/00128>; **Private Stormwater System:** ...; **Public Stormwater System:** carry out; **Public Health Hazard or Health Hazard:** as defined by 18 V.S.A. §2-9(9) update hyperlink to: <https://legislature.vermont.gov/statutes/section/18/001/00002>; **Regulated Private Stormwater System or Regulated Private System:** All elements of the Stormwater System located in the Town of Milton that are privately owned and not controlled and operated by the Town.; **Selectboard:** ... under 24 V.S.A. ~~Section 3614~~ Chapter 101 and update hyperlink to <https://legislature.vermont.gov/statutes/chapter/24/101>; **Surface Waters:** not limited to;;.

Section 3: B. Applicability (1) provisions of this ~~Article~~ Ordinance; **C. Required Approvals** (1) date of this ~~Article~~ Ordinance; **F. Compliance with Existing Permits** (1) this ~~Article~~ Ordinance; **H. Permits** (3) criteria enumerated in ~~1 through 4~~, ... designee;; **I. Prohibitions** (6) this ~~Article~~ Ordinance.

Section 4: B. Expenditures (1) maintenance; and operations; (4) ~~Section 4(E)(B)(1)~~.

Section 5: A. Power and Authority of Inspectors (1) Authorized Persons ... ~~Article Ordinance~~ ... ~~Article Ordinance~~ ... monitoring and/or sampling; (2) discharge to stormwater;; (4) operator of the premises ... operator of the premises; (5) operator of the premises ... operator of the premises; (6) ~~Article Ordinance~~ ... ~~Article Ordinance~~; (7) ~~Article Ordinance~~ ... ~~Article Ordinance~~; **B. Inspection Requirements** (1) in accordance of with this Ordinance; **C. Inspection Certifications** (1) requirements outlined in Section 4-2 5(B).

Section 6: C. 4 V.S.A.; Chapter 29; **D. Other Enforcement Remedies** (1) Updated hyperlink to: <https://legislature.vermont.gov/statutes/section/24/061/02291>; a. ~~by-law or this~~ Ordinance.

Section 7: A. ~~Exclusivity-Exclusively~~ Residential Regulated Private Systems (1) ... listed in ~~Section (1), above, Section 7(A)(1)(a)-(e);~~ (3) ... complete application described in Section ~~(B) 7(A)(2);~~ (7) ... other than the User Fee described in Section 34 hereof ... subparagraphs ~~(F)(i) and (F)(ii) (6)(a) and (6)(b);~~ (8) For the purposes of this ~~Article V~~ Section. ... outlined in paragraphs ~~(B) through (G) of this Section 5-1 Section 7(A)(5);~~ **B.** (1)(b)(ii) and that public good; requires that the Town to perform; (d) requirements of paragraph ~~(A)(B)(1), above;~~ (e) described in paragraph ~~(B) (d) above;~~ (g) paragraphs ~~(A) through (D) (a) through (f) above~~ ... due under paragraph ~~(B) (d)(2) above;~~ (h) pursuant to paragraph ~~(E) (g) above;~~ (i) paragraph ~~(F) (h);~~ (k) Section 5-2 (B).

Section 8: A. Purpose The Purpose of this ~~article~~ Section; **C. Municipal Share of Stormwater Project Costs** (2) covered by the existing Stormwater permit;; (10) ~~Article IV~~ Section 7; (a) ~~Article~~ Section;

Pursuant to [Title 24 Chapter 59](#) of the Vermont Statutes Annotated and the Charter of the Town of Milton, the Selectboard of the Town of Milton hereby ordains the following:

Section 1	Purpose	Page 1
Section 2	Definitions	Page 1
Section 3	Stormwater System Use	Page 7
Section 4	STORMWATER SYSTEM FINANCIAL AUTHORITY	Page 12
Section 5	Inspections	Page 12
Section 6	Enforcement	Page 14
Section 7	Acceptance of Regulated Private Systems	Page 16
Section 8	Municipal Cost Sharing	Page 21
Section 9	Appeals and Severability	Page 23
Section 10	Miscellaneous Provisions	Page 23

Section 1 **Purpose**

This ordinance exists to establish a Stormwater Utility and define the rules and regulations for the control and operation of Stormwater Services of the Town of Milton Department of Public Works, allow the Town of Milton to exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the Town, whether or not owned and operated by the Town, to adopt any regulations deemed necessary to accomplish the purposes of this ordinance, including the adoption of a system of fees for services and permits, and to define what constitutes a public nuisance relating to illicit discharges, soil erosion and stormwater management related to land disturbance activities. This Ordinance also establishes methods for controlling the discharge of sediment, stormwater and non-stormwater discharges into the MS4, and/or surface or ground water as informed by the Town of Milton Phosphorus Control Plan, the State of Vermont Stormwater Manual and as required by the Municipal Separate Storm Sewer System (MS4) Permit, to mitigate stormwater impacts to waterways and to prevent their further degradation and impairment.

The purpose of this ordinance is to protect the public health, safety and welfare of the Town of Milton by protecting the MS4 and surface waters in the Town from:

- The adverse effects of erosion and stormwater discharge from new development and redevelopment of a site;
- The unfavorable stormwater discharge from neighboring communities;
- Illicit discharges and,
- The harmful effects of erosion and sediment.

Section 2 **Definitions**

For the purposes of this ordinance, the following words and/or phrases shall apply:

Agent: A person authorized to act in the place of another person.

Applicant: A property/parcel owner or duly designated representative who files an application for a land disturbance activity.

Application Fee: shall mean a fee assessed to reflect the Town's cost to review and improve impervious surfaces.

Authorized Representative: shall mean any duly authorized agent or designee of the Town of Milton.

Best Management Practices (BMPs): Methods that have been determined to be the most effective and practical means of preventing or reducing non-point source pollution to help achieve water quality goals. BMPs include both measures to prevent pollution and measures to mitigate pollution. BMP measures may include: schedules of activities, prohibitions of practices, pollution prevention and educational practices, natural resource protection, maintenance and operating procedures, treatment practices, and measures to control site runoff, spillage or leaks.

