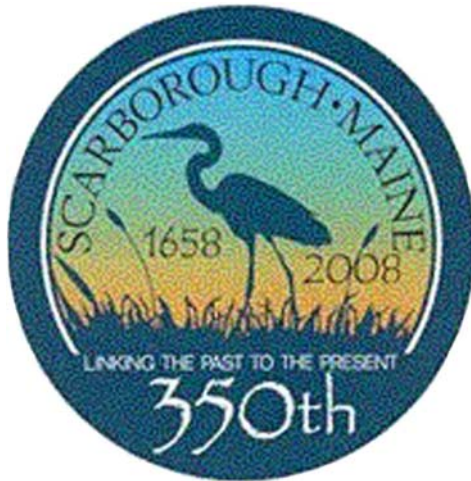


# **CHAPTER 419**

## **TOWN OF SCARBOROUGH**

### **POST-CONSTRUCTION STORMWATER INFRASTRUCTURE MANAGEMENT ORDINANCE**



**Adopted September 2, 2009**

**TABLE OF CONTENTS**

Section 1. Purpose.....1

Section 2. Objectives.....1

Section 3. Definitions. ....1

Section 4. Applicability. ....4

Section 5. Post-Construction Stormwater Management Plan Approval .....4

Section 6. Post-Construction Stormwater Management Plan Compliance.....6

Section 7. Enforcement.....7

Section 8. Severability.....8

Section 9. Basis.....6

Appendices

    Appendix 1. Maintenance Agreement for Stormwater Management Facilities.....10

    Appendix 2. Annual Stormwater Management Facilities Certification .....12  
        *(to be completed by a Qualified Post-Construction Stormwater  
        Inspector and sent to Town Code Enforcement Officer)*



### **Section 1. Purpose.**

The purpose of this “Post-Construction Stormwater Infrastructure Management Ordinance” (the “Ordinance”) is to provide for the health, safety, and general welfare of the citizens of the Town of Scarborough through administrative oversight of New Development and Redevelopment’s compliance with the stormwater infrastructure management plans in order for the Town of Scarborough to comply with the minimum control measure requirements of the Federal Clean Water Act, of Federal regulations and of Maine’s Small Municipal Separate Storm Sewer Systems General Permit.

### **Section 2. Objectives**

This Ordinance seeks to meet the above purpose by monitoring, enforcement and reporting to the State, compliance status of Maine Department of Environmental Protection approved stormwater infrastructure management plan for New Developments, pursuant to Maine Department of Environmental Protection Chapter 500 and 502 Rules; and by applying this administrative oversight to all New Development and Redevelopment within the Town municipal boundary.

### **Section 3. Definitions.**

Unless otherwise defined in this ordinance, terms used in this ordinance shall have the same meanings as defined terms in Zoning Ordinance of the Town of Scarborough, Maine (“Zoning Ordinance”). The following terms shall have the following meanings:

**Applicant.** "Applicant" means a Person with requisite right, title or interest or an agent for such Person who has filed an application for New Development or Redevelopment that requires a Post-Construction Stormwater Management Plan under this Ordinance.

**Best Management Practices (“BMP”).** “Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Clean Water Act.** “Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*, also known as the “Clean Water Act”), and any subsequent amendments thereto.

**Construction Activity.** “Construction Activity” means Construction Activity including one acre or more of Disturbed Area, or activity with less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb equal to or greater than one acre.

**Discharge.** “Discharge” means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of Pollutants to “waters of the State.” “Direct discharge” or “point source” means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which Pollutants are or may be discharged.

**Disturbed Area.** “Disturbed Area” is clearing, grading and excavation. Cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered “disturbed area.” “Disturbed area” does not include routine maintenance but does include redevelopment. “Routine maintenance” is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of land or improvements thereon.

**Municipality.** “Municipality” means the Town of Scarborough.

**Municipal Permitting Authority.** “Municipal Permitting Authority” means the Town of Scarborough Code Enforcement Office or Planning Board, whichever has jurisdiction over the land use approval or permit required for a New Development or Redevelopment.

