



# City of Quincy Massachusetts

OFFICE OF THE CITY COUNCIL  
1305 Hancock Street  
Quincy, MA 02169

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Brian F. McNamee  
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Jennifer L. Manning, Clerk of Committees  
Susan M. O'Connor, Auditor

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## City Council Meeting Agenda Monday, June 1, 2015 Council Chambers – City Hall Regular Council Meeting 7:30 PM

1. Update – 2015 – 020 - Snow & Ice Winter 2015
2. Appropriation – \$50,000 for Pine Hill Cemetery & Mount Wollaston Repairs & Final Permitting for Pine Hill Cemetery Expansion – Mayor Koch
3. Appropriation – \$650,000 for Rockland Street Bridge Repairs – Mayor Koch
4. Acceptance – General Laws of Massachusetts - Chapter 44, Section 53E ½ for the purpose of establishing a revolving account for the DPW for MS4 Permit Implementation– Mayor Koch
5. Ordinance – Amending Section 13.10 Stormwater Run Off of Quincy Municipal Code – Mayor Koch
6. Ordinance – Amending Section 13.14 Stormwater Management & Land Disturbance of Quincy Municipal Code – Mayor Koch
7. Ordinance – Adding Section 13.08.100 Drain and Stormwater Management Fees – Mayor Koch
8. Ordinance – Adding Section 13.08.105 Municipal Charges Lien for Unpaid Charges for Private Drain Infrastructure Analysis – Mayor Koch
9. Ordinance – Adding Section 13.08.110 Municipal Charges Lien for Unpaid Charges for Private Drain Infrastructure Repair – Mayor Koch
10. Ordinance – Amending Section 6.04 Dogs Leash or Restraint - Off Leash Ordinance – Councillor Laforest
11. Gifts – \$700.00 from Eastern Bank to D.A.R.E.
12. Gifts – \$3,300.00 from Various Donations to D.A.R.E. Camp

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It is anticipated that one or more matters contained within the City Council Calendar, including any or all listed items pending in Committee, may be discussed and acted upon at this meeting. For a full Council Calendar, go to [www.quincyma.gov](http://www.quincyma.gov)

INTRODUCED BY **MAYOR, THOMAS P. KOCH**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2015 -

ORDERED:

June 1, 2015

Upon the request of the Director of the Parks, Forestry and Cemetery Departments, and with the approval of his Honor, the Mayor, the sum of Fifty Thousand (\$50,000.00) is hereby appropriated to the Capital Improvements/Cemetery Department Account for the purpose of funding repairs at Pine Hill and Mount Wollaston Cemeteries and final permitting of the Pine Hill Cemetery Expansion.

The same be transferred from the Reserve for Appropriation/Pine Hill Sale of Lots.



## City of Quincy, Massachusetts

20 Sea Street, Quincy, Massachusetts 02169

tel. 617-376-1294 fax 617-376-1293



**Thomas P. Koch**  
Mayor

**Christopher R. Cassani**  
Executive Director

**Paul T. Hennessy**  
General Foreman

### Public Burial Places

#### Board of Managers

Thomas M. Galvin  
Chairman

Arthur S. Wahlberg  
Vice Chairman

George W. Bouchard  
Graves Registration Officer

John A. Farmer  
Susan Kindregan

Paul M. Mauriello

### MEMORANDUM

To: The Honorable Thomas P. Koch

From: Christopher R. Cassani, Executive Director *cd*  
Park, Forestry and Cemetery Departments

Date: May 13, 2015

Re: Request for transfer of funds

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Please consider this memo a request to transfer \$50,000.00 from Reserve for Appropriation/Pine Hill Sale of Lots to the Capital Improvements/Cemetery Department account.

The purpose of this transfer request is twofold. First, it will fund spot fence repairs, tree work and the purchase of loam, seed, wood panels and fertilizer needed at Pine Hill and Mount Wollaston Cemeteries. Secondly these funds will allow us to continue working toward final permitting for the expansion at Pine Hill Cemetery.

I am happy to provide additional documentation as needed. Thank you in advance for your consideration.

INTRODUCED BY **MAYOR, THOMAS P. KOCH**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2015 -

ORDERED:

June 1, 2015

At the request of the Commissioner of Public Works, and with the approval of his Honor, the Mayor, the sum of six hundred fifty thousand (\$650,000.00) dollars is hereby appropriated for repairs to the Rockland Street Bridge as follows:

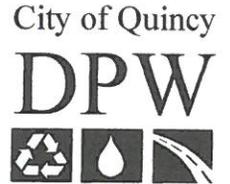
\$350,000	Sewer Contractual
\$150,000	Water Contractual
\$150,000	Drain Contractual

Same to be transferred from:

\$150,000	Sewer Stabilization Fund
\$200,000	Sewer Rehabilitation Fund
\$150,000	Water Stabilization Fund
\$150,000	Free Cash



**CITY OF QUINCY, MASSACHUSETTS**  
**Department of Public Works**



**Thomas P. Koch**  
Mayor

**Daniel G. Raymondi**  
Commissioner

May 27, 2015

Mayor Thomas P. Koch  
Quincy City Hall  
1305 Hancock Street  
Quincy, MA 02169

Re: Rockland Street Bridge

Dear Mayor Koch:

The Rockland Street Bridge is a 10 foot span located south of Spring Street in Houghs Neck. The Administration has engaged Tighe & Bond (an engineering company) to assess the condition of the bridge and make recommendations for repair/replacement.

David Murphy from Tighe & Bond has put together an estimate of \$98,000.00 for engineering to include: complete assessment, design, permitting, bidding and construction services. It is Tighe & Bond's intent to fast track the process.

The bridge provides a critical link for this Houghs Neck neighborhood and is showing signs of deterioration and corrosion. Sewer, water and gas lines are linked to this neighborhood by this structure and will also be upgraded and protected. The estimate for the repairs, including the engineering, is \$650,000.00.