Business days: shall mean Monday through Friday, excluding legal holidays and any other time, or the day before such time, when municipal offices are not open to the public.

Capital Improvement: shall mean significant improvements to public infrastructure having a cost of more than \$5,000 and an expected life of more than five (5) years.

Clearing: Any activity that removes the vegetative surface cover.

Combined Sewer: shall mean a sewer receiving both surface runoff and sewage.

Commercial Building: shall mean any building or structure constructed for the preliminary purpose of housing, commercial, industrial, business, multi-family or mixed uses that does not serve the function of a single-family dwelling, excluding home occupations as defined in the Town of Milton Zoning Regulations.

Common Plan of Development: A development that is completed in phases or stages when such phases or stages share a common state or Town permit related to the regulation of land use, the discharge of wastewater or a discharge to surface waters or groundwater, or a development designed with shared common infrastructure. Common plans of development include, but are not limited to, subdivisions, industrial and commercial parks, and university and other campuses. Construction activities or portions of construction activities that have achieved final stabilization as of the effective date of this Ordinance shall not be considered for the purposes of determining what constitutes disturbance under a common plan of development that requires coverage under this Ordinance. Following completion of the common plan components on a parcel of land, any additional development of the parcel shall be considered as separate from the original common plan for the purposes of evaluating whether one or more acres of land will be disturbed.

Completed Construction: shall mean

(1) For building development: completion of construction of all foundation, framing, siding, roofs and internal improvements; or

(2) For subdivision development: the completion of all building on all lots.

Customers: shall mean any person, firm, trust, association, corporation, limited liability company or partnership, or government that has impervious surface in the Town of Milton.

Designated Enforcement Officer: shall mean the Director of Public Works, the Zoning Administrator, or other Town officers as may be designated by the Town Manager or Town of Milton Selectboard.

Development Review Board: shall mean the Development Review Board for the Town of Milton, established pursuant to 24 VSA § 4460.

Director: shall mean the Town of Milton Director of Public Works or a designee of the Town Manager for stormwater management.

Equivalent Residential Unit (ERU): shall mean the square footage that represents the average of the area of impervious surface for all single-family properties in the Town. The Town Selectboard shall, by resolution, establish the square footage that constitutes one (1) ERU on a periodic basis.

Erosion and Sediment Control Plan: shall mean a plan indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction. The required content of an Erosion and Sediment Control Plan is specified in the Town of Milton Stormwater Management and Erosion Control guidance document, as amended from time to time, which is incorporated by reference into this Ordinance.

Illegal Discharge: shall mean any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 3 of this Ordinance.

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 which allow any non-stormwater discharge including sewage, process wastewater, 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 the Director of Public Works.

Impervious Surface: shall mean those man-made surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates. The only exemption are improvements made in accordance with the Vermont Agency of Agriculture, Food & Markets Required Agricultural Practices Rules (i.e., cow paths).

Industrial Activity: shall mean activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

Infiltration Basin: shall mean any structure or device designed to infiltrate retained water to the subsurface.

Land Development: shall mean the construction or re-construction of impervious surface on a tract or tracts of land.

Land Disturbance Activities: shall mean any land disturbance subject to a Zoning Permit or any other approval issued pursuant to any regulation or ordinance of the Town of Milton that disturbs or breaks the topsoil or results in the movement of earth on land.

Legislative Body: shall mean the Selectboard of the Town of Milton.

Limits of Disturbance: shall mean the boundary within which all construction, materials and equipment storage, grading, landscaping and related activities shall occur.

Maintenance Agreement: shall mean a legally recorded document that acts as a property/parcel deed restriction, and which provides for long-term maintenance of stormwater management practices.

Municipal Separate Storm Sewer System or “MS4”: shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by the Town of Milton that discharges to surface waters or ground water; (ii) designed or used for collecting or conveying stormwater; (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

MS4 Permit: The Vermont Agency of Natural Resources’ General Permit #3-9014, as amended or reissued, pursuant to the Town obtained coverage of stormwater discharges from its municipal separate stormwater system.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: shall mean a permit issued by EPA (or by 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-point Source Pollution: shall mean pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from mining, construction, subsurface disposal and urban runoff sources.

Non-Single-Family Residence (NSFR): shall mean all types of developed property in the Town except Single Family Residences. This includes but is not limited to professional condominium developments, residential properties with more than 3 units such as fourplexes and apartment buildings, not-for-profit properties, commercial sites, industrial properties, mobile home parks, educational institution sites, farms and agricultural properties, parking lots, storage sites, hospitals, and nursing homes.

Non-Stormwater Discharge: shall mean any discharge to the MS4 that is not composed entirely of stormwater.

Owner: shall mean the person or people, or their authorized representative that possesses a property, or proposes a project that has been or will have impervious surface in the Town of Milton.

Parcel: is 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 Town of Milton that could legally be sold as a separate entity as of April 1 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 on the Town of Milton Parcel Maps. Property and parcel are synonymous in this document unless where either is used for a specific reference or by use in common parlance.

Payment of a bill: shall mean the receipt at the municipal office of cash, check, money order, credit card or electronic payment which is subsequently honored.

Person: shall have the meaning prescribed in [1 V.S.A., Section 128](#).

Pollutant: shall mean anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Property: synonymous with “parcel” in this document unless where either is used for a specific reference or by use in common parlance.

Public Stormwater System: All elements of the Stormwater System located in the Town of Milton that are controlled and operated by the Town of Milton or that carry out stormwater that drains directly or indirectly from any public property, including street right-of-way.

Public Health Hazard or Health Hazard: as defined by [18 V.S.A. § 2\(9\)](#) shall mean the potential harm to the public health by virtue of any condition or any biological, chemical, or physical agent. In determining whether a health hazard is public or private, the following factors shall be considered:

- (A) the number of persons at risk;
- (B) the characteristics of the person or persons at risk;
- (C) the characteristics of the condition or agent which is the source of potential harm;
- (D) the availability of private remedies;

(E) the geographical area and characteristics thereof where the condition or agent which is the source of the potential harm or the receptors exist.