**Municipal Separate Storm Sewer System, or MS4.** “Municipal Separate Storm Sewer System” or “MS4,” means conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, State agency or Federal agency or other public entity that discharges directly to surface waters of the State.

**National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.** “National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit” means a permit issued by the U.S. Environmental Protection Agency (“EPA”) or by the Maine Department of Environmental Protection (“DEP”) 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.

**New Development.** “New Development” means any Construction Activity on an unimproved Premise which is subject to review under the Town of Scarborough Site Plan Review Ordinance or the Subdivision Ordinance.

**Person.** “Person” means any individual, corporation, government agency, municipality, trust, estate, partnership, association, two or more individuals having joint or common interest, or other legal entity.

**Pollutant.** “Pollutant” means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

**Post-Construction Stormwater Management Plan.** “Post-Construction Stormwater Management Plan” means BMPs and Stormwater Management Facilities employed by a New Development or Redevelopment to meet the standards of this Ordinance.

**Premises.** “Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the Municipality from which Discharges into the Storm Drainage System are or may be created, initiated, originated or maintained.

**Qualified Post-Construction Stormwater Inspector.** “Qualified Post-Construction Stormwater Inspector” means a person who conducts post-construction Stormwater Management Facilities, Best Management Practice (“BMP”), inspections and meets the following qualifications:

1. The inspector shall have a working knowledge of Chapter 500, Stormwater Management Rules, and Maine’s Stormwater BMP Manual, and
2. The inspector shall meet at least one the following criteria outlined below; or the inspector must be on the DEP’s list of approved post construction stormwater BMP inspectors.

Non- Proprietary Stormwater Management Facilities

- a. Is a licensed professional engineer in the State of Maine with experience designing, evaluating or inspecting stormwater management facilities; or
- b. Has a college degree in an environmental science or civil engineering, or comparable expertise, and has demonstrated a practical knowledge of stormwater hydrology and stormwater management techniques, including the maintenance requirements for Stormwater Management Facilities, and has the ability to determine if stormwater facilities are performing as intended. This qualification must be accompanied by two references from a licensed professional engineer in the State of Maine to be valid; or
- c. Has successfully completed the requirements of a DEP training course on inspecting post-construction stormwater management facilities. Note: successful completion may require receiving a passing grade in an examination at the conclusion of the course.

Proprietary Stormwater Management Facilities

- a. Proprietary stormwater management facilities must be inspected by a person approved by the manufacturer.

**Redevelopment.** “Redevelopment” means Construction Activity on Premises already improved with buildings, structures or activities or uses, but does not include such activities as exterior remodeling.

**Regulated Small MS4.** “Regulated Small MS4” means any Small MS4 regulated by the State of Maine “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems” effective July 1, 2008 (“General Permit”), including all those located partially or entirely within an Urbanized Area (UA) and those additional Small MS4s located outside a UA that as of the issuance of the General Permit have been designated by the DEP as Regulated Small MS4s.

**Small Municipal Separate Storm Sewer System, or Small MS4.** “Small Municipal Separate Storm Sewer System”, or “Small MS4,” means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, State or federally-owned systems, such as colleges, universities, prisons, Maine Department of Transportation and Maine Turnpike Authority road systems and facilities, and military bases and facilities.

**Storm Drainage System.** “Storm Drainage System” means the Municipality’s Regulated Small MS4.

**Stormwater.** “Stormwater” means any Stormwater runoff, snowmelt runoff, and surface runoff and drainage; “Stormwater” has the same meaning as “Storm Water.”

**Stormwater Management Facilities.** “Stormwater Management Facilities” means any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of the Post-Construction Stormwater Management Plan for a New Development or Redevelopment.

**Town.** “Town” means the Town of Scarborough and is synonymous with the term “Municipality.”

**Urbanized Area (“UA”).** “Urbanized Area” or “UA” means the areas of the State of Maine so defined by the latest decennial (2000) census by the U.S. Bureau of the Census.