The following agencies will be involved: the Conservation Commission, Army Corps of Engineers, MassDEP, MA Division of Marine Fisheries and MA Office of Coastal Zone Management.

Sincerely,

  
Daniel G. Raymondi  
Commissioner of Public Works

DGR/pb

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2015 -

ORDERED:

June 1, 2015

Upon the recommendation of the Commissioner of Public Works and with the approval of his Honor, the Mayor, the Quincy City Council hereby adopts Chapter 44, Section 53E ½ of the General Laws of Massachusetts for the purpose of establishing a revolving account for the Department of Public Works entitled Drainage Consulting, Inspection and Maintenance Fees

**WHEREAS**, the Federal Clean Water Act requires certain political entities including the City of Quincy to implement stormwater management programs that rely on local authority to enforce implementation through the MS4 Permit; and

**WHEREAS**, future expenses to cover stormwater pollution or stormwater drainage infrastructure failures as a function of inadequate maintenance and management of private drainage infrastructure will create an additional financial burden on City residents and businesses;

**WHEREAS**, G.L. c. 44 s. 53G authorizes the creations of certain financial accounts for the employment of outside consultants for Planning Board, Conservation Commission, Zoning Board of Appeals, and Board of Health, but no statute exists under state law for the Department of Public Works to retain funds from private developers for the inspection and maintenance of newly permitted private drain infrastructure,

**NOW, THEREFORE**, the City shall establish a Department of Public Works Revolving Account pursuant to G.L. c 44 s. 53E ½ entitled “Drainage Consulting, Inspection and Maintenance Fees” for the purpose of complying with the Environmental Protection Agency Stormwater Management Regulations.

The Department shall be limited to an annual expenditure limit of \$150,000 from the fund. Expenditures from the fund may be used only for the following purposes:

- 1) Stormwater Management Plan Review,
- 2) Observing the construction of private stormwater maintenance systems,
- 3) Reporting related to stormwater maintenance system construction,
- 4) Final inspections of stormwater maintenance systems,
- 5) Reporting related to final inspections of stormwater maintenance systems,
- 6) Post inspection of private stormwater management BMPs, and
- 7) Reporting related to post inspection of private stormwater management BMPs.

All funds retained in this account shall be held in escrow unless such fees are specifically identified as non-refundable.

The Department of Public Works shall provide the City Council with a monthly update of all deposits and expenditure from the Drainage Engineer and Consulting Fee Revolving Account.

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE VII** CITIES, TOWNS AND DISTRICTS**CHAPTER 44** MUNICIPAL FINANCE**Section 53E1/2** Revolving funds

Section 53E1/2. Notwithstanding the provisions of section fifty-three, a city or town may annually authorize the use of one or more revolving funds by one or more municipal agency, board, department or office which shall be accounted for separately from all other monies in such city or town and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund. Expenditures may be made from such revolving fund without further appropriation, subject to the provisions of this section; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund, nor shall any expenditures be made unless approved in accordance with sections forty-one, forty-two, fifty-two and fifty-six of chapter forty-one.

Interest earned on any revolving fund balance shall be treated as general fund revenue of the city or town. No revolving fund may be established pursuant to this section for receipts of a municipal water or sewer department or of a municipal hospital. No such revolving fund may be established if the aggregate limit of all revolving funds authorized under this section exceeds ten percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine. No revolving fund expenditures shall be made for the purpose of paying any wages or salaries for full time employees unless such revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid; provided, however, that such prohibition shall not apply to wages or salaries paid to full or part-time employees who are employed as drivers providing transportation for public school students; provided further, that only that portion of a revolving fund which is attributable to transportation fees may be used to pay such wages or salaries and provided, further, that any such wages or salaries so paid shall be reported in the budget submitted for the next fiscal year.

A revolving fund established under the provisions of this section shall be by vote of the annual town meeting in a town, upon recommendation of the board of selectmen, and by vote of the city council in a city, upon recommendation of the mayor or city manager, in Plan E cities, and in any other city or town by vote of the legislative body upon the recommendation of the chief administrative or executive officer. Such authorization shall be made annually

prior to each respective fiscal year; provided, however, that each authorization for a revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; (4) a limit on the total amount which may be expended from such fund in the ensuing fiscal year; and, provided, further, that no board, department or officer shall be authorized to expend in any one fiscal year from all revolving funds under its direct control more than one percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine. Notwithstanding the provisions of this section, whenever, during the course of any fiscal year, any new revenue source becomes available for the establishment of a revolving fund under this section, such a fund may be established in accordance with this section upon certification by the city auditor, town accountant, or other officer having similar duties, that the revenue source was not used in computing the most recent tax levy.

In any fiscal year the limit on the amount that may be spent from a revolving fund may be increased with the approval of the city council and mayor in a city, or with the approval of the selectmen and finance committee, if any, in a town; provided, however, that the one percent limit established by clause (4) of the third paragraph is not exceeded.

The board, department or officer having charge of such revolving fund shall report to the annual town meeting or to the city council and the board of selectmen, the mayor of a city or city manager in a Plan E city or in any other city or town to the legislative body and the chief administrative or executive officer, the total amount of receipts and expenditures for each revolving fund under its control for the prior fiscal year and for the current fiscal year through December thirty-first, or such later date as the town meeting or city council may, by vote determine, and the amount of any increases in spending authority granted during the prior and current fiscal years, together with such other information as the town meeting or city council may by vote require.

At the close of a fiscal year in which a revolving fund is not reauthorized for the following year, or in which a city or town changes the purposes for which money in a revolving fund may be spent in the following year, the balance in the fund at the end of the fiscal year shall revert to surplus revenue unless the annual town meeting or the city council and mayor or city manager in a Plan E city and in any other city or town the legislative body vote to transfer such balance to another revolving fund established under this section.

