

NEW YORK STATE DEPARTMENT OF STATE

Local Law Filing 162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
Town of New Paltz
~~Village~~

Local Law No. of the year 2016

A Local Law to Add a New Chapter 136 to the Code of the Town of New Paltz, entitled “Prohibition of Illicit Discharges and Regulation of Activities and Connections to the Town of New Paltz Separate Storm Sewer System”

Be it enacted by the Town Board of the Town of New Paltz as follows:

Section 1.

The Code of the Town of New Paltz is hereby amended to add a New Chapter 136 to the Code of the Town of New Paltz, entitled “Prohibition of Illicit Discharges and Regulation of Activities and Connections to the Town of New Paltz Separate Storm Sewer System” to read as follows:

§136-1: PURPOSE

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the Town of New Paltz through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable, as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- A. To meet the requirements of the current SPDES General Permit for Stormwater Discharges from MS4s, ~~Permit No. GP-0-015-03~~, as that General Permit may hereafter be amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;

- 41 C. To prohibit Illicit Connections, Activities and Discharges to the MS4;
- 42 D. To establish legal authority to carry out all inspection, surveillance and monitoring
43 procedures necessary to ensure compliance with this law; and
- 44 E. To promote public awareness of the hazards involved in the improper discharge of trash,
45 yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products,
46 cleaning products, paint products, hazardous waste, sediment and other pollutants into the
47 MS4.

48 **§136-2: DEFINITIONS**

49 Whenever used in this law, unless a different meaning is stated in a definition applicable to only
50 a portion of this law, the following terms will have meanings set forth below:

- 51 A. Best Management Practices (BMPs). Schedules of activities, prohibitions of practices,
52 general good house keeping practices, pollution prevention and educational practices,
53 maintenance procedures, and other management practices to prevent or reduce the discharge of
54 pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance
55 systems. BMPs also include treatment practices, operating procedures, and practices to control
56 site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
57
- 58 B. Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et. seq.),
59 and any subsequent amendments thereto.
- 60 C. Construction Activity. Activities requiring authorization under the SPDES permit for
61 stormwater discharges from construction activity, GP -0-015-02, as amended or revised. These
62 activities include construction projects resulting in land disturbance of one or more acres. Such
63 activities include but are not limited to clearing and grubbing, grading, excavating, and
64 demolition.
- 65 D. Department. The New York State Department of Environmental Conservation.
66 (NYSDEC),
- 67 E. Design Professional. New York State licensed professional engineer, ~~or~~ licensed
68 architect, Registered Landscape Architect or other NYSDEC recognized professionals
69 qualified by training or experience, such as Certified professional in Erosion Control
70 (CPESC) and Certified Professional in Storm water Quality (CPSWQ). All components
71 that involve the practice of engineering, as defined in the NYS Education Law (see
72 Article 145) shall be prepared by, or under the direct supervision of, a professional
73 engineer licensed to practice in this State of New York.-
- 74 F. Hazardous Materials. Any material, including any substance, waste, or combination
75 thereof, which because of its quantity, concentration, or physical, chemical, or infectious
76 characteristics may cause, or significantly contribute to, a substantial present or potential hazard

- 77 to human health, safety, property, or the environment when improperly treated, stored,
78 transported, disposed of, or otherwise managed.
- 79 G. Illicit Connections. Any drain or conveyance, whether on the surface or subsurface,
80 which allows an illegal discharge to enter the MS4, including but not limited to:
81 1. Any conveyances which allow any non-stormwater discharge, including treated or
82 untreated sewage, process wastewater, and wash water, to enter the MS4, and any
83 connections to the storm drain system from indoor drains and sinks, regardless of whether
84 said drain or connection had been previously allowed, permitted, or approved by an
85 authorized enforcement agency; or
86 2. Any drain or conveyance connected from a commercial or industrial land use to the
87 MS4 which has not been documented in plans, maps, or equivalent records and approved
88 by an authorized enforcement agency.
- 89 H. Illicit Discharge. Any direct or indirect non-stormwater discharge to the MS4, except as
90 exempted in Section 6 of this law.
- 91 I. Individual Sewage Treatment System. A facility serving one or more parcels of land or
92 residential households, or a private, commercial or institutional facility, that treats sewage
93 or other liquid wastes for discharge into the groundwaters of New York State, except where
94 a permit for such a facility is required under the applicable provisions of Article 17 of the
95 Environmental Conservation Law.
- 96 J. Industrial Activity. Activities requiring the current SPDES General Permit for
97 stormwater discharges from industrial activities except construction, ~~GP-0-012-01~~, as
98 that General Permit may be amended or revised.
- 99 K. MS4. Municipal Separate Storm Sewer System.
- 100
- 101 L. Municipal Separate Storm Sewer System. A conveyance or system of
102 conveyances (including roads with drainage systems, municipal streets, catch basins,
103 curbs, gutters, ditches, man-made channels, or storm drains):
- 104 (1) Owned or operated by the Town of New Paltz;
105 (2) Designed or used for collecting or conveying stormwater;
106 (3) Which is not a combined sewer; and
107 (4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at
108 40CFR 122.2
- 109 M. Municipality. The Town of New Paltz
- 110 N. Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of
111 stormwater.