Regulated Private Stormwater System or Regulated Private System: All elements of the Stormwater System located in the Town of Milton that are privately owned and not controlled and operated by the Town.

Secretary: shall mean the Secretary of the Agency of Natural Resources, State of Vermont or its successor, or his / her representative.

Sediment: shall mean soil, sand, and minerals washed from land into surface waters or onto other lands.

Sediment Control: shall mean measures that prevent eroded sediment from leaving the Site.

Selectboard or Board: shall mean the **Legislative Body** of the Town of Milton acting as a Board of Sewage Disposal Commissioners under [24 V.S.A., Chapter 101](#).

Shall: A mandatory directive, “may” is permissive.

Single Family Residence (SFR): shall mean detached single-family homes, duplexes, triplexes, and residential condominium units/complexes/developments where each unit receives a separate tax bill and has a defined footprint of land area.

Site: shall mean a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Soil Erosion: shall mean when land or soil is diminished or worn due to wind or water.

Stabilization: shall mean the use of accepted practices that prevent exposed soil from eroding.

Start of Construction: shall mean the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Storm Drain: (sometimes termed **storm sewer**) shall mean a wastewater collection system which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Stormwater: shall mean precipitation and snow melt that does not infiltrate into the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain.

Stormwater Management: shall mean the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge and detrimental changes in stream temperature that affect water quality and habitat.

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

Vermont Stormwater Management Manual Rule and Design Guidance (VSMM): Manual first published in 2002 (revised 2017) with the intention of achieving effective stormwater management using advances in best management practices (BMPs) and site design approaches available to meet water quality goals.

Surface Waters: shall mean any receiving waters existing on the surface of the ground, including but not limited to: brooks, streams, rivers, wetlands, ponds, or lakes.

Town: shall mean the Town of Milton or any duly authorized agent or employee of the Town of Milton.

Traverse: shall mean to cross via an easement through, or to pass within a Town right-of-way along the edge of, the property in question.

Wastewater: shall mean any water or other liquid, other than uncontaminated stormwater, discharged from premises.

Watercourse: shall mean any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the Town of Milton.

Waterway: shall mean a channel that directs surface runoff to a watercourse or to the public storm drain.

Wetland: shall mean those areas of land that are inundated by surface or ground water with a frequency sufficient to support plants and animals that depend on saturated or seasonally saturated soil conditions for growth and reproduction.

Zoning Administrator: shall mean the Zoning Administrator for the Town of Milton

Zoning Permit: shall mean a permit approved by the Zoning Administrator which authorizes any land disturbance activities in the Town of Milton.

Section 3 Stormwater System Use

A. Purpose

1. The Purpose of this section is to provide for the health, safety, and general welfare of the residents of the Town of Milton through the regulation of Stormwater Discharges to the Stormwater System as required by federal or state law.

B. Applicability

1. Any discharge of Stormwater from Developed Property in the Town shall be subject to the provisions of this Ordinance.

C. Required Approvals

1. No owner of Developed Property in the Town shall change or alter, or allow to be changed or altered, the discharge of Stormwater from such property occurring on the effective date of this Ordinance without first obtaining any permit or approval required under this or any other Town Ordinance, state law, or federal law. As used herein, change or alter shall mean an act done which will result in direct or indirect impact on the contribution of Stormwater into the Public Stormwater System.
2. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public Storm Drain or appurtenance thereof without first obtaining a written permit from the Director.

D. Administration

1. Except where specifically noted in this Ordinance, the Director shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to persons or entities acting in the beneficial interest of or in the employ of the Town of Milton.

E. Technical Review

1. In the event the Director 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 Director 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.

F. Compliance with Existing Permits

1. It shall be a violation of this Ordinance for 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.

G. Use of the Public Stormwater System

1. The following may be discharged into the Public Stormwater System, subject to obtaining and complying with any required permit:
 - a. Stormwater;

- b. Landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to Storm Drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), emergency firefighting activities, and any other water source not containing Pollutants;
- c. Discharges specified in writing by an Authorized Person as being necessary to protect public health and safety;
- d. Dye testing is an allowable discharge, but requires a verbal notification to an Authorized Person prior to the time of the test;
- e. Any non-Stormwater discharge permitted under a National Pollutant Discharge Elimination System (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 provided that written approval has been granted for any discharge to the Storm Drain system.

H. Permits

No person shall be granted a Zoning Permit or other approval by the Town for any land disturbance activities regulated under this Ordinance without compliance with the following provisions:

1. All projects involving land disturbance within the Town of Milton for which a Zoning Permit or other approval has been issued shall require the permittee to demarcate physically the limits of land disturbance on the site; using measures as described in the 2017 Vermont Stormwater Management Manual, Rule, and Design Guidance document, and; shall advise the permittee to take reasonable steps as outlined in the 2017 Vermont Stormwater Management Manual, Rule, and Design Guidance document to ensure that sediment and eroded materials are not transported via overland flow to surface waters or the MS4.
2. Projects disturbing more than one acre of land, either individually or as part of a Common Plan of Development, shall require evidence of application and submission of an Erosion and Sediment Control Plan to the Vermont Department of Environmental Conservation for coverage under the Vermont Construction General Permit 3-9020 (2020) for Stormwater Runoff from Construction Sites, as amended, or an Individual Construction Stormwater Discharge Permit, whichever is applicable.
3. Projects disturbing less than one acre of land, whether individually or as part of a common plan of development, that are **not** subject to the requirements of the Vermont Construction General Permit 3-9020, but meeting any of the criteria enumerated in 4, below, shall require approval of an Erosion and Sediment Control Plan, as defined in this Ordinance, by the Director or designee.