The director of accounts may issue guidelines further regulating revolving funds established under this section.

INTRODUCED BY     **MAYOR, THOMAS P. KOCH**

**CITY OF QUINCY  
IN COUNCIL**

ORDER NO. 2015 -

ORDERED:

June 1, 2015

Upon recommendation of the Commissioner of Public Works, and with the approval of his Honor, the Mayor, Section 13.10 of the City of Quincy Municipal Code is hereby amended by striking it in its entirety and inserting the following provisions:

**13.10.010. PURPOSE**

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

- a. to prevent pollutants from entering the City's municipal separate storm sewer system (MS4);
- b. to prohibit illicit connections and illicit discharges to the MS4;
- c. to require the removal of all such illicit connections;
- d. to comply with state and federal statutes and regulations relating to storm water discharges; and
- e. to establish the legal authority to ensure compliance with the provisions of this ordinance through inspection, monitoring, and enforcement

**13.10.20 DEFINITIONS**

For the purposes of this ordinance, the following shall mean:

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of storm water runoff.

**CITY ENGINEER:** The City Engineer of the City of Quincy or his/her designee.

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

COMMISSIONER: The Commissioner of Public Works of the City of Quincy or his/her authorized deputy, agent or representative.

DEPARTMENT OF PUBLIC WORKS or DEPARTMENT: The branch of government as defined in Chapter 2.36 of this code authorized to enforce the provisions of this ordinance.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal separate storm sewer system or into the waters of the Commonwealth or the United States from any source.

FLOW: Stormwater or Groundwater.

GROUNDWATER: Water beneath the surface of the ground.

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

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal separate storm sewer system that is not composed entirely of storm water, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting or other public safety activities exempted pursuant to Section 30.10.080 of this ordinance.

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

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

NON-STORMWATER DISCHARGE: Discharge to the MS4 not composed entirely of storm water.

**OWNER:** A person, partnership, association, company or trust with a legal or equitable interest in real property.

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

**POLLUTANT:** Dredged soil, solid waste. Incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat wrecked or discarded equipment, rock, sand, cellar direct and industrial, municipal and agricultural discharged into water.

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

**STORMWATER:** Storm water runoff, snow melt runoff, and surface water runoff and drainage.

**STORMWATER BEST MANAGEMENT PRACTICE (BMP):** A structural or nonstructural technique for managing stormwater to prevent or reduce nonpoint source pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, biofilter, or other stormwater treatment practice or measure either alone or in combination including without limitation any discharge pipe, overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging, or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.

**STORMWATER MANAGEMENT:** The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

**STORMWATER MANAGEMENT PERMIT:** A permit issued by the City Engineer, after review of an application, plans, calculations, and other supporting documents which is designed to protect the environment from the effects of uncontrolled and untreated stormwater run-off.

**STORMWATER MANAGEMENT PLAN:** A plan required as part of the application for a Stormwater Management Permit and which may include, but not be limited to, narrative, calculations, hydrologic models, figures, drawings and details developed by a qualified professional engineer (PE), which describes the structural and non-structural Stormwater Best Management Practices necessary to meet the requirements of the Massachusetts Stormwater Handbook performance standards.

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

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

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

**WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

**WATERS OF THE UNITED STATES:** All waters within the jurisdiction of the United States, including without limitations river, streams. Lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and groundwater.

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

#### 13.10.030 APPLICABILITY

This Ordinance shall apply to flows entering the MS4.

#### 13.10.40 AUTHORITY

This Ordinance is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

## 13.10.050 RESPONSIBILITY FOR ADMINISTRATION

The Department of Public Works shall administer, implement, and enforce this Ordinance. Nothing in this Ordinance is intended to abrogate any enforcement authorities of the Quincy Health Department pursuant to the Massachusetts State Sanitary Code, 105 CMR 400 et seq. or any other public health law. Any powers granted to or duties imposed upon these Departments may be delegated in writing to employees or agents of the Department.

## 13.10.060 REGULATIONS

The Commissioner may promulgate rules and regulations to effectuate the purposes of this ordinance. Failure by the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this ordinance.

## 13.10.070 PROHIBITED ACTIVITIES

(A) Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into the MS4 into a private storm water system that connects to the MS4 into a watercourse, or into the waters of the Commonwealth or the United States.

(B) Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the MS4, or into a private separate storm sewer system that connects to the MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

(C) Obstruction of MS4. No person shall obstruct or interfere with the normal flow of storm water into or out of the MS4 without a drain permit issued by the City Engineer.

(D) Introduction of Earth-Type Materials. No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with cleaning, grading, excavation or other construction activities, (or associated with landfilling or other placement or disposal of soil, rock, or other earth materials) in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable (under the prevailing circumstances).

## 13.10.080 EXEMPTIONS

Notwithstanding any provisions to the contrary, the following types of discharges into the MS4 exempt from the prohibitions set herein:

Discharge or flow resulting from fire fighting or other municipal public safety activities. The following non-storm water discharges or flows are exempt from the prohibition of non-storm water discharges provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

- a. Flow from potable water sources;
- b. Springs
- c. Natural from riparian habitats and wetlands;
- d. Diverted stream flow;
- e. Rising groundwater;
- f. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(2), or uncontaminated pumped ground water;
- g. Water from exterior foundation drains, footing drains (not active groundwater)
- h. Discharge from landscape irrigation or lawn watering;
- i. Water form individual, residential car washing;
- j. Discharge from dechlorinated swimming pool water (less than 1ppm chlorine) provided that the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- k. Discharge from street sweeping;
- l. Dye testing, provided written notification is given to the Department of Public Works prior to the time of the test;
- m. Non-storm water discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or other applicable order, laws or regulations; and
- n. Discharge for which advanced written approval is received form the Department of Public Works as necessary to protect public health, safety, welfare or the environment