#### **Section 4. Applicability.**

##### **A. In General.**

This Ordinance applies to all New Development and Redevelopment activities to which at least one of the following criteria apply:

1. one acre or more of Disturbed Area, or
2. less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb an area equal to or greater than one acre, or
3. activity within the Shoreland Zone that is subject to review and approval of the Site Plan Review Ordinance requirements and is subject to permits pursuant to Maine Department of Environmental Protection Chapter 500 and 502 Rules.

**B. Exception.** This Ordinance does not apply to New Development or Redevelopment on a lot, tract or parcel where that lot, tract or parcel is part of a subdivision that is approved under this Ordinance; said lot, tract or parcel shall not require separate review under this Ordinance, but shall comply with the Post-Construction Stormwater Management Plan requirements for that approved subdivision.

#### **Section 5. Post-Construction Stormwater Management Plan Approval**

**A. General Requirement.** Except as provided in Section 4.B. above, no Applicant for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for New Development or Redevelopment to which this Ordinance is applicable shall receive such permit for New Development or Redevelopment unless the New Development or Redevelopment has an approved Post-Construction Stormwater Infrastructure Management Plan as part of all pertinent State and Federal permits pursuant to Maine Department of Environmental Protection Chapter 500 and 502 Rules.

## **B. Performance Standards**

- 1.** The Applicant shall make adequate provision for the management of the quantity and quality of all stormwater generated by the New Development or Redevelopment through a Post-Construction Stormwater Management Plan. This Post-Construction Stormwater Management Plan shall be designed to meet the standards contained in the Maine Department of Environmental Protection's Chapters 500 and 502 Rules and shall comply with the practices described in the most recently revised version of the manual *Stormwater Management for Maine*, published by the Maine Department of Environmental Protection which hereby are incorporated by reference pursuant to 30-A M.R.S.A. § 3003.
- 2.** The Applicant may meet the quantity and quality standards above either on-site or off-site, but where off-site facilities are used, the applicant must submit to the Town documentation, approved as to legal sufficiency by the Town's attorney, that the Applicant has a sufficient property interest in the property where the off-site facilities are located -- by easement, covenant or other appropriate legal instrument -- to ensure that the facilities will be able to provide post-construction stormwater management for the New Development or Redevelopment and that the property will not be altered in a way that interferes with the off-site facilities.
- 3.** Where the Applicant proposes to retain ownership of the Stormwater Management Facilities shown in its Post-Construction Stormwater Management Plan, and the Stormwater Management Facilities will not be dedicated to the Town, the Applicant shall enter into a Maintenance Agreement with the Town. The form of the Maintenance Agreement is attached as Appendix 1 to this Ordinance. The Applicant shall cause the Maintenance Agreement to be recorded in the Cumberland County Registry of Deeds within 30 days of the date of execution of the Agreement. Failure to comply with the terms of the Maintenance Agreement shall constitute a violation of this Ordinance.
- 4.** Whenever elements of the Stormwater Management Facilities are not within the right-of-way of a public street and the facilities will not be offered to the Town for acceptance as public facilities, the Municipal Permitting Authority may require that perpetual easements not less than thirty (30) feet in width, conforming substantially with the lines of existing natural drainage, and in a form acceptable to the Town's attorney, shall be provided to the Town allowing access for maintenance, repair, replacement and improvement of the Stormwater Management Facilities. When an offer of dedication is required by the Municipal Permitting Authority, the Applicant shall be responsible for the maintenance of these Stormwater Management Facilities under this Ordinance until such time (if ever) as they are accepted by the Town. Nothing in this Ordinance requires the Town to accept any Stormwater Management Facilities offered or dedicated by the Applicant.
- 5.** In addition to any other applicable requirements of this Ordinance and the Town's land use ordinances, any New Development or Redevelopment which also requires a stormwater management permit from the Maine Department of Environmental Protection (DEP) under 38 M.R.S.A. 420-D shall comply with the rules adopted by DEP under 38 M.R.S.A. 420-D(1), as the same may be amended from time to time, and the applicant shall document such compliance to the Municipal Permitting Authority. Where the standards or other provisions of such stormwater rules conflict with town ordinances, the stricter (more protective) standard shall apply.