112 O. Person. Any individual, association, organization, partnership, firm, corporation, limited
113 liability company, or other entity recognized by law and acting as either the owner of any interest
114 in real property, or as the owner's agent.

115 P. Pollutant. Dredged spoil, filter backwash, solid waste, incinerator residue, treated or
116 untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials,
117 radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial,
118 municipal, agricultural waste and ballast discharged into water; which may cause or might
119 reasonably be expected to cause pollution of the waters of the state in contravention of the New
120 York State water quality standards set forth in 6 NYCRR 703.

121 Q. Premises. Any building lot, parcel of land, or portion of land, whether improved or
122 unimproved, including improvements on such land, and adjacent sidewalks and parking
123 strips under the control of the owner or operator of such lot or land.

124 R. Special Conditions.

125 (1) Discharge Compliance with Water Quality Standards. The condition that applies
126 where a municipality has been notified that the discharge of stormwater
127 authorized under their MS4 permit may have caused or has the reasonable
128 potential to cause or contribute to the violation of an applicable water quality
129 standard. Under this condition the municipality must take all necessary actions to
130 ensure future discharges do not cause or contribute to that violation of water quality
131 standards.

132 (2) 303(d) Listed Waters. The condition in the municipality's MS4 permit that
133 applies where the MS4 discharges to a 303(d) listed water. Under this condition
134 the stormwater management program must ensure no increase of the listed
135 pollutant of concern to the 303(d) listed water.

136
137 (3) Total Maximum Daily Load (TMDL) Strategy. The condition in the
138 municipality's MS4 permit where a TMDL including requirements for control of
139 stormwater discharges has been approved by EPA for a waterbody or watershed
140 into which the MS4 discharges.

141 (4) The condition in the municipality's MS4 permit that applies if a TMDL is
142 approved in the future by EPA for any waterbody or watershed into which an MS4
143 discharges. Under this condition the municipality must review the applicable
144 TMDL to see if it includes requirements for control of stormwater discharges. If
145 an MS4 is not meeting the TMDL stormwater allocations, the municipality must,
146 within six (6) months of the TMDL's approval, modify its stormwater
147 management program to ensure that reduction of the pollutant of concern
148 specified in the TMDL is achieved.

149 S. State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit. A

150 permit issued by the Department that authorizes the discharge of pollutants to waters of the
151 state.

152 T. Stormwater. Rainwater, surface runoff, snow melt and drainage.

153 U. Stormwater Management Officer (SMO). An employee, the municipal engineer or other
154 public official(s) designated by the Town of New Paltz to enforce this local law. The SMO
155 may also be designated by the municipality to accept and review stormwater pollution
156 prevention plans, forward the plans to the applicable municipal board and inspect
157 stormwater management practices.

158 V. 303(d) List. A list of all surface waters in the state for which beneficial uses of the
159 water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants,
160 prepared periodically by the Department as required by Section 303(d) of the Clean Water
161 Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface
162 water quality standards and are not expected to improve within the next two years.

163 W. TMDL. Total Maximum Daily Load.

164 X. Total Maximum Daily Load. The maximum amount of a pollutant to be allowed to be
165 released into a waterbody so as not to impair uses of the water, allocated among the sources
166 of that pollutant.

167 Y. Wastewater. Water that is not stormwater, is contaminated with pollutants, and is or will be
168 discarded.

169 **§136-3: APPLICABILITY**

170 This law shall apply to all water entering the MS4 that is generated on any developed or
171 undeveloped lands, unless explicitly exempted by an authorized enforcement agency.

172 **§136-4: RESPONSIBILITY FOR ADMINISTRATION**

173 The Stormwater Management Officer(s) (SMO) shall administer, implement, and enforce the
174 provisions of this law. Such powers granted or duties imposed upon the authorized enforcement
175 official may be delegated in writing by the SMO as may be authorized by the municipality.