## 13.10.090: NEW CONNECTIONS AND ALTERATIONS TO EXISTING CONNECTIONS; DRAIN PERMIT REQUIRED

No unauthorized Person shall uncover, excavate over, block access to, make any connection with or opening into, alter or disturb, or in any way directly or indirectly use the MS4 or appurtenance thereof without first obtaining a Drain Permit from the City Engineer. Any person proposing a new discharge into the system or in any way changing the volume or character or any effluent that is to be or is being discharged into the MS4 shall be required to notify the City Engineer at least forty-five (45) days prior to the proposed change or connection, and shall be further required to obtain all required permits and to comply with all regulations and guidance documents promulgated by the Commissioner pursuant to the authority granted to the Commissioner by this ordinance

and by any and all applicable federal, state and local laws, regulations and rules and shall be responsible for all fees and charges established by the Commissioner in said regulations.

This provision shall not apply in situations of flooding emergencies, abatement and response where groundwater infiltration may cause threat to public health and safety.

All costs and expense incident to the installation and connection to MS4 and any costs of maintenance thereof shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of any connection to the MS4. Notwithstanding the foregoing, the Commissioner may provide for connection to the mains of the municipal separate storm sewer system in the public way at the expense of the City when the need for a new connection stems from the correction of improperly connected separate storm sewer system lines as required by the United State Environmental Protection Agency, the Massachusetts Department of Environmental Protection, the Massachusetts Water Resources Authority, and the Department of Public Works. The Commissioner may limit the City's assumption of costs for correction or improperly connected building separate storm sewer system where the Commissioner determines that the improper connection was made negligently, knowingly, or intentionally by the owner or from the owner of the property, their agents, or acting on their behalf.

#### 13.10.100 ANNUAL CERTIFICATION OF STORMWATER MANAGEMENT BMPs PERMITTED UNDER 13.14

All Persons owning, operating, leasing or having control over Stormwater Management Facilities required by a Stormwater Management Permit under Section 13.14 of this Code shall demonstrate compliance with that Permit as follows.

(A) All Stormwater Management BMPs including, but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and conveyance related structures shall be inspected at least annually, by the Owner or a qualified third party inspector, in accordance with all inspection, cleaning and maintenance requirements of the approved Stormwater Management Plan.

(B) The Owner shall take all corrective action(s) necessary to correct all deficiencies to the Stormwater Management BMPs to ensure the Stormwater Management System is operating as intended and approved.

(C) By December 31<sup>st</sup> of each calendar year, the Owner or his/her third party designee, shall provide a completed and signed certification to the City Engineer certifying that the Owner has inspected the Stormwater Management BMPs and that they are adequately maintained and functioning as intended by the approved Stormwater Management Plan, or that they require maintenance or repair. All necessary repairs and required maintenance to the Stormwater Management BMPs identified during the inspection of

the Stormwater Management System shall be described in detail along with all corrective action(s) taken.

(D) The cost for all inspections and corrective action required under this section shall be borne by the owner.

#### 13.10.100 EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Department may suspend MS4 access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants or flow that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Department may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

#### 13.10.110 PROPERTY DESTRUCTION PROHIBITED.

In addition to all penalties and remedies available to the Commissioner pursuant to the regulations and guidance documents promulgated pursuant to the authority of this ordinance and provided in any other applicable federal, state or local law, regulation or rule, no unauthorized 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 municipal separate storm sewer system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

#### 13.10.120 NOTIFICATION OF SPILLS

(A) Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth or the United States. The person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Department, municipal fire and police departments.

(B) In the event of a release of non-hazardous material, the reporting person shall notify the Department and City Engineer, no later than the next business day. The reporting person shall provide to the Department of Public Works written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years from the date of the spill.

## 13.10.110 ENFORCEMENT

The Department shall enforce this ordinance, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

A. Civil Relief. If a person violates the provisions of this ordinance, regulations, permit, notice, or order issued thereunder, the Department may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders. The Department may issue a written order to enforce the provisions of this ordinance or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) elimination of excess flow causing harm or damage to public or private property; (c) performance of monitoring, analyses, and reporting; (d) annual certification of Stormwater Management BMPs permitted under s. 13.14 of this code; (e) that unlawful discharges, practices, or operations shall cease and desist; and remediation of contamination in connection therewith. If the enforcing person determines that abatement of flow or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the City may, at its option, undertake such work after advising owner of the cost associated with the remediation, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the City, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become an assessment against the property owner and shall constitute a municipal charges lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59 s.57 after the thirty-first day at which the costs first become due.

C. Criminal Penalty. Any person who violates any provision of this Ordinance, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$ 1,000.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the City may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, section 21D, in which case the Commissioner and/or other authorized agent of the City shall be the enforcing person. The penalty for a violation shall be \$300.00 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Entry to Perform Duties Under this Ordinance. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works and the Health Department, their agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ordinance and regulations and may make or cause to be made such examinations, surveys or sampling as such Department deems reasonably necessary.