**6. Engineering and administrative review fees.** Prior to the issuance of a permit for the construction activity authorized by the post-stormwater management plan approval, the applicant shall pay all engineering and administrative review fees associated with the review of the plan. The amount of the fee shall be determined by the Town Planning Department, and shall include the actual cost incurred by the Town to engage consultants to undertake the review of the applicant's plan submission, plus any other additional costs incurred to the Town during the review process.

In addition, any persons required to file an annual certification under Section 6 of this Ordinance shall include with the annual certification payment in the amount specified in the Schedule of License, Permit and Application Fees established by order of the Town Council.

**7. As-Built Certification.** Prior to the issuance of a Certificate of Compliance for a project requiring a Post-Construction Stormwater Management Plan under this Ordinance, the Applicant shall submit evidence in the form of a letter or plan prepared and stamped by a Professional Engineer who either prepared the Post-Construction Stormwater Management Plan and its associated Facilities or supervised the Plan and Facilities construction and implementation. The letter or plan shall certify that the Stormwater Management Facilities have been installed in accordance with the approved Post-Construction Stormwater Management Plan and that they will function as intended by said Plan.

**8. Notice of BMP Discharge to Municipality's MS4.** At the time of application, the Applicant shall notify the Municipal Permitting Authority if its Post-Construction Stormwater Management Plan includes any BMP(s) that will discharge to the Municipality's MS4 and shall include in this notification a listing of which BMP(s) will so discharge.

## **Section 6. Post-Construction Stormwater Management Plan Compliance**

**A. General Requirements.** Any Person owning, operating, leasing or having control over Stormwater Management Facilities required by a Post-Construction Stormwater Infrastructure Management Plan approved under this Ordinance shall demonstrate compliance with that Plan as follows:

1. A Qualified Post-Construction Stormwater Inspector shall be hired by that Person to, at a minimum, annually inspect the Stormwater Management Facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all town and state inspection, cleaning and maintenance requirements of the approved Post-Construction Stormwater Management Plan.
2. If the Stormwater Management Facilities require maintenance to function as intended by the approved Post-Construction Stormwater Management Plan, that Person shall take corrective action(s) to address the deficiency or deficiencies.
3. The Qualified Post-Construction Stormwater Inspector, shall, on or by June 1 of each year, provide a completed and signed certification to the Code Enforcement Officer in a form identical to that attached as Appendix 2 to this Ordinance, certifying that the Person has inspected the Stormwater Management Facilities and that they are adequately maintained and functioning as intended by the approved Post-Construction Stormwater

Infrastructure Management Plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the Stormwater Management Facilities and, if the Stormwater Management Facilities require maintenance or repair of deficiencies in order to function as intended by the approved Post-Construction Stormwater Infrastructure Management Plan, the Person shall provide a record of the required maintenance or deficiency and corrective action(s) taken.

Within one (1) week of the date of above, the Code Enforcement Officer shall submit a copy of the received certifications to the Public Works Department. The Public Works Department shall be responsible for the annual reporting to the Maine Department of Environmental Protection, as set forth in Section 6(C).

**B. Right of Entry.** In order to determine compliance with this Ordinance and with the Post-Construction Stormwater Management Plan, a municipal employee or agent acting on behalf of the Municipality may enter upon a property with an approved post construction stormwater management plan at reasonable hours to inspect the Stormwater Management Facilities.

**C. Annual Report.** Beginning July 1, 2009 and each year thereafter, the Municipality shall include the following in its Annual Report to the Maine Department of Environmental Protection:

1. The cumulative number of sites that have Stormwater Management Facilities discharging into their MS4;
2. A summary of the number of sites that have Stormwater Management Facilities discharging into their MS4 that were reported to the Municipality;
3. The number of sites with documented functioning Stormwater Management Facilities; and
4. The number of sites that required routine maintenance or remedial action to ensure that Stormwater Management Facilities are functioning as intended.

