

IPSWICH STORMWATER MANAGEMENT BYLAW
Adopted on October 20, 2008, Special Town Meeting

CHAPTER XIX. STORMWATER MANAGEMENT

SECTION 1. INTRODUCTION

The harmful impacts of contaminated stormwater runoff, increased peak flows and volumes of runoff, decreased groundwater replenishment, and erosion and sedimentation are: impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination and loss of drinking water supplies; alteration or destruction of aquatic and wildlife habitat controlling discharges to the municipal storm drain system and to waters of the Commonwealth in the Town of Ipswich; and economic loss and structural damage caused by flooding.

This Bylaw establishes minimum requirements and procedures to control the adverse effects of increased stormwater runoff and nonpoint source pollution associated with new development and redevelopment. This Bylaw also prohibits non-storm-water discharges into the municipal storm drain system and waters of the Commonwealth in Ipswich, except as exempted under Section 6 of this Bylaw.

SECTION 2. PURPOSE

A. The purpose of this Bylaw is to protect, maintain, and enhance the public health, safety, water supply, environment, and general welfare by controlling discharges to the municipal storm drain system and to waters of the Commonwealth in the Town of Ipswich. This Bylaw establishes minimum requirements and procedures to control the adverse effects of increased stormwater runoff and nonpoint source pollution associated with new development and redevelopment. This Bylaw also prohibits non-stormwater discharges into the municipal storm drain system and waters of the Commonwealth in Ipswich, except as exempted under Section 6 of this Bylaw. This Bylaw seeks to meet that purpose through the following objectives:

- a) Minimize damage to public and private property and infrastructure;
- b) Safeguard the public health, safety, environment, and general welfare of the public;
- c) Protect water resources and prevent contamination of drinking water supplies;
- d) Require practices that eliminate soil erosion and sedimentation on construction sites;
- e) Require practices that control the volume and rate of stormwater runoff resulting from land disturbance activities;
- f) Promote infiltration of water into the ground and mimic natural hydrologic conditions;
- g) Maintain the natural hydrologic regime in streams, rivers, wetlands, ponds, and groundwater;
- h) Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;

- i) Require practices to control waste at construction sites, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste, which may cause adverse impacts to water quality;
- j) Comply with state and federal statutes and regulations relating to stormwater discharges; and
- k) Establish the Town of Ipswich's legal authority and capacity to ensure compliance with the provisions of this Bylaw through funding, permitting, inspection, monitoring and enforcement.

B. This Bylaw and the regulations, criteria, policies, and guidance adopted or promulgated pursuant to this Bylaw, and any town stormwater management funding mechanism created pursuant to this Bylaw, form an integral part of the Stormwater Management Program for the Town of Ipswich. This Bylaw is intended to meet certain provisions of the Town's requirements to comply with the Clean Water Act under the National Pollutant Discharge Elimination System (NPDES) Regulations for the Revisions of the Water Pollution Control Program Addressing Storm Water Discharges (Phase I and II Rules).

SECTION 3. DEFINITIONS

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

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

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person requesting authorization to connect to the Ipswich Municipal Separate Storm Sewer System (I MS4) or for a proposed land-disturbance activity.

BEST MANAGEMENT PRACTICE (BMP): A best reasonably available activity, procedure, restraint, or structural improvement that significantly reduces the quantity and/or improves the quality of stormwater runoff.

BETTER SITE DESIGN: Site design approaches and techniques that can reduce a site's impact on watersheds and water resources through the use of nonstructural stormwater water management practices. Better site design includes (without limitation) conserving and protecting natural areas and green space, providing substantial buffer zones for sensitive resources, reducing impervious cover, and using natural features for stormwater management.

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

CONNECTION and DISCHARGE PERMIT: Written authorization by the Permitting Authority pursuant to Sections 5B and 7 for the construction and/or maintenance of a direct connection to the I MS4 of a discharge of storm water and of non-storm water from a

sump pump or other source of collected stormwater. The Permit shall be for the purposes of protecting and ensuring the integrity and proper operation of the I MS4 and preventing pollution of the waters of the Commonwealth.

CONSTRUCTION PHASE: The period of time during which a site is under construction, from the initial alteration of the existing conditions to the completion of all site alteration, including installation of any utilities, roadways, driveways, and buildings, and all changes in vegetative cover.

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

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

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 Registered Professional Engineer (PE) which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation, reduce pollution and improve recharge of groundwater during pre-construction and construction related land disturbance activities.