F. Appeals. Other than those remedies listed in 13.10.110 (c), the decisions or orders of the Department shall be final. Further relief shall be to a court of competent jurisdiction

G. Remedies Not Exclusive. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law.

#### 13.10.120 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

INTRODUCED BY **MAYOR, THOMAS P. KOCH**

**CITY OF QUINCY  
IN COUNCIL**

ORDER NO. 2015 -

ORDERED:

June 1, 2015

Upon recommendation of the Commissioner of Public Works, and with the approval of his Honor, the Mayor, Section 13.14 and 13.16 of the City of Quincy Municipal Code is hereby amended by striking it in its entirety and inserting the following provisions:

**13.14 Stormwater Management and Land Disturbance Ordinance**

Section	13.14.010	Purpose
Section	13.14.020	Definitions
Section	13.14.030	Authority
Section	13.14.040	Scope and Applicability
Section	13.14.050	Administration
Section	13.14.060	Permits and Procedures
Section	13.14.070	Performance Standards
Section	13.14.080	Waivers
Section	13.14.090	Final Reports
Section	13.14.100	Enforcement
Section	13.14.110	Severability

**13.14.010 PURPOSE**

- a. The harmful impacts of polluted and unmanaged stormwater runoff are known to cause:
  1. **impairment** of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater;
  2. contamination of drinking water supplies;
  3. erosion of stream channels;
  4. alteration or destruction of aquatic and wildlife habitat;
  5. flooding; and
  6. overloading or clogging of municipal storm drain systems.

- b. The objectives of this ordinance are to:
1. protect groundwater and surface water from degradation;
  2. require practices that reduce soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from development, construction, and land surface alteration;
  3. promote infiltration and the recharge of groundwater;
  4. prevent pollutants from entering the City of Quincy Municipal Separate Storm Sewer System ("MS4") and to minimize discharge of pollutants from the MS4;
  5. ensure adequate, long-term operation and maintenance of structural stormwater best management practices;
  6. ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design processes are implemented and maintained;
  7. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
  8. comply with state and federal statutes and regulations relating to stormwater discharges; and
  9. establish the City of Quincy's legal authority to ensure compliance with the provisions of this ordinance through inspection, monitoring, and enforcement.

### **13.14.020 DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this ordinance. Additional terms that apply to issuance of a permit established by this ordinance shall be defined and included as part of the rules promulgated and, from time to time, amended under Section 5 of this ordinance, a copy of which is available at the Board and the office of the City Clerk. Terms not defined in said regulations or pertinent statutes shall be construed according to their customary and usual meaning.

**AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**ALTER:** Any activity which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision of the Commonwealth or the Federal government to the extent permitted by law, requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

**APPROVAL NOT REQUIRED (ANR):** A plan of land that does not require approval under the Subdivision Control Law of Massachusetts (Massachusetts General Laws, Chapter 41, Sections 81K through 81GG).

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of storm water runoff.

**CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL:** A certified specialist in soil erosion and sediment control.

**CITY ENGINEER:** The City Engineer of the City of Quincy or his/her designee.

**CLEARING:** Any activity that removes the vegetative surface cover.

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

**COMMISSIONER:** The Commissioner of Public Works of the City of Quincy or his/her authorized deputy, agent or representative.

**COMMON PLAN OF DEVELOPMENT:** Any announcement or piece of documentation (including a contract, public notice or hearing, advertisement, drawing, plan, or permit application, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor marking, etc.) indicating imminent or future plans to disturb earth regardless of how many phases or how long it will take to complete. Under this bylaw, a facility is no longer considered a common plan if the following criteria are met:

- a. The original plan, including modifications, was substantially completed with less than one acre of the original common plan remaining (i.e., <1 acre of the common plan was not built out at the time); and
- b. There was clearly an identifiable period of time (2 years or more) where there was no ongoing construction, including meeting the criteria for final stabilization.

**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter, and sanitary waste at a construction site that may adversely impact water quality .

**DEPARTMENT OF PUBLIC WORKS OR DEPARTMENT:** The branch of government as defined in Chapter 2.36 of this code authorized to enforce the provisions of this ordinance.

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

**DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the MS4 system or into the waters of the Commonwealth or the United States from any source.

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

**EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing narrative, drawings, and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control, which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

**ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

**FLOW:** Stormwater or Groundwater.

**GRADING:** Changing the level or shape of the ground surface.

**GROUNDWATER:** Water beneath the surface of the ground.

**GRUBBING:** The act of clearing land surface by digging up roots and stumps.

**ILLICIT CONNECTION:** A surface or subsurface drain or conveyance, which allows an illicit discharge into the MS4 system, including without limitation: sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this ordinance.

**ILLCIT DISCHARGE:** Direct or indirect discharge to the MS4 system that is not composed entirely of storm water, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting or other public safety activities exempted pursuant to Section 30.10.080 of this ordinance.

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

**LAND DISTURBANCE:** Any activity that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material. See also ALTER.

**LOW IMPACT DEVELOPMENT TECHNIQUES:** Stormwater management practices that are modeled after natural hydrologic features. Low impact development techniques manage rainfall at the source using uniformly distributed decentralized micro-scale controls. Low impact development techniques use small cost-effective landscape features located at the lot level.

**MASSACHUSETTS ENDANGERED SPECIES ACT:** (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

**MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS:** The requirements described in the Massachusetts Stormwater Handbook, as they may be amended from time to time, that address water quality (pollutants) and water quantity (flooding, low base flow, and recharge) by establishing standards that require the implementation of a wide variety of stormwater management strategies. These strategies include environmentally sensitive site design and Low Impact Development techniques to minimize impervious surface and land disturbance, source control and pollution prevention, structural Best Management Practices, construction period erosion and sedimentation control, and the long-term operation and maintenance of stormwater management systems. The Stormwater Management Standards have been incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, and as amended that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131 §. 40 and Massachusetts Clean Waters Act MGL c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of Stormwater Management Standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

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

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

**NON-STORMWATER DISCHARGE:** Discharge to the MS4 not composed entirely of storm water.

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

**OUTFALL:** Outfall means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

**OUTSTANDING RESOURCE WATERS (ORWs):** Waters designated by the Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociological, recreational, ecological, and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include:

- a. vernal pools certified by the Natural Heritage Program of the Massachusetts Fisheries and Wildlife Environmental Law Enforcement,
- b. all Class A designated public water supplies with their bordering vegetated wetlands, and
- c. other waters specifically designated.