## **Section 7. Enforcement.**

It shall be unlawful for any Person to violate any provision of or to fail to comply with any of the requirements of this Ordinance or of the Post-Construction Stormwater Management Plan. Whenever the Code Enforcement Officer determines that a Person has violated this Ordinance or the Post-Construction Stormwater Management Plan, the Code Enforcement Officer may enforce this Ordinance in accordance with 30-A M.R.S.A. § 4452.

**A. Notice of Violation.** Whenever the Code Enforcement Officer determines that a Person has violated this Ordinance or the Post-Construction Stormwater Management Plan, the Code Enforcement Officer may order compliance with this Ordinance or with the Post-Construction Stormwater Management Plan by written notice of violation to that Person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

1. The abatement of violations, and the cessation of practices, or operations in violation of this Ordinance or of the Post-Construction Stormwater Management Plan;

2. At the Person's expense, compliance with BMPs required as a condition of approval of the New Development or Redevelopment, the repair of Stormwater Management Facilities and/or the restoration of any affected property; and/or
3. The payment of fines, of the Municipality's remediation costs and of the Municipality's reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation, compliance with BMPs, repair of Stormwater Management Facilities and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair and/or restoration must be completed.

**B. Penalties/Fines/Injunctive Relief.**

1. Any Person who violates this Ordinance or the Post-Construction Stormwater Management Plan shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the Municipality's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation.

2. Any Person who violates this Ordinance or the Post-Construction Stormwater Management Plan also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the Municipality for violation of federal and State environmental laws and regulations caused by or related to that Person's violation of this Ordinance or of the Post-Construction Stormwater Management Plan; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under paragraph 1 of this subsection B.

**C. Consent Agreement.** The Code Enforcement Officer may, with the approval of the Town Manager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance or of the Post-Construction Stormwater Management Plan for the purposes of eliminating violations of this Ordinance or of the Post-Construction Stormwater Management Plan and of recovering fines, costs and fees without court action.

**D. Notice of Violation Not Appealable.** There is no appeal to any official, board, body or agency of the Town of Scarborough from a Notice of Violation under this Ordinance.

**E. Enforcement Measures.** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then the Code Enforcement Officer may recommend to the Town Manager that the town's attorney file an enforcement action in a Maine court of competent jurisdiction.

**Section 8. 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, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this Ordinance.

**Section 9. Basis.**

The Town of Scarborough enacts this “Post-Construction Stormwater Infrastructure Management Ordinance” (the “Ordinance”) pursuant to 30-A M.R.S.A. § 3001 (municipal home rule ordinance authority), 38 M.R.S.A. § 413 (the “Wastewater Discharge Law”), 33 U.S.C. § 1251 *et seq.* (the “Clean Water Act”), and 40 CFR Part 122 (U.S. Environmental Protection Agency’s regulations governing the National Pollutant Discharge Elimination System (“NPDES”). The Maine Department of Environmental Protection, through its promulgation of the “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems,” has listed the Town of Scarborough as having a Regulated Small Municipal Separate Storm Sewer System (“Small MS4”); under this General Permit, listing as a Regulated Small MS4 necessitates enactment of this Ordinance in order to satisfy the minimum control measures required by Part IV D 5 (“Post-construction stormwater management in new development and redevelopment”).

**APPENDIX 1**

**Maintenance Agreement for  
Stormwater Management Facilities**

This Maintenance Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by and between \_\_\_\_\_ (“Applicant”) and the Town of Scarborough, Maine (the “Town”).

The project name is \_\_\_\_\_.

The location is: \_\_\_\_\_, Scarborough, Maine.

The project’s Tax Map and Lot Numbers are Tax Map Lot \_\_\_\_\_

The project is shown on a plan entitled " \_\_\_\_\_ " dated \_\_\_\_\_ and most recently revised on \_\_\_\_\_, approved by the \_\_\_\_\_ [Municipal Permitting Board] on \_\_\_\_\_ .