4. Any project that, in the opinion of the Zoning Administrator and or the Director, has the potential to cause significant erosion, result in the transport of sediment to surface waters or the MS4, or endanger property or public safety if not properly mitigated and controlled.

The following activities shall be exempt from the provisions of Section 3 H:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
2. Any nursery and or agricultural operations as a permitted principal or accessory use.

I. Prohibitions

1. Solid waste disposal - No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any premise, public or private property/parcel, driveway, parking area, street, alley, sidewalk, component of the MS4, or any surface water of the Town of Milton, any object or material, including but not limited to: Refuse, rubbish, garbage, animal waste, litter, yard waste, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution, or interfere with the operation, maintenance and access to the MS4. Waste deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.
2. No person required to obtain a Zoning Permit, or any other form of Town approval for land disturbance activities, shall cause, allow or permit the release of any sediment created by soil erosion resulting from these activities to any other property/parcel, the MS4 and or surface waters.
3. Illicit connections - 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.
4. Illegal discharges - No person shall discharge or cause to be discharged into the MS4, any materials, including but not limited to pollutants or waters containing any pollutants, other than stormwater, or any materials that may impede the natural flow of stormwater or the functionality of the MS4.
5. Any person conducting activity involving the outdoor generation or storage of construction waste or debris shall be required by this Ordinance to observe the following:
 - a. Piles of uncontained wastes, and wastes stored in open containers, shall be covered during windy conditions that would result in the mobilization of debris into the MS4 or waterways, and shall be covered prior to significant forecasted rain (0.25 inches in a 24-hour period).
 - b. No dumpsters shall be hosed out onto the construction site.
6. It shall be a violation of this Ordinance for any Person to cause or allow to occur any Illicit Discharge to the Public Stormwater System or allow any Illicit Discharge existing on the date this Ordinance becomes effective to continue regardless of whether such existing discharge was permissible under law or practices applicable or prevailing at the time the discharge commenced.

J. Best Management Practices

1. The Director will adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to an Illicit Discharge to the Stormwater System. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from an accidental Illicit Discharge into the Public Stormwater System. Further, any Person responsible for a property or premises, which is, or may be, the source of an Illicit Discharge to the Public Stormwater System, may be required to implement, at said Person's expense, additional BMPs to prevent or discontinue the Illicit Discharge. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of Stormwater associated with Industrial Activity, to the extent practicable, shall be deemed in compliance with the provisions of this Section.
2. Notwithstanding other requirements of law, as soon as any Person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in an Illicit Discharge into the Stormwater System, said Person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
3. In the event of a release of Hazardous Materials, said Person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said Person shall notify the Director in person or by phone or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director within three business days of the phone notice. If the Illicit Discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
4. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge, steps taken to remediate said illicit discharge, and the actions taken to prevent its recurrence. Such records shall be retained on site by the owner or operator for at least three years.

K. Protection from Damage

1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Public Stormwater System.

L. Watercourse Protection

1. Every Person owning property through which a manmade or natural Watercourse passes, or such Person's lessee, shall not dump or dispose of trash, debris, or other obstacles that

would pollute, contaminate or alter the flow of water through a Watercourse. In addition, the owner or lessee shall maintain existing privately-owned infrastructure within or adjacent to a Watercourse, so that such structures will not adversely impact the use, function, or physical integrity of the Watercourse. Natural riparian buffers and manmade Watercourses established as part of a development and required by Town regulations shall be maintained by the developer and all other subsequent property owners, including but not limited to associations, within the development.

Section 4 **STORMWATER SYSTEM FINANCIAL AUTHORITY**

A. Revenues

1. Revenues for the Stormwater Utility shall be determined by the Selectboard on an annual basis including the ability to do so through a Stormwater Utility User Fee.

B. Expenditures from the Stormwater Reserve Fund

1. User fees, as well as any secondary sources of revenue, may be used to fund the Town's efforts to manage stormwater. Acceptable expenditures include, but are not limited to, capital construction, maintenance and operations, engineering and planning, regulation and enforcement, water quality programs, special services, administration and management, coverage requirements, reserve funds, staff or labor costs, vehicle and equipment purchases, water quality related public education, and miscellaneous overhead costs.
2. Revenues shall be placed into a Stormwater Reserve Fund and may be retained and expended in the manner set forth herein.
3. The Selectboard shall establish a dedicated Stormwater Reserve Fund in the Town budget and accounting system for the purpose of managing 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 Reserve Fund, which shall be separate from all other funds. Fees will be set at a rate that covers the costs associated with stormwater management, planning, staffing, engineering, maintenance and repair, public education, capital improvements, technical support, and other services approved by the Selectboard to implement the purposes of the stormwater program as set forth herein. The Selectboard may consider both stormwater quality and quantity management needs in determining whether to expend any funds from the Stormwater Reserve Fund, and the use of the fund is limited to operating expenses, non-operating expenses such as equipment, payment of principal and interest on debt obligations, capital improvement projects, reserve expenses, and other drainage costs as deemed necessary and appropriate by the Selectboard.
4. The Selectboard holding office shall have the authority to withdraw fund amounts only for the purposes of paying acceptable expenditures as outlined in Section 4(B)(1), above.