**OWNER:** A person, partnership, association, company or trust with a legal or equitable interest in real property.

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

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

**POLLUTANT:** Dredged soil, solid waste. Incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar direct and industrial, municipal and agricultural waste discharged into water.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

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

**RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**REDEVELOPMENT:** The development, replacement, rehabilitation, expansion, demolition, or phased projects that disturb the ground surface or increase the impervious area on previously developed sites. Standards of redevelopment only apply to the portions of the parcel that currently contain alteration by human activities.

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

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

**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

**SOIL:** Any earth, sand, rock, gravel, or similar material.

**STABILIZATION:** The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

**STORMWATER:** Storm water runoff, snow melt runoff, surface water runoff, and drainage.

**STORMWATER BEST MANAGEMENT PRACTICE (BMP):** A structural or nonstructural technique for managing stormwater to prevent or reduce nonpoint source pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, biofilter, or other stormwater treatment practice or measure either alone or in combination including without limitation any discharge pipe, overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging, or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.

**STORMWATER MANAGEMENT:** The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

**STORMWATER MANAGEMENT PERMIT:** A permit issued by the City Engineer, after review of an application, plans, calculations, and other supporting documents which is designed to protect the environment from the effects of uncontrolled and untreated stormwater run-off.

**STORMWATER MANAGEMENT PLAN:** A plan required as part of the application for a Stormwater Management Permit and which may include, but not be limited to, narrative, calculations, hydrologic models, figures, drawings, details and long-term operations and maintenance developed by a qualified professional engineer (PE), which describes the structural and non-structural Stormwater Best Management Practices necessary to meet the requirements of the Massachusetts Stormwater Handbook performance standards.

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

**STRIP:** Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

**TSS:** Total Suspended Solids.

**TOXIC OR HAZARDOUS MATERIAL or WASTE:** Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or

to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**VERNAL POOLS:** Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

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

**WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth, including, without limitation: rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

**WATERS OF THE UNITED STATES:** All waters within the jurisdiction of the United States, including without limitation: river, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

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

**WETLAND RESOURCE AREA:** Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the City of Quincy's wetland ordinance.

**WETLANDS:** Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

### **13.14.030 AUTHORITY**

This Stormwater Management ordinance is hereby established in the City of Quincy, Massachusetts. This ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

**13.14.040 SCOPE AND APPLICABILITY**

- a. This ordinance shall be applicable to the following activities:
  1. Any Subdivision as defined in the Massachusetts Subdivision Control Law (Massachusetts General Laws, chapter 41, sections 81K - 81GG) requiring a Definitive Plan;
  2. Any activities that result in a land disturbance of one acre or greater within the City of Quincy. Land disturbance shall mean any action that causes vegetation clearing (including tree cutting) or a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material; and
  3. Any activities that result in a land disturbance less than one acre if the project is part of a larger common plan of development which will disturb one acre or more within the City of Quincy. Plans that do not require approval under the Subdivision Control Law, hereafter referred to as "Approval Not Required or ANR lots," and meet one or more of the applicability criteria described herein are subject to the provisions of this ordinance and shall obtain a Storm Water Management Permit.
  
- b. No person who meets the applicability of this ordinance shall alter land within the City of Quincy without having obtained a Storm Water Management Permit with the following exemptions :
  1. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and Massachusetts General Laws chapter 40A, section 3.
  2. Ground disturbances in the course of customary cemetery use and regular maintenance.
  3. Maintenance of existing landscaping, gardens, or lawn areas associated with a single family dwelling.
  4. The construction of fencing that will not substantially alter existing terrain or drainage patterns.
  5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns.
  6. Any work or projects for which the required permit applications have been submitted to the Planning Board, Zoning Board of Appeals, and/or Conservation Commission before the effective date of this ordinance. For proposed Subdivisions, a Definitive Plan must have been submitted to be considered exempt from this ordinance.
  7. Emergency repairs to any stormwater management facility or practice, such that the original design location, size, and technology remain the same, that poses a threat to public health or safety, or as deemed necessary by the Board or its authorized agent.
  8. Municipal roadway and public walkways.
  9. Any construction activity or project wholly within the jurisdiction of the Conservation Commission, provided that an Order of Conditions has been issued by the Conservation Commission under Massachusetts General

Laws, Chapter 131, Section 40 and Ch. 18.08 of the Quincy Municipal Code, provided that the Order of Conditions is not less restrictive than the requirements of this chapter.

- c. Coordination with Other Permit and Ordinance Requirements.
  1. A party shall not be deemed compliant with the provisions of this ordinance by virtue of its obtaining a City Earth Removal Permit, Order of Conditions from the Conservation Commission, Building Permit, Subdivision approval, and/or Special Permit, variance or finding from the Zoning Board of Appeals for a project or activity that meets the Scope and Applicability of this ordinance, no work shall commence until the site owner or his/her agent submits a complete Stormwater Management Permit application and the site owner and applicant sign and certify that all land clearing, construction, and development will be done pursuant to the approved plans and Permit.
  2. This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.
  3. In case of conflicting requirements, applicable state statutes and regulations shall be considered the more restrictive or more protective of human health and the environment, and shall take precedence over this ordinance and the regulations promulgated thereunder. These state statutes and regulations include, but are not limited to, the following documents: the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Act, the Massachusetts Watershed Protection Act, and the Massachusetts Stormwater Management Standards, amended.

#### **13.14.050 ADMINISTRATION**

The City Engineer shall administer, implement and enforce this ordinance. Any powers granted to or duties imposed upon the City Engineer may be delegated in writing by the City Engineer to other Department of Public Works employees. The City Engineer or his designee shall act as the Storm Water Management Permit administrator.