GROUNDWATER: Water beneath the surface of the ground and not confined in a conduit or container.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance which allows an illicit discharge into the Ipswich storm drain system, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the Ipswich storm drain system that is not composed entirely of stormwater, including without limitation sewage, process wastewater, or wash water, except as exempted in Section 6 of this Bylaw or in implementing regulations. The term does not include a discharge in compliance with an NPDES Discharge Permit or resulting from fire fighting activities.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surface includes without limitation roofs, paved roads, driveways, parking lots and other paved areas.

INFILTRATION: Replenishing groundwater through recharge or seepage of precipitation or stormwater runoff.

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

LAND-DISTURBING ACTIVITY and/or LAND DISTURBANCE: Any activity that causes a change in the position, elevation or location of soil, sand, rock, gravel, or similar earth material or that removes vegetative cover from the land.

LOW IMPACT DEVELOPMENT (LID): An approach to environmentally friendly land use planning and stormwater management that includes a suite of landscaping and design

techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques typically preserve natural drainage characteristics and/or capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than becoming surface runoff.

MASSACHUSETTS HIGHWAY DEPARTMENT MUNICIPAL SEPARATE STORM SEWER SYSTEM or STORM DRAIN SYSTEM (MHD MS4): The system of conveyances designed, constructed, and used for collecting or conveying stormwater, including any street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Massachusetts Highway Department within the boundaries of the Town of Ipswich.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The Standards are issued by the MA Department of Environmental Protection, as amended, under state regulations 310 CMR 10.00 and 314 CMR 9.00. The Standards address stormwater impacts through implementation of a set of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and peak flows of runoff from a site.

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

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

PERMITTING AUTHORITY: For the implementation of all actions and procedures authorized by the Bylaw, the Board of Selectmen or their designees(s), provided that the designee(s) shall not be the permittee and provided further that the authority granted by Section 7 (H) may not be delegated.

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: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any municipal storm drain system or waters of the Commonwealth.

POLLUTION: The presence in the environment of pollutants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property through such areas as may be affected thereby.

PRE-DEVELOPMENT CONDITIONS: The conditions that exist on a site at the time that plans for the site or land are submitted to the town, to the extent that such conditions are the result of natural processes and/or legally authorized activities. Where development is constructed or permitted in phases, the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

POST-DEVELOPMENT CONDITIONS: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site

or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

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. Process wastewater includes water which has increased in temperature as a result of manufacturing or other processes.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil, or by injection of collected precipitation, run off or adequately treated wastewater.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

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

SEDIMENTATION: The process or act of deposition of sediment.

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

SOIL: Any aggregated particles of earth, clay, sand, rock, gravel, or similar material.

STORMWATER/RUNOFF: Rainwater, snowmelt and/or other water that flows off impervious surfaces and across or over the ground surface rather than being absorbed into the soil.

STORMWATER MANAGEMENT: The planning, design, construction, regulation, improvement, repair, maintenance and operation of facilities and programs designed to protect water quality, flood plains, flood control, grading, infiltration, erosion and sediment control.

STORMWATER MANAGEMENT PERMIT: Written authorization by the Permitting Authority pursuant to Sections 5A and 7 for stormwater management at and for construction/development sites during and subsequent to alteration and construction.

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 M.G.L. Ch.21C and Ch.21E, and the Massachusetts DEP Regulations at 310 CMR 30.000 and 310 CMR 40.000.

USER: The owner of record of a property subject to the stormwater user fee.

WATERCOURSE: A natural or man-made channel through which water flows, or a stream of water, including, without limitation, a river, brook, or conduit.

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

WASTEWATER: Any sanitary waste, sludge, septage, or septic tank or cesspool contents or discharge, and/or process wastewater.

WETLANDS: Any bank, riverfront area, freshwater wetland, coastal wetland, beach, dune, flat, marsh, meadow or swamp bordering on the ocean or on any estuary, creek, river, stream, pond, or lake, or any land under said waters or any land subject to tidal action, coastal storm flowage, or flooding.

SECTION 4. AUTHORITY

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

SECTION 5. APPLICABILITY

- A. No person may undertake any alteration of drainage characteristics, which alteration may include, without limitation, clearing, grading, and excavation that will result in a land disturbance exceeding an area of 10,000 square feet, or more than 50% of a parcel or lot, whichever is less, without a Storm Water Management Permit from the Permitting Authority; except for an activity which requires Site Plan Review, Definitive Subdivision Approval, or a Special Permit from the Planning Board, or which requires an Order of Conditions from the Conservation Commission.
- B. No person may create or maintain a direct connection or discharge to the MS4 without a Connection and Discharge Permit from the Permitting Authority.
- C. Section 5 shall take effect on July 1, 2009.

