

Sample Non-Storm Water Discharge Ordinance Fact Sheet

- State and federal law require 28 Maine municipalities to regulate storm water discharges to their separate storm sewer systems through adoption of a storm water management program. As part of this storm water management program, each of these regulated small Municipal Separate Storm Sewer System (small MS4) municipalities is required to adopt an ordinance that prohibits non-storm water discharges into the storm sewers, and which provides appropriate enforcement procedures and actions.
- The attached sample ordinance is designed as a stand-alone ordinance to enable these 28 municipalities to regulate non-storm water discharges in accordance with the minimum requirements of State and federal law. The municipality may adopt it as a stand-alone ordinance as it is designed, or may integrate it into some other ordinance, such as the sewer ordinance or a land use code.
- The attached sample ordinance will require some tailoring to fit in with your municipality's needs and government organization:
 - (1) The person responsible for enforcement under the sample ordinance is the "Enforcement Authority." In some municipalities, the Enforcement Authority may be the code enforcement officer or the local plumbing inspector; in others, it may be the superintendent of the sewer department – each municipality will have to fill in this blank.
 - (2) The sample ordinance makes provisions for appeals from decisions of the Enforcement Authority. In many municipalities, the board of appeals may be the appropriate party to hear such appeals; an ordinance such as this simply enlarges the existing board of appeals' jurisdiction to include appeals from decisions of the Enforcement Authority. In other municipalities, there already may be a board overseeing sewer matters, and that may be the more appropriate board to hear such appeals.
 - 3) Finally, since the requirement of State and federal law that municipalities regulate non-storm water discharges is an "unfunded mandate" to municipalities (in that federal and State law are placing a new regulatory and enforcement duty on municipalities without also providing funds to pay for this new activity), the sample ordinance represents the minimum necessary to comply with federal and State law. However, the scope of the ordinance can be enlarged if the municipality so wishes. State and federal law require an ordinance regarding the detection, elimination and enforcement of these unallowed and unpermitted non-storm water discharges within the so-called "urbanized area" of the municipality. Thus, a municipality, if it wishes, could add that the ordinance also applies to areas within the municipalities outside of this urbanized area that drain into the MS4, or that it applies to discharges from all premises within the municipality -- not just from those located within the urbanized area. In addition, the municipality might regulate discharges not only to the municipal separate storm sewer system, but also to all waters of State that might flow through the municipality or be located in the municipality.