- a. **Rules and Regulations.** The Department of Public Works may adopt, and periodically amend, rules, regulations, policies or guidelines relating to the terms, conditions, definitions, fees (including application, clerical, inspection, and/or consultant fees), procedures, and administration of this Stormwater Management Ordinance. Failure of the Department to promulgate such rules

and regulations shall not be deemed a waiver by the Department, or serve to suspend or invalidate the effect of this ordinance.

- b. **Stormwater Management Handbook.** The Department will utilize the Massachusetts Stormwater Management Standards and Handbook, as amended from time to time, for criteria and information including specifications and standards for the execution of the provisions of this ordinance. These include a list of acceptable stormwater treatment practices, with specific design criteria for each. Unless specifically altered in this ordinance and regulations, stormwater management practices that are designed, constructed, and maintained in accordance with the Massachusetts Stormwater Management Standards and design and sizing criteria in the Stormwater Management Handbook shall be presumed by the Board to be protective of Massachusetts water quality standards.
- c. **Actions by the Department.** The City Engineer may take any of the following actions as a result of an application for a Stormwater Management Permit as more specifically defined as part of the rules, policies, or guidelines promulgated as part of this ordinance: Approval, Approval with Conditions, or Disapproval. Failure of the City Engineer to take final action upon an Application within the time specified in the rules, policies or guidelines created or promulgated under Section 13.14.050(a) of this ordinance shall be deemed to be a denial of said Application.
- d. **Appeals.** The decisions or orders of the City Engineer shall be final. Further relief shall be to a court of competent jurisdiction.

#### 13.14.060 PERMITS AND PROCEDURES

- a. **Application.** A completed application for a Stormwater Management Permit shall be filed with the City Engineer. While the applicant can be a representative, the permittee must be the owner of the site.
- b. **The Storm Water Management Permit Application package shall include:**
  - 1. a completed Application Form with original signatures of all owners;
  - 2. three copies (3) of the Stormwater Management Plan and project description as required by this ordinance;
  - 3. three (3) copies of the Erosion and Sediment Control Plan as required by this ordinance; and
  - 4. payment of the application and review fees.
- c. **Fee Structure.** Each application must be accompanied by the appropriate application fee as established by the City. Applicants shall pay review fees sufficient to cover any expenses connected with review of the Stormwater

Management Permit Application before the review process commences. The City Engineer is authorized to retain a Registered Professional Engineer or other professional consultant to advise him/her on any or all aspects of the Application.

- d. Permit procedures and requirements, including permit submittals, right-of-entry, and fee schedule, shall be defined and included as part of the rules and regulations created or promulgated under Section 13.14.050(a) of this ordinance.

#### **13.14.070 PERFORMANCE STANDARDS**

- a. Criteria for erosion and sediment control and stormwater management including stormwater performance standard, shall be in accordance with the Standards of the Massachusetts Stormwater Handbook and any supplemental requirements that may be contained under the regulations of Section 13.14.050(a) of this chapter.

#### **13.14.080 WAIVERS**

- a. The City Engineer may grant a waiver to an applicant, allowing for an exemption from strict compliance with any requirement of the ordinance or the rules and regulations promulgated hereunder after issuing a written opinion that such a waiver is:
  1. Permitted under applicable federal, state, and local statutes and/or regulations;
  2. In the public interest; and
  3. Consistent with the purpose and intent of this ordinance and its regulations.
- b. Criteria for granting a waiver shall be defined and included as part of the rules and regulations created or promulgated under Section 13.14.050(a) of this ordinance.

#### **13.14.090 FINAL REPORTS**

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sediment Control, certifying that all Stormwater Management BMPs have been constructed in accordance with the Stormwater Management Plan and approved changes and modifications have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

### 13.14.100 ENFORCEMENT

- a. **Orders:** The Department may issue a written order to enforce the provisions of this ordinance or the regulations thereunder, which may include abatement, mitigation, and compliance measures for violations of this ordinance. The order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the City may, at its option, undertake such work after advising owner of the cost associated with the remediation, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the City, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become an assessment against the property owner and shall constitute a municipal charges lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59 s.57 after the thirty-first day at which the costs first become due.

- b. **Civil Relief:** The Department of Public Works or an authorized agent of the Department shall enforce this ordinance and resulting rules, regulations, policies, guidelines, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies, including injunctive relief and monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken by the Department.
- c. **Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the City may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, Section 21D, in which case the Commissioner or other authorized agent of the City shall be the enforcing person. The penalty for a violation shall be \$300.00 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- d. **Right to Enter and Inspect.** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department's agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ordinance and may make or cause to be made such examinations, surveys, or sampling the Department deems reasonably necessary to determine compliance with a permit

issued under this ordinance. Enforcement may be further defined and included as part of the rules, policies or guidelines created or promulgated under Section 13.14.050(a) of this ordinance.

- e. **Appeals.** The decisions or orders of the Department shall be final. Further relief shall be to a court of competent jurisdiction
  
- f. **Remedies Not Exclusive.** The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law.

**13.14.110: SEVERABILITY**

The provisions of this ordinance shall be deemed severable. If any provision is held invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby. The invalidity of any section of section or parts of any section or sections of this ordinance shall not affect the validity of the remainder of this ordinance.