SECTION 6. EXEMPTIONS and WAIVERS

A. Exemptions

Exemptions from this Bylaw apply to the following activities, provided that a project is solely comprised of any one of these activities:

- a) As authorized in the NPDES General Permit for Stormwater Discharges from Small MS4s for Massachusetts, activities identified in Section 5A that are subject to jurisdiction under the Wetlands Protection Act and/or the Ipswich Wetlands Protection Bylaw.
- b) Activities identified in Section 5A that require Site Plan Review, Definitive Subdivision or Special Permit Approval from the Planning Board.
- c) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.
- d) Activities identified in section 5 that are subject to the current Massachusetts Highway Department Drainage Connection Policy; provided that no interagency agreement between the MHD and the Town has been executed providing for Town jurisdiction over drainage tie-in permits subject to the MHD Drainage Connection Policy.
- e) Construction of any fence that will not alter existing terrain or drainage patterns.

- f) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling.
- g) Construction of patios, walkways, driveways and swimming pools, where the cumulative area of such construction on the lot subsequent to passage of this Bylaw is less than 10,000 square feet or less than 50% of the lot area, whichever is less.
- h) Replacement of existing wells or septic system on lots having an existing dwelling, with use of BMPs to prevent erosion, sedimentation and release of pollutants.
- i) Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, so long as BMPs are used to prevent erosion, sedimentation and release of pollutants..
- j) Emergency repairs to any existing utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, designated by the Permitting Authority. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an Emergency Certification by the Commission.
- k) Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.04.
- l) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.

B. Allowable Non-Storm Water Discharges

The following non-storm water discharges do not require a Connection and Discharge Permit if they will not be directly connected to or discharging to the MS4 via a pipe, hose or other direct conveyance system, or if the Permitting Authority determines that such a discharge will not likely contribute pollutants to the MS4.

- a) Any discharges associated with municipal fire fighting activities (See Note 1);
- b) water line flushing;
- c) diverted stream flows;
- d) rising ground waters;
- e) uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- f) uncontaminated pumped ground water (See Note 2);
- g) discharge from potable water sources;
- h) foundation and footing drains;
- i) air conditioning condensation;
- j) individual resident car washing;
- k) flows from riparian habitats, springs, and wetlands;
- l) de-chlorinated swimming pool discharges; and
- m) Residential building wash waters, without detergents.

(Note 1) Discharges or flows from fire fighting activities occur during emergency situations. The permittee is not expected to evaluate fire fighting discharges with regard to pollutant contributions. Therefore, these discharges are authorized as allowable non-storm water

discharges, unless identified by the United States Environmental Protection Agency as significant sources of pollutants to Waters of the United States.

(Note 2) Discharges from pumps or other devices evacuating ground water from beneath basement floors and crawl spaces of residential buildings (“sump pumps”) do not require a Connection and Discharge Permit; except in cases of releases of oils or hazardous materials within or into such basements or crawl spaces, or if the Permitting Authority determines that such a discharge will likely contribute pollutants to the MS4.

C. Waivers

The Permitting Authority may waive strict compliance with any requirement of Sections 5 and 7 of this Bylaw or the rules and regulations promulgated hereunder, where:

- a) such action is allowed by and does not conflict with federal or state law, or any Ipswich by-laws or regulations;
- b) is in the public interest; and
- c) is not inconsistent with the purpose and intent of this Bylaw.

Any applicant may submit a written request for a waiver as part of the application process. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrate that strict application of the Bylaw or regulation is not necessary to meet the purposes or objectives of the Bylaw.

However, a waiver from this Bylaw and/or regulations promulgated pursuant to this Bylaw does not relieve the applicant or land owner of any obligations for compliance with other federal, state or local statutes, regulations or permits.

SECTION 7. ADMINISTRATION

- A. Authority. The primary authority for the administration, implementation, and enforcement of Sections 5A, B, and C of this Bylaw lies with the Permitting Authority.
- B. Stormwater Management Permits and Connection and Discharge Permits. The Permitting Authority shall have the authority to require and to issue Stormwater Management Permits and/or Connection and Discharge Permits for projects subject to Section 5 that meet the requirements of this Bylaw and are not exempted pursuant to Section 6. Any such Permit requirements shall be defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw. The Permitting Authority shall by regulation establish and collect Permit Application fees, Inspection fees, and in special cases, consultant fees for review of applications. Subsection 7B shall take effect on July 1, 2009.
- C. Delegation of Authority. The Permitting Authority may choose to delegate, in writing, his/her authority, in whole or in part, to a qualified representative (s), except as provided herein.