Section 5 **Inspections**

A. Power and Authority of Inspectors

1. Authorized Persons bearing proper credentials and identification, 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 with this Ordinance. Authorized Persons shall have the right to set up devices as are necessary to conduct monitoring and/or sampling of any regulated discharge from the property. Authorized Persons may also examine and copy records that must be kept under the conditions of a NPDES permit to discharge stormwater. If a person has security measures in force that require proper identification and clearance before entry into its premises, the person shall make the necessary arrangements to allow access to representatives of the Stormwater Utility.
2. Upon request, a person shall provide the Director with all records that must be kept under the conditions of an NPDES permit to discharge to stormwater to include records that impose additional duties as defined by State and Federal law, records that document stormwater best management practices constructed and submitted for receiving stormwater credits, and records pertaining to all other stormwater infrastructure or conditions that are subject to regulation under this Ordinance. A person shall allow duly authorized representatives of the Stormwater Utility ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
3. Duly authorized representatives of the Stormwater Utility shall have the right to set up on any permitted premises such devices as are necessary in the opinion of the Director to conduct monitoring and/or sampling of the premise's stormwater discharge.
4. The Director shall have the authority to require a person to install monitoring equipment as necessary. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator of the premises at their own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy. The owner or operator of the premises shall demonstrate calibration techniques and satisfactory operation of the devices to the Director upon request.
5. Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the owner or operator of the premises at the written or oral request of the Director, and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator of the premises.
6. Unreasonable delays in allowing the Stormwater Utility access to permitted premises are a violation of this Ordinance. A person who is the operator of a premise with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Stormwater Utility reasonable access to the permitted premises for the purpose of conducting any activity authorized or required by this Ordinance.
7. If the Stormwater Utility has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with

this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director may seek issuance of a search warrant from any court of competent jurisdiction.

B. Inspection Requirements

1. For all such projects for which an Erosion and Sediment Control Plan has been approved, the Director or their designee shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee via mail, telephone or email of any instance wherein the work fails to comply with the Erosion and Sediment Control Plan as approved.

To obtain inspections, the applicant or their agent shall request an inspection from the Director via email, mail or telephone at least ten (10) business days before commencement of any of the following, unless an agreement has been executed for the applicant to provide certification in accordance with this Ordinance:

- a. For all other activities for which an Erosion and Sediment Control Plan has been approved, inspection shall occur at the start of construction, at which time inspection shall include limits of disturbance and installation of all sediment and erosion control measures.
- b. For projects where land disturbance will occur or construction will not be fully completed between October 15th and May 15th (i.e., winter season), an additional inspection is required before November 15th of each year to ensure that winter season stabilization measures are in place.
- c. If, in the judgment of the Director, additional inspections are necessary to ensure conformance with the approved Erosion and Sediment Control Plan, the Director may conduct additional inspections upon twenty-four hours' written, verbal, or email notification to the property/parcel owner. Approval for such inspections shall not be unreasonably withheld by the property/parcel owner.

C. Inspection Certifications

1. In lieu of the requirements outlined in Section 5(B) of this Ordinance, the Director may, upon written request of the applicant, allow or require that the applicant or their agent provide a written certification from a professionally licensed engineer, or a Certified Professional in Erosion and Sediment Control (CPESC), certifying compliance with the Erosion and Sediment Control Plan as approved upon completion of the activities enumerated in Section 5(B) above. The applicant or their agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan and shall provide written certification to the Director or his/her designee upon completion of each inspection, noting any remedial action required to achieve compliance with the Erosion and Sediment Control Plan.

Section 6 Enforcement

A. Enforcement Remedies

The Town, by and through its authorized agents, shall have the authority to enforce the provisions of this Ordinance, and any orders, violation notices, or enforcement orders issued hereunder, and may pursue all civil and criminal remedies in connection with any violation hereunder; as provided herein.

B. Remedies not Exclusive

The remedies set forth herein are not exclusive of any other remedies available, including criminal prosecution, under any applicable federal, state or local law. Election of one remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the Town from seeking multiple remedies.

C. Judicial Bureau Municipal Civil Complaint Ticket

Pursuant to 24 V.S.A., Chapters 59 and 61 and 4 V.S.A. Chapter 29, a Designated Enforcement Officer may commence prosecution in the Judicial Bureau for any violation of this Ordinance by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of one hundred dollars (\$100.00), the waiver fee shall be fifty dollars (\$50.00); a second offense ticketed for the same violation shall be punishable by a fine of two hundred dollars (\$200.00), the waiver fee shall be one hundred dollars (\$100.00); a third offense ticketed for the same violation shall be punishable by a fine of five hundred dollars (\$500.00), the waiver fee shall be two hundred and fifty dollars (\$250.00). Upon the fourth offense, the Town may request that the case be transferred to the Superior Court or any other court of competent jurisdiction.

D. Other Enforcement Remedies Generally; Fines, Injunctive Relief

1. Pursuant to the authority granted under [24 V.S.A. Section 2291](#), the Town may commence an enforcement action for abatement and removal of a violation and/or for fines in connection with any violation of this Ordinance. Said enforcement action shall be commenced in the Superior Court or any other court of competent jurisdiction.
 - a. Fines. If the Town elects to seek fines under this Subsection, any Person who violates any provision of this Ordinance, or any notice or order issued hereunder, shall be fined not more than one hundred dollars (\$100.00) for each offense. No action may be brought under this subsection unless the alleged offender has had at least seven (7) days warning notice by certified mail. An action may be brought without the seven (7) day notice and opportunity to cure if the alleged offender repeats the violation of this Ordinance after the seven (7) day notice period and within the next succeeding twelve (12) months. The seven (7) day warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violations within seven (7) days; and that the alleged offender will not be entitled

to an additional warning notice for a violation occurring after the seven (7) days. In default of payment of the fine, such Person shall pay double the amount of such fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of these regulations shall be paid over to the Town.