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2015 -

ORDERED:

June 1, 2015

Upon the recommendation of the Commissioner of Public Works and with the approval of his Honor, the Mayor, the value of Drain and Stormwater Management charges shall be set at the following:

Add Section 13.08.100

- A. Drain Permit Fees:
  - a. \$300 per change or connection
  
- B. Stormwater Management Permit Fees:
  - a. Single Family Residential Lot  
\$300.00 (non-refundable)
  - b. Subdivision  
\$300.00 or \$.0090/sq. foot of the total parcel (whichever is larger),  
up to \$1500 (non-refundable)
  - c. Commercial/Industrial/Institutional/Exempt Property  
\$300.00 or \$.0090/sq. foot of the total parcel (whichever is larger)  
up to \$1500 (non-refundable)
  - d. Multi-family Project  
\$300.00 or \$.0090 sq./foot of the total parcel (whichever is larger)  
up to \$1500 (non-refundable)
  - e. Other projects subject to the Ordinance  
\$300.00 or \$.0090/ sq. foot if the total parcel (whichever is larger)  
up to \$1500 (non-refundable).
  - f. Permit Extensions/Modifications: \$50.00 (non-refundable)
  - g. Engineering and/or Consultant Fees associated with Stormwater  
Management Permits:
  - h. Initial fee  
\$5,000 (held in escrow)
  - i. Subsequent fees as required  
\$ Actual cost (held in escrow)

- C. Maintenance and Inspection Fees associated with
  - a. Cost of Inspection and Maintenance Based on O&M Plan  
Estimated Cost for three (3) years of inspections and maintenance  
as determined by the City Engineer (non-refundable)
  
- D. Private infrastructure analysis:
  - a. Cost of analysis of drain infrastructure and/or BMPs
  
- E. Private Infrastructure Repair
  - a. Cost of repair: including labor, repair and materials

INTRODUCED BY **MAYOR, THOMAS P. KOCH**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2015 -

ORDERED:

June 1, 2015

Upon recommendation of the Commissioner of Public Works, and with the approval of his Honor, the Mayor, the City Council hereby imposes a municipal charges lien for unpaid charges incurred by Quincy property owners for a private drain infrastructure analysis to be committed as a lien upon the real estate in conformity with G.L. c. 40 s. 58 by adding new section 13.08.105.

INTRODUCED BY **MAYOR, THOMAS P. KOCH**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2015 -

ORDERED:

June 1, 2015

Upon recommendation of the Commissioner of Public Works, and with the approval of his Honor, the Mayor, the City Council hereby imposes a municipal charges lien for unpaid charges incurred by Quincy property owners for a private drain infrastructure repair to be committed as a lien upon the real estate in conformity with G.L. c. 40 s. 58 by adding new section 13.08.110



<b>PART I</b> ADMINISTRATION OF THE GOVERNMENT
<b>TITLE VII</b> CITIES, TOWNS AND DISTRICTS
<b>CHAPTER 40</b> POWERS AND DUTIES OF CITIES AND TOWNS
<b>Section 58</b> Municipal charges lien

Section 58. Any city or town may impose a lien on real property located within the city or town for any local charge or fee that has not been paid by the due date, said lien shall be known as the “municipal charges lien”; provided, that a separate vote at a town meeting, or by a city or town council is taken for each type of charge or fee.

A municipal charges lien authorized under this section shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and by the name of the person assessed for the charge or fee in the registry of deeds of the county or district where the land subject to the lien lies.

If a charge or fee which is secured by a municipal charges lien remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-three of chapter fifty-nine, the board or officer in charge of the collection of the municipal charge or fee, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as part of such tax.

If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien under this section may be discharged by filing a certificate from the tax collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

INTRODUCED BY **MAYOR, THOMAS P. KOCH**

**CITY OF QUINCY  
IN COUNCIL**

ORDER NO. 2015 -

ORDERED:

June 1, 2015

Be it ordained that the City of Quincy accept the following gift upon the conditions attached and herein set forth:

<u>DONOR</u>	<u>GIFT</u>	<u>PURPOSE</u>
Eastern Bank	\$700.00	D.A.R.E. Program

Deposit To: 31194 - 484000

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

MAY 20, 2015

TO: The Quincy City Council

Please accept the following gift

PURPOSE: DONATION FOR DARE PROGRAM.  
TOTAL AMOUNT \$700.00

ACCOUNT # 31194-484000

DONOR: EASTERN BANK CHARITABLE FOUNDATION

CONTACT: LAURA KURZROK

 ADDRESS: 195 MARKET ST  
LYNN MA 01901

  
Paul Keenan  
Chief Of Police

**D.A.R.E.**

Quincy Police Department  
1 Sea St.  
Quincy, MA 02169  
617-745-5735

*To Resist Drugs and Violence*

Donation to DARE: 700.00

Contact: Laura Kurzrok Executive Director  
Eastern Bank Charitable Foundation  
195 Market Street  
Lynn, MA 01901

INTRODUCED BY **MAYOR, THOMAS P. KOCH**

**CITY OF QUINCY  
IN COUNCIL**

ORDER NO. 2015 -

ORDERED:

June 1, 2015

Be it ordained that the City of Quincy accept the following gift upon the conditions attached and herein set forth:

<u>DONOR</u>	<u>GIFT</u>	<u>PURPOSE</u>
Various Donors	\$3,300.00	D.A.R.E. Camp

Deposit To: 31194 - 484000

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

MAY 19, 2015

TO: The Quincy City Council

Please accept the following gift

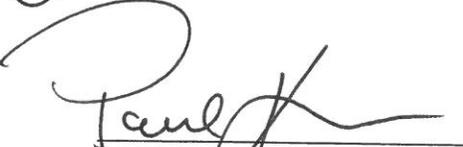
PURPOSE: DONATIONS FOR DARE CAMP.  
TOTAL AMOUNT \$3,300.00

ACCOUNT # 31194-484000

DONOR: VARIOUS PARENTS FOR DARE CAMP

CONTACT: OFFICER JOHN GRAZIOSO

 ADDRESS: QPD

  
Paul Keenan  
Chief Of Police

**D.A.R.E.**<sup>™</sup>

Quincy Police Department  
1 Sea St.  
Quincy, MA 02169  
617-745-5735

*To Resist Drugs and Violence*

Donation to DARE: \$100 x 33 = \$ 3300

Contact: Various Parents for DARE Camp