- D. Stormwater Regulations. The Permitting Authority may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, procedures, delegation of authority, and administration of this Stormwater Management Bylaw relating to management and operation of the MS4.
- E. Project Categories. The Permitting Authority should by regulation establish categories of projects ranging from “minor” to “major” based on project size, scope, nature, or location. Project application requirements and submittals, fees, and criteria for permit issuance should be scaled appropriately based on project category.
- F. Stormwater Management Standards. For execution of the provisions of this Bylaw, the Permitting Authority will utilize the policy, criteria and information, including specifications and standards, of the latest editions of the Massachusetts Stormwater Management Standards and Technical Handbooks, or approved local equivalents. The Standards may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- G. Action by the Permitting Authority. The Permitting Authority shall, within 30 days of the date of receipt of a completed application:
- a. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this Bylaw;
 - b. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this Bylaw; or
 - c. Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this Bylaw.
- H. Stormwater “Buy-Out”. The Permitting Authority may allow the applicant to contribute to the construction of a public or shared stormwater facility in lieu of an onsite stormwater facility where it has been demonstrated that there is not sufficient space for onsite stormwater best management practices.
- I. Stormwater Utility. The Permitting Authority may recommend to Town Meeting the formation of a Stormwater Utility, pursuant to M.G.L. c. 83, § 16 and c. 40, § 1A, as a special assessment district to generate funding specifically for stormwater management. Users within the district would pay a stormwater fee, and the revenue thus generated would directly support the maintenance and upgrade of the existing Municipal Separate Storm Sewer System (MS4); development of drainage plans, flood control measures, and water-quality programs; administrative costs; and construction of major capital improvements. This authority may not be delegated.

SECTION 8. LOW IMPACT DEVELOPMENT AND BETTER SITE DESIGN

The use of non-structural LID Management practices and Better Site Design are encouraged to minimize reliance on structural management measures. The use of Better Site Design and/or LID Management Practices may, if approved by the Permitting Authority, also allow for a reduction in the treatment volume, a reduction of applicable fees associated with the project, or other incentive approved by the Permitting Authority.

SECTION 9. PROCEDURES

Permit procedures and requirements shall be defined and included in as part of any rules and regulations promulgated pursuant to Section 7 of this Bylaw.

SECTION 10. ENFORCEMENT

- A. The Permitting Authority or its designee(s) shall enforce this Bylaw and the regulations, orders, violation notices, and enforcement orders issued pursuant thereto, and may pursue all civil and criminal remedies for such violations. This Section shall take effect on July 1, 2009.
1. Civil Relief. If a person violates the provisions of this Bylaw, regulations, permit, notice, or order issued there under, the Permitting Authority 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 and/or remediation of the violation.
 2. Orders. The Permitting Authority may issue a written order to enforce provisions of this Bylaw or regulations there under, and any permits issued under this Bylaw, which may include, where appropriate:
 - a) elimination of illicit connections or discharges to the MS4 or Waters of the Commonwealth;
 - b) requirement for the performance of monitoring, analyses, and reporting;
 - c) abatement and remediation of stormwater pollution or contamination hazards, and restoration of any affected property or impacts to water bodies;
 - d) requirement to cease the land-disturbing activity until there is compliance with the Bylaw and provisions of the construction phase and post-construction phase stormwater management permits;
 - e) maintenance of erosion and sediment control measures or installation of new such measures; and
 - f) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
 3. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its

option, undertake such work, and the property owner shall reimburse the town's expenses.

4. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Permitting Authority 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 the Permitting Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a 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, as provided in G.L. Ch. 59, §. 57, after the thirty-first day following the day on which the costs were due.
- B. Any person who violates any provision of this Bylaw or of any regulation, order or permit issued there under may be punished by a fine of not more than \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
 - C. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40 §. 21D and Ch. XVII § 4, subsection B of the General Bylaws of the Town of Ipswich, in which case the Permitting Authority shall be the enforcing person. The penalty for the 1st violation shall be \$50. The penalty for the 2nd violation shall be \$100. The penalty for the 3rd and subsequent violations shall be \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
 - D. To the extent permitted by State law, or if authorized by the owner or another party in control of the project, the Permitting Authority or its designee(s) may enter upon privately owned property for the purpose of performing duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as it deems reasonably necessary.
 - E. The decisions or orders of the Permitting Authority shall be final. Further relief shall be to a court of competent jurisdiction.
 - F. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, State or local law.

SECTION 11. EFFECTIVE DATE

Except as provided herein, this Bylaw takes effect upon enactment.

SECTION 12. SEVERABILITY

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.