- b. Injunctive Relief. An action, injunction, or other enforcement proceeding may be instituted by the Town to prevent, restrain, correct, or abate any violation or activity causing a violation. 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 violations, or to compel a Person or Persons to perform abatement or remediation of the violation; and to seek damages for all costs, including reasonable attorney's fees, incurred by the Town in pursuing and obtaining such relief. In addition to any other remedies authorized in law or equity, the Town may seek an order specifically requiring:
 - i. The elimination of illicit connections and/or non-stormwater discharges to the MS4;
 - ii. The discontinuance of practices, activities, or operations that lead to violations of this Ordinance;
 - iii. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property/parcel;
 - iv. The implementation of source control or treatment through the use of best management practices;
 - v. The performance of monitoring, analysis, and reporting

Section 7 Acceptance of Regulated Private Systems

A. Exclusively Residential Regulated Private Systems

- 1. Subject to the terms and conditions of this Ordinance, the Town may accept conveyance of and assume responsibility for the following types of Regulated Private Systems that serve Exclusively Residential development in the Town:
 - a. Regulated Private Systems with valid Vermont stormwater discharge permits issued pursuant to the guidance and standards in the Vermont Stormwater Management Manual (VSMM) if the Regulated Private System has been constructed and maintained in accordance with the approved plans and specifications;
 - b. Regulated Private Systems with valid Vermont stormwater discharge permits issued under standards in effect prior to the adoption of the VSMM, if the Regulated Private System is not located in a stormwater-impaired watershed and the Regulated Private System has been constructed and maintained in full accordance with the approved plans and specifications;
 - c. Regulated Private Systems with expired Vermont stormwater discharge permits located within a stormwater-impaired watershed if the Regulated Private System is upgraded in accordance with the Technical Standards for Stormwater Upgrades;

- d. Regulated Private Systems with valid Vermont stormwater discharge permits issued under standards older than the VSMM and located in a stormwater-impaired watershed only if the Regulated Private System is upgraded in accordance with the Technical Standards for Stormwater Upgrades; and
 - e. Regulated Private Systems with valid Vermont individual stormwater discharge permits provided that the Stormwater Services Division determines that the permit's requirements and the maintenance of any associated offset projects would not place an undue burden on the Town.
2. The Owner of any Regulated Private System listed in Section 7(A)(1)(a)(e), above, may offer to convey such system to the Town by:
 - a. Applying to the Director, using forms developed by the Director;
 - b. Paying the applicable fee as determined by resolution of the Town of Milton Selectboard; and
 - c. Agreeing to reimburse the Town for any reasonable costs, fees, expenses and other charges the Town incurs in evaluating the Regulated Private System's design and inspecting the Regulated Private System's Stormwater management and treatment improvements prior to acceptance of such Regulated Private System
3. Upon receipt of a complete application described in Section 7(A)(2), above, the Director shall determine whether the Regulated Private System meets the applicable standards which determination shall be final.
4. Upon a determination that a Regulated Private System meets applicable standards, the Director, working with the Town Attorney or the Town Attorney's designee, shall direct the Owner of the Regulated Private System to prepare all documents, using forms developed by the Director, the Town Attorney, or the Town Attorney's designee, necessary to convey the Regulated Private System, free and clear of all encumbrances, to the Town and transfer any applicable permit to the Town. The Director, Town Attorney or the Town Attorney's designee shall review such documents to determine their accuracy and completeness.
5. Upon an Owner of the Regulated Private System's satisfactory completion of the work required under paragraphs (1) through (4) above, and payment of any sums due under paragraph (2) above, the Director shall submit to the Selectboard the Owner's offer to convey the Regulated Private System to the Town. The Selectboard may accept such offer if it determines that such acceptance is in the best interests of the Town.
6. Upon acceptance of a Regulated Private System pursuant to paragraph (5) above, the Town shall be responsible for operating, maintaining, repairing, replacing and upgrading the Regulated Private System to comply with any applicable permit and for renewing or obtaining any permit required for operation and maintenance of the Regulated Private System, except that the Former Owner of the Regulated Private System shall be responsible for all costs, fees, charges and expenses for:
 - a. Remedying damage caused by the Former Owner of the Regulated Private System; or
 - b. In the event that an extreme unforeseen circumstance requires extraordinary repair

and reconstruction measures unique to the Regulated Private System. As used herein, an “extreme unforeseen circumstance” shall mean an act, event, cause or condition that is beyond the Town’s reasonable control such as a fire, storm, earthquake, flood, lightning, landslide, hurricane, tornado, war, strike, terrorism, riot or insurrection.

7. For a period of twenty (20) years from the date the Town accepts a Regulated Private System and other than the User Fee described in Section 4 hereof, the Town shall not impose an assessment or surcharge that is unique to the Former Owner of such accepted Regulated Private System to cover all or a portion of the cost of performing the Town’s duties outlined in paragraph (F) above, unless the Town imposes a similar assessment or surcharge on other Former Owners of other similar Regulated Private Systems, or in the event of a need to remedy damage described in subparagraphs (6)(a) and (6)(b) above.
8. For purposes of this Section, the phrase “Former Owner” includes the successors in interest of Owners of Regulated Private Systems that have been accepted by the Town pursuant to the procedures outlined in Section 7(A)(5). If a “Former Owner” is a membership organization, company, corporation or other entity, whether for profit or not-for-profit, the phrase “Former Owner” shall also include its officers, members, directors and their respective successors in interest.

B. Regulated Private Systems That Are Not Exclusively Residential

1. Subject to the terms and conditions of this Ordinance, the Town may, at the discretion of the Director, allow Regulated Private Systems that serve properties with non-residential uses to obtain permit coverage under the Town’s MS4 Permit provided the Owner of such Regulated Private System meets all of the following conditions:
 - a. To monitor and inspect the Regulated Private System at regular intervals to confirm compliance with the MS4 Permit and either the VSMM or the Technical Standards for Stormwater Upgrades, as applicable to that Regulated Private System; or
 - b. The Owner of a Regulated Private System enters into an agreement with the Town obligating the Owner of the Regulated Private System to maintain the Regulated Private System in accordance with the MS4 Permit and the VSMM or the Technical Standards for Stormwater Upgrades, as applicable to that Regulated Private System, and grants the Town access by license:
 - i. To monitor and inspect the Regulated Private System at regular intervals to confirm compliance with the MS4 Permit and either the VSMM or the Technical Standards for Stormwater Upgrades, as applicable to that Regulated Private System; or
 - ii. To maintain the Regulated Private System only in the event the Director determines that the Owner of the Regulated Private System has failed to perform maintenance of the Regulated Private System in accordance with the VSMM or the Technical Standards for Stormwater Upgrades, as applicable to that Regulated Private System and that public good requires that the Town to perform such maintenance on the Regulated Private System. The Town’s performance of maintenance on a Regulated Private System shall be performed at its sole

discretion and shall not relieve the Owner from complying with the MS4 Permit and the VSMM or the Technical Standards for Stormwater Upgrades, as applicable. If the Town chooses to perform such maintenance after the Owner's failure or refusal to do so, the Owner shall reimburse the Town for its costs, fees, expenses and other charges it incurs as a result of the Owner's failure or refusal to perform such maintenance. If the Owner refuses to reimburse the Town within thirty days of the Town's mailing of a bill for such charges, such charges shall be a lien on the Owner's property and enforceable in accordance with 24 V.S.A. §§ 3504 and 3612.