The last recorded deed in the chain of title for the property within the Project is recorded in the Cumberland County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_.

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the Town of Scarborough requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the Town and the agreement of Applicant to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. Applicant, for itself, and its successors and assigns, agrees to the following:
  - (a) To inspect, clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment and debris in the system;
  - (b) To repair any deficiencies in the Stormwater Management Facilities noted during the annual inspection;
  - (c) To provide a summary report on the inspection, maintenance, and repair activities performed annually on the Stormwater Management Facilities to the Town Code Enforcement Officer;
  - (d) To allow access by Town personnel or the Town’s designee for inspecting the Stormwater Management Facilities for conformance with these requirements.

(e) If lots or units will be sold separately, to create an association of lot or unit owners (the "Association") for the purpose of maintaining the Stormwater Management Facilities.

2. Upon creation of the Association, the Association shall become responsible for compliance with the terms of this Agreement.

3. This Agreement shall constitute a covenant running with the land, and Applicant shall reference this Agreement in all deeds conveying any interest in real estate within the Project.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

TOWN OF SCARBOROUGH

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MAINE

\_\_\_\_\_, ss.

\_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

Before me,

\_\_\_\_\_  
Notary Public / Attorney at Law

Print Name:

\_\_\_\_\_

STATE OF MAINE

\_\_\_\_\_, ss.

\_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of the Town of Scarborough, and acknowledged the foregoing Agreement to be said his/her free act and deed in said capacity.

Before me,

\_\_\_\_\_  
Notary Public / Attorney at Law

Print Name:

\_\_\_\_\_

**APPENDIX 2**

**Annual Stormwater Management Facilities Certification**  
*(to be completed by a Qualified Post-Construction Stormwater  
Inspector and sent to Town Code Enforcement Officer)*

I, \_\_\_\_\_ (print or type name), a Qualified Post-Construction Stormwater Inspector, certify the following:

1. I am making this Annual Stormwater Management Facilities Certification for the following property: \_\_\_\_\_ (print or type name of subdivision, condominium or other development) located at \_\_\_\_\_ (print or type address), (the "Property");

2. The owner, operator, tenant, lessee or homeowners' association of the Property is: \_\_\_\_\_ (name(s) of owner, operator, tenant, lessee, homeowners' association or other party having control over the Property);

3. I have knowledge of erosion and stormwater control and have reviewed the approved Post-Construction Stormwater Management Plan for the Property;

4. On \_\_\_\_\_, 20\_\_, I inspected the Stormwater Management Facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Post-Construction Stormwater Management Plan for the Property;

5. At the time of my inspection of the Stormwater Management Facilities on the Property, I identified the following need(s) for routine maintenance or deficiencies in the Stormwater Management Facilities:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. On \_\_\_\_\_, 20\_\_, I took the following routine maintenance or the following corrective action(s) to address the deficiencies in the Stormwater Management Facilities stated in 6. above:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. As of the date of this certification, the Stormwater Management Facilities are functioning as intended by the approved Post-Construction Stormwater Management Plan for the Property.

Date: \_\_\_\_\_, 20\_\_ .By: \_\_\_\_\_

Signature

\_\_\_\_\_  
Print Name

STATE OF MAINE

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the foregoing Annual Certification to be said person's free act and deed in said capacity.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print Name: \_\_\_\_\_

9. The owner, operator, tenant, lessee, or other party having control over the Property shall sign below verifying the information above was completed by a Qualified Post-Construction Stormwater Inspector.

Date: \_\_\_\_\_, 20\_\_ .By: \_\_\_\_\_

Signature

\_\_\_\_\_  
Print Name

STATE OF MAINE

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the foregoing Annual Certification to be said person's free act and deed in said capacity.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print Name: \_\_\_\_\_

**Mail or hand deliver this certification to the Municipal Code Enforcement Officer at the following address:**

Town of Scarborough  
c/o Code Enforcement Officer  
PO Box 360  
Scarborough, ME 04074