176 **§136-5: SEVERABILITY**

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

181 **§136-6: DISCHARGE PROHIBITIONS**

182 **A. Prohibition of Illegal Discharges.**

183 No person shall discharge or cause to be discharged into the MS4 any materials other than
184 stormwater except as provided in Section 136-6 A.(1). The commencement, conduct or
185 continuance of any illegal discharge to the MS4 is prohibited except as described as
186 follows:

187 (1) The following discharges are exempt from discharge prohibitions established by
188 this local law, unless the Department or the municipality has determined them to
189 be substantial contributors of pollutants: water line flushing or other potable water
190 sources, landscape irrigation or lawn watering, existing diverted stream flows,
191 rising ground water, uncontaminated ground water infiltration to storm drains,
192 uncontaminated pumped ground water, foundation or footing drains, crawl space
193 or basement sump pumps, air conditioning condensate, irrigation water, springs,
194 water from individual residential car washing, natural riparian habitat or wetland
195 flows, dechlorinated swimming pool discharges, residential street wash water,
196 water from firefighting activities, and any other water source not containing
197 pollutants. Such exempt discharges shall be made in accordance with an
198 appropriate plan for reducing pollutants.

199 (2) Discharges, approved in writing by the SMO to protect life or property from
200 imminent harm or damage, provided that, such approval shall not be construed to
201 constitute compliance with other applicable laws and requirements, and further
202 provided that such discharges may be permitted for a specified time period and
203 under such conditions as the SMO may deem appropriate to protect such life and
204 property while reasonably maintaining the purpose and intent of this local law.

205 (3) Dye testing in compliance with applicable state and local laws is an allowable
206 discharge, but requires a verbal notification to the SMO prior to the time of the
207 test.

208 (4) The prohibition shall not apply to any discharge permitted under an SPDES
209 permit, waiver, or waste discharge order issued to the discharger and administered
210 under the authority of the Department, provided that the discharger is in full
211 compliance with all requirements of the permit, waiver, or order and other
212 applicable laws and regulations, and provided that written approval has been duly
213 granted by the Department for any discharge to the MS4.

214 **B. Prohibition of Illicit Connections.**

215 (1) The construction, use, maintenance or continued existence of illicit connections to
216 the MS4, whether or not such connection is in use, is prohibited.

217 (2) This prohibition expressly includes, without limitation, illicit connections made in

218 the past, regardless of whether the connection was then permissible under law or
219 practices applicable or prevailing at the time of connection.

220 (3) A person is considered to be in violation of this local law if the person connects
221 a line conveying sewage to the municipality's MS4, or allows such a connection to
222 continue.

223 **§136-7: PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS**

224 No persons shall operate a failing individual sewage treatment system in areas tributary to the
225 municipality's MS4. A failing individual sewage treatment system is one which has been
226 determined by the SMO, or an agency with jurisdiction over such system, to meet one or more of
227 the following conditions:

- 228 A. The backup of sewage into a structure.
- 229 B. Discharges of treated or untreated sewage onto the ground surface.
- 230 C. A connection or connections to a separate stormwater sewer system.
- 231 D. Liquid level in the septic tank above the outlet invert.
- 232 E. Structural failure of any component of the individual sewage treatment system that could
233 lead to any of the other failure conditions as noted in this section.
- 234 F. Contamination of off-site groundwater.

235 **§136-8: PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER**

- 236 **A.** Activities that are subject to the requirements of this section are those types of
237 activities that:
 - 238 (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - 239 (2) Cause or contribute to the municipality being subject to the Special Conditions as
240 defined in Section 136-2 (Definitions) of this local law.
- 241 **B.** Such activities include, but are not limited to, failing individual sewage treatment systems
242 as defined in Section 136-7, improper management of pet waste or any other activity that
243 causes or contributes to violations of the municipality's MS4 SPDES permit
244 authorization.
- 245 **C.** Upon notification by the SMO to a person that he or she is engaged in activities
246 that cause or contribute to violations of the municipality's MS4 SPDES permit
247 authorization, that person shall take all reasonable actions to correct such activities
248 such that he or she no longer causes or contributes to violations of the municipality's
249 MS4 SPDES permit authorization.

250

251 **§136-9: REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER**
252 **POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

253 **A. Best Management Practices**

254 Where the SMO has identified illicit discharges as defined in Section 136-2 or activities
255 contaminating stormwater as defined in Section 136-8 the municipality may require
256 implementation of Best Management Practices (BMPs) to control those illicit
257 discharges and activities.

258 (1) The owner or operator of a commercial or industrial establishment shall provide,
259 at their own expense, reasonable protection from accidental discharge of
260 prohibited materials or other wastes into the MS4 through the use of structural
261 and non-structural BMPs.

262 (2) Any person responsible for a property or premise, which is, or may be, the source
263 of an illicit discharge, as defined in Section 136-2, or an activity contaminating
264 stormwater, as defined in Section 136-8, may be required to implement, at said
265 person's expense, additional structural and non-structural BMPs to reduce or
266 eliminate, to the maximum extent practicable, the source of pollutant(s) to the
267 MS4.

268 (3) Compliance with all terms and conditions of a valid SPDES permit authorizing
269 the discharge of stormwater associated with industrial activity, to the extent
270 practicable, shall be deemed compliance with the provisions of this section.