- c. The Director determines that allowing the Regulated Private System to obtain coverage under the Town's MS4 Permit would not place an undue burden on the Town.
- d. The Owner of a Regulated Private System meeting the requirements of paragraph (B)(1), above, may request coverage under the Town's MS4 Permit by:
 - i. Applying to the Director, using forms developed by the Director;
 - ii. Paying the applicable fee as determined by the Town of Milton Selectboard;
 - iii. Submitting a plan for maintenance and repair of the Regulated Private System to ensure compliance with the MS4 Permit and either the VSMM or the Technical Standards for Stormwater Upgrades, as applicable to that Regulated Private System; and
 - iv. Agreeing to reimburse the Town for any reasonable costs, fees, expenses and other charges the Town incurs in evaluating the Regulated Private System's design and inspecting the Regulated Private System's Stormwater management and treatment improvements prior to the Town accepting coverage of such Regulated Private System under its MS4 Permit.
- e. Upon receipt of a complete application as described in paragraph (d) above, the Director shall determine whether the Regulated Private System meets the VSMM or the Technical Standards for Stormwater Upgrades, as applicable to that Regulated Private System. The Director's determination shall be final.
- f. Upon determination that a Regulated Private System satisfies the VSMM or the Technical Standards for Stormwater Upgrades, as applicable to that Regulated Private System, the Director, working with the Town Attorney or the Town Attorney's designee, shall direct the Owner of the Regulated Private System to prepare all documents, using forms developed by the Director, the Town Attorney or the Town Attorney's designee, necessary for the Regulated Private System to obtain coverage under the Town's MS4 Permit. The Director, Town Attorney or the Town Attorney's designee shall review such documents to determine their accuracy and completeness.
- g. Upon an Owner of the Regulated Private System's satisfactory completion of the work required by paragraphs (a) through (f) above, and payment of any sums due under paragraph (d)(2) above, the Director shall submit to the Selectboard the Regulated Private System Owner's request to obtain coverage under the Town's MS4 Permit. The

Selectboard may approve such request if it determines that such approval is in the best interests of the Town.

- h. Upon allowing a Regulated Private System to obtain coverage under the Town's MS4 Permit pursuant to paragraph (g) above, the Town shall periodically monitor, inspect and report on the Regulated Private System per the Town's MS4 Permit requirements. Notwithstanding such coverage, the Owner of the Regulated Private System remains responsible for all costs, fees, charges and expenses for:
 - i. Operation, maintenance, repair, improvement or replacement of the Regulated Private System to ensure compliance with the MS4 Permit and with either the VSMM or the Technical Standards for Stormwater Upgrades, as applicable to that Regulated Private System;
 - ii. Remedying damage caused by the Owner of the Regulated Private System; and
 - iii. In the event that an extreme unforeseen circumstance requires extraordinary repair and reconstruction measures unique to the Regulated Private System. As used herein, an "extreme unforeseen circumstance" shall mean an act, event, cause or condition that is beyond the Town's reasonable control such as a fire, storm, earthquake, flood, lightning, landslide, hurricane, tornado, war, strike, terrorism, riot or insurrection.
- i. For a period of twenty (20) years from the date the Town allows a Regulated Private System to obtain coverage under the Town's MS4 Permit and other than the User Fee described in Article III hereof, the Town shall not impose an assessment or surcharge that is unique to the Owner of such Regulated Private System to cover all or a portion of the cost of performing the Town's duties outlined in paragraph (h) above unless either:
 - i. The Town imposes a similar assessment or surcharge on Owners of other similar Regulated Private Systems;
 - ii. In the event of a need to remedy damage caused by negligence or malfeasance on the part of the Owner;
 - iii. In the event that an extreme unforeseen circumstance requires extraordinary repair and reconstruction measures unique to the Regulated Private System; or
 - iv. If the Town deems in the reasonable exercise of its discretion that the Owner has failed to maintain, repair or improve the Regulated Private System to comply with the Town's MS4 Permit and such maintenance, repair or improvement is necessary, as determined by the Director's sole discretion, to ensure compliance with the Town's MS4 Permit.
- j. For purposes of this Section (B), the term "Owner" includes the successors in interest of Owners of Regulated Private Systems that have obtained coverage under the Town's MS4 Permit. If an "Owner" is a membership organization, company, corporation or other entity, whether for profit or not-for-profit, the phrase "Owner" shall also include its officers, members, directors and their respective successors in interest.

- k. For purposes of this Section (B), the term “Owner” includes the successors in interest of Owners of Regulated Private Systems that have obtained coverage under the Town’s MS4 Permit. If an “Owner” is a membership organization, company, corporation or other entity, whether for profit or not-for-profit, the phrase “Owner” shall also include its officers, members, directors and their respective successors in interest.

Section 8 Municipal Cost Sharing

A. Purpose

The purpose of this Section is to establish a Town policy regarding cost sharing of upgrading or improving Stormwater Treatment Practices on private property that are required by the MS4 Permit, Phosphorus Control Plans (PCPs) or any other future MS4 permit requirement.

B. Applicability

This section shall apply to stormwater system upgrades or improvements as required.

C. Municipal Share of Stormwater Project Costs

1. The Town shall share in the cost of upgrading or improving Stormwater Treatment Practices (STPs) that are required by the MS4 Permit, Flow Restoration Plans (FRPs), and/or Phosphorus Control Plans (PCPs) as follows:
2. The Town shall contribute funds from the Stormwater Utility budget for the construction of upgrades or improvements to STPs on a pro rata basis. Cost sharing shall be determined by the percentage of Impervious Surface area that is publicly owned and covered by the existing Stormwater permit as compared to the total Impervious Surface area covered by the existing Stormwater permit.
 - a. Areas outside of the existing Stormwater permit that drain to the STP will not be included in this calculation unless the additional off-site area is routed to the STP as part of the upgrade or improvement. If offsite areas are being redirected to the STP as part of the upgrade or improvement, then these areas will be included as part of the Town’s Impervious Surface area in the cost sharing calculation.
3. The Town’s share of funding for upgrades or improvement of any particular STP will be determined on a schedule established by and at the discretion of the Town. The Town will update this schedule on an annual basis, as needed, to ensure that expenditures are budgeted in a way that is sustainable for both the Stormwater Utility sinking fund and Stormwater Utility rate payers, and to permit the required objectives.
4. The Town will cost share in the upgrade or improvement of an STP to the minimum design requirements that achieve the Stormwater treatment necessary to satisfy FRPs and the Vermont Stormwater Management Manual (VSMM). Work included as part of any upgrade or improvement that is beyond the minimum necessary to meet the minimum design requirements will be the responsibility of the Owner of the Regulated Private System. The Town will not share in the cost of any work undertaken that is not directly related to the STP.

5. The Town shall review and will share in the costs of any change orders during construction until the total of change order requests exceeds 10% of the estimated total project cost. Change order requests seeking cost increases beyond 10% of the estimated total project cost will be borne by the Owner of the Regulated Private System, unless otherwise agreed to by the Town in the Director's sole and complete discretion.
6. The Town shall not contribute funds for engineering or design services incurred as part of upgrades or improvements to STPs unless:
 - a. The Town obtains grant or other outside funding for the engineering or design project and a signed Stormwater system improvement agreement with the Owner of the Regulated Private System that addresses engineering or design cost sharing is in place;
 - b. The Town will not be responsible for engineering or design costs that were incurred prior to the effective date of a Stormwater system improvement agreement for the upgrade or improvement to the STP.
7. The Town will provide its pro rata share of STP upgrade or improvement costs only after the Director or his designee has inspected the Stormwater treatment system and the STP upgrade or improvement and certified that it has been constructed in accordance with the previously approved project plans.
8. The Town is not required to obtain grants or other outside funding for any individual project. Grants will be obtained at the discretion of the Director based on staff availability and other factors.
9. If a grant or outside funding is obtained by the Town for a STP upgrade or improvement project, such grant or outside funding will first be applied to offset the Town's pro rata share of the STP upgrade or improvement costs. Any amount in exceedance of the Town's pro rata share may be applied to the Regulated Private System Owner's pro rata share of the STP upgrade or improvement project costs at the discretion of the Director.
10. STP upgrade or improvement projects that are eligible for Town cost sharing must follow the process outlined for inclusion of the Stormwater treatment system under the Town's MS4 Permit as established in Section 7 of this Ordinance.
 - a. If a Regulated Private System Owner performs an upgrade or improvement to an STP, but does not intend to obtain coverage under the MS4 Permit and instead obtains permit coverage directly from the State of Vermont, they may still obtain cost sharing from the Town pursuant the requirements of this Section. In order to be eligible, these projects must:
 - i. Submit engineering and design plans for STP upgrade or improvement to the Director and obtain written approval of these plans prior to incurring any costs that would be eligible for cost sharing; and
 - ii. Sign a Stormwater system improvement agreement with the Town that establishes pro rata cost sharing for all parties involved; and
 - iii. Obtain the Director's written confirmation that the STP upgrade or improvement was constructed in conformance with the approved plans once construction is complete.

Section 9 Appeals and Severability**A. Appeals**

The Following process shall be followed for appeals to decisions pertaining to this Ordinance:

1. Step 1: Any aggrieved property owner shall have the right of appeal by filing a written notice of appeal within 30 calendar days of said decision to the Director, who shall issue a written decision within 30 calendar days. The notice of appeal shall specify the legal basis for the appeal.
2. Step 2: If said appeal is denied by the Director, the said aggrieved party shall have the right to appeal by filing a written notice of appeal to the Town Manager, provided that said appeal is entered within 30 calendar days from the issue of the decision of the Director.
3. Step 3: If said appeal is denied by the Town Manager, then said aggrieved party shall have the right to appeal to the Selectboard by filing a written notice of appeal with the Town Clerk, provided that said appeal is entered within 30 calendar days from the issuance of the decision of the Town Manager.
4. The Selectboard shall issue its decision on the appeal in writing, which decision shall be final.
5. The filing of an appeal shall not relieve the property owner of the obligations of this Ordinance.

B. 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.

Section 10 Miscellaneous Provisions

This ordinance has been adopted pursuant to the provisions of Chapter 1, Section 104 of the Town of Milton Charter.

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

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, nor unauthorized discharge or discharge of pollutants.

This Ordinance shall become effective sixty (60) days after its adoption by the Town of Milton Selectboard, or at such time following the expiration of sixty (60) days from the date of its adoption as is determined by the Selectboard per 24 V.S.A. 1973. If a petition is filed under 24 V.S.A. 1973, that statute shall govern the taking effect of this Ordinance.

Public Hearing held: September 15, 2025

This Ordinance was adopted: September 15, 2025

This Ordinance shall be posted in four (4) public places not later than September 29, 2025, fourteen (14) days from adoption.



town of
miltonvt
SELECTBOARD

Darren Adams, Chair

Michael Morgan, Vice Chair

Brenda Steady, Clerk

Diane Barrows, Member

Leland Morgan, Member

Filed with the Milton Town Clerk's Office on 9/23/25. Attest: Kristi Beas