

**Topic:** Aquifer Protection  
**Resource Type:** Regulations  
**State:** Connecticut  
**Jurisdiction Type:** Municipal  
**Municipality:** Town of Westport  
**Year (adopted, written, etc.):** 1982-2002  
**Community Type – applicable to:** Urban; Suburban; Rural  
**Title:** Town of Westport Protection of Water from Tree Spraying Ordinance  
**Document Last Updated in Database:** March 21, 2016

### ***Abstract***

This ordinance protects the ponds and the lakes within the town from biochemical pollutants used in tree spraying, through the inspection of vehicles and equipment, as well as through the regulation of water use. The ordinance works establishing a permitting procedure through which certain types of equipment can be used. In addition, there are specified hours of operation as well as designated areas for collection of the water.

### ***Resource***

CODE OF THE TOWN OF WESTPORT, CONNECTICUT, v51 Updated 8-25-2002  
THE CODE  
Chapter 147, WATER

[HISTORY: Adopted by the Representative Town Meeting of the Town of Westport as indicated in article histories. Amendments noted where applicable.]

#### **ARTICLE I, Use for Tree Spraying [Adopted 5-3-1982, effective 5-12-1982]**

##### **§ 147-1. Purpose.**

The purpose of this Article is to regulate those vehicles which take water from any bodies of water within the Town of Westport for the purpose of filling the tank of such vehicles engaged in the spraying of trees, shrubs or other vegetation with chemical, biochemical or other solutions in order to control uses of the town's waters; establish specific areas for the drawing of water by such vehicles in accordance with traffic safety, noise and flow; and reinforce prohibitions of the state by requiring equipment to prevent back-flushing and direct contamination of the town's waters during water intake by such vehicles.

##### **§ 147-2. Equipment certification; designation of areas; hours of operation.**

A. No person or persons shall use a vehicle or related spraying equipment for taking water from any river, brook or stream or any lake, pond or like body of water within the

Town of Westport for the purpose of filling or replenishing the tank of any vehicle employed in the spraying of trees, shrubs or other vegetation with chemical or biochemical or other solutions unless the equipment to be used shall have been approved by the Westport Tree Warden or his/her designee. The Tree Warden shall be the principal inspector and may delegate duties and authority to professional staff members of the Westport Conservation Commission as his/her agent to carry out the provisions contained herein.

B. No such approved vehicle shall take water before 7:00 a.m. nor after 6:00 p.m. Monday through Saturday, nor before 9:00 a.m. nor after 6:00 p.m. on Sunday.

C. No such approved vehicle shall take water from other than designated areas within the Town of Westport, such areas to be marked plainly on a map of the town which shall be issued with such approval.

D. Any such approved vehicle must have the name and address of the owner and/or company permanently displayed on the lateral sides of the vehicle.

E. Permits issued under this Article shall expire on March 1 of each calendar year.

**§ 147-3. Approved equipment required; equipment permit.**

A. Such equipment shall be used to ensure that residual contamination of the town's waters shall not occur. Approved equipment and methods are:

(1) Use of a pump, other than the pump used in the spraying process, employed solely for the drawing of water and hoses, pipes, valves, connections and conduits completely separate from those used in the spraying process.

(2) Use of a water intake pump which delivers water drawn through a check valve to an open port at the top of the tank or tanks being filled or replenished.

B. All filler hoses used for intake shall be covered, except when in use, in order to prevent residual contamination.

C. The Tree Warden or his/her designee shall issue an equipment permit and approved sticker license. The sticker shall be affixed to the spraying vehicle's front right windshield. The sticker must be displayed at all times. A map of the town, indicating permitted areas for water withdrawal, shall be issued to the approved permittee upon the issuance of a permit.

D. An equipment permit shall be issued or renewed only under the following conditions:

(1) The owner and the operator of the equipment shall be licensed by the State of Connecticut, pursuant to Section 22a-54 of the Connecticut General Statutes and the regulations of the Connecticut Department of Environmental Protection.

(2) The owner of said equipment shall present to the issuing authority a sworn and certified affidavit stating that the operator of the equipment will only use one or both of the approved methods outlined in Subsection A(1) and (2) of this section and that no other method will be used unless specifically approved and authorized by the Conservation Commission; that all said equipment used by the tree sprayer(s), including, but not limited to, hoses, pumps, pipes, check valves and connections, is in and will be maintained in good working order; that the equipment will be used in a manner which will not pollute any body of water; and that the spraying vehicle licensed under the provisions of this Article shall be under the direct supervision of an operator licensed by the State of Connecticut.

(3) Any spraying vehicle licensed under the provisions of this Article shall be under the direct supervision of an individual bearing a valid operational license for pesticide use, as defined in Section 22a-54 of the Connecticut General Statutes, during the taking of water for the filling purpose.

#### **§ 147-4. Violations and penalties. [Amended 6-7-1983, effective 6-17-1983.]**

A. Any person or persons who shall use a vehicle or related spraying equipment for taking water from any body of water in the Town of Westport for the purpose of spraying, except with equipment approved as herein provided, shall be fined not more than \$90 for each offense, and notice of such action will be reported to the Connecticut Department of Environmental Protection.

B. Any person or persons who shall use a vehicle or related spraying equipment for taking water from any body of water in the Town of Westport for the purpose of spraying, except from such areas designated within the town, shall be fined not more than \$90 for each offense, and notice of such action will be reported to the Connecticut Department of Environmental Protection.

C. Any person or persons who shall violate the conditions established for the affidavit as described in § 147-3D(2) of this Article within the town shall be fined not more than \$90 for each offense. In addition, any previously issued equipment permit and license shall be revoked and notice of such action will be reported to the Connecticut Department of Environmental Protection. The revoked permit and license shall not be renewed for a minimum of 90 days.

D. Each violation of said sections of this Article shall be a separate and distinct offense, and, in the case of a continuing violation, each day the violation remains uncorrected shall be deemed to be a separate and distinct offense.

E. Any person or persons who in any way cause pollution of a town stream, waterway or pond by rinsing, cleaning or disposing of residue from the tank of their spraying equipment or vehicle shall be fined not more than \$90 for each offense, and notice of such action will be reported to the Connecticut Department of Environmental Protection.

#### **§ 147-5. Fees**

The equipment permit fee shall be set by the Westport Conservation Commission. Any fee adopted pursuant to this Article shall become effective as adopted 15 days after publication thereof in a newspaper having a substantial circulation in the town unless, within seven days after such publication, two members of the Representative Town Meeting or 20 electors shall, under the provisions of § C2-5 of the Charter, place such regulation on the Town Meeting agenda for review. Any such fee placed on a Town Meeting agenda for review may be increased, decreased, eliminated or accepted by the Representative Town Meeting and shall be effective as of the date of the Town Meeting.