271 **B. Individual Sewage Treatment Systems - Response to Special Conditions Requiring No Increase**
272 **of Pollutants or Requiring a Reduction of Pollutants**

273 Where individual sewage treatment systems are contributing to the municipality's being
274 subject to the Special Conditions as defined in Section 136-2 of this local law, the owner
275 or operator of such individual sewage treatment systems shall be required to:

276 (1) Maintain and operate individual sewage treatment systems as follows:

277 (a) Inspect the septic tank annually to determine scum and sludge
278 accumulation. Septic tanks must be pumped out whenever the bottom of
279 the scum layer is within three inches of the bottom of the outlet baffle or
280 sanitary tee or the top of the sludge is within ten inches of the bottom of
281 the outlet baffle or sanitary tee.

282 (b) Avoid the use of septic tank additives.

283 (c) Avoid the disposal of excessive quantities of detergents, kitchen wastes,
284 laundry wastes, and household chemicals; and

285 (d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins,
286 trash and other such items.

- 287 (2) Repair or replace individual sewage treatment systems as follows:
- 288 (a) The repaired or replaced systems shall be designed and installed in
289 accordance with 10NYCRR Appendix 75A to the maximum extent
290 practicable.
- 291 (b) A design professional licensed to practice in New York State shall prepare
292 design plans for any type of absorption field that involves:
- 293 1. Relocating or extending an absorption area to a location not
294 previously approved for such field; or
- 295 2. Installation of a new subsurface treatment system at the same
296 location; or
- 297 3. Use of alternate system or innovative system design or technology.
- 298 (c) A written certificate of compliance, including certification that the
299 installation of the repaired or replaced system has been inspected to the
300 extent necessary to determine it was installed in substantial conformance
301 with the design plans, shall be submitted by the design professional to
302 the municipality at the completion of construction of the repair or
303 replacement system.

304 **§136-10: SUSPENSION OF ACCESS TO MS4. ILLICIT DISCHARGES IN EMERGENCY**
305 **SITUATIONS.**

306 **A.** The SMO may, without prior notice, suspend MS4 discharge access to a person when
307 such suspension is necessary to stop an actual or threatened discharge which presents or
308 may present imminent and substantial danger to the environment, to the health or welfare
309 of persons, or to the MS4. The SMO shall notify the person of such suspension within a
310 reasonable time thereafter in writing of the reasons for the suspension. If the violator
311 fails to comply with a suspension order issued in an emergency, the SMO may take such
312 steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize
313 danger to persons, including requesting that the Town Board authorize the SMO to apply
314 making-an-application to a court of competent jurisdiction for an injunction, order to
315 remedy the violation or other appropriate relief.

316 **B.** Termination of MS4 access due to the detection of illicit discharge. Any person
317 discharging to the municipality's MS4 in violation of this law may have their MS4 access
318 terminated if such termination would abate or reduce an illicit discharge. The SMO will
319 notify a violator in writing of the proposed termination of its MS4 access and the
320 reasons therefore. Such notice shall include the time and date on which the termination
321 will become effective. Prior to that time, the violator may petition the SMO for
322 reconsideration. The SMO may allow the restoration of terminated access if he/she finds
323 that the illicit discharge has ceased and the discharger has taken appropriate steps to
324 prevent its recurrence. The SMO may continue to deny access to the MS4 if the SMO
325 determines in writing that the illicit discharge has not ceased or is likely to recur. It shall
326 be a violation of this Chapter if any person takes action to reinstate MS4 access to
327 premises terminated pursuant to this Section, or causes such action to be taken, without the

328 prior approval of the SMO.

329 **§136-11: INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

330 Any person subject to an industrial or construction activity SPDES stormwater discharge permit
331 shall comply with all provisions of such permit. The municipality may require acceptable proof
332 that discharges from the regulated industrial or construction activities will be in compliance with
333 said permit prior to allowing discharges to the MS4.

334 **§136-12: ACCESS AND MONITORING OF DISCHARGES**

335 A. Applicability. This section applies to all facilities that the SMO must inspect to enforce
336 any provision of this Law, or whenever the authorized enforcement agency has cause to believe
337 that there exists, or potentially exists, in or upon any premises any condition which constitutes a
338 violation of this Law.

339 B. Access to Facilities

340 (1) The SMO shall be permitted to enter and inspect facilities subject to regulation
341 under this law as often as may be necessary to determine compliance with this
342 Law. If a discharger has security measures in force which require proper
343 identification and clearance before entry into its premises, the discharger shall
344 make the necessary arrangements to allow access to the SMO.

345 (2) Facility operators shall allow the SMO ready access to all parts of the premises
346 for the purposes of inspection, sampling, examination and copying of records as
347 may be required to implement this law.

348 (3) The municipality shall have the right to set up on any facility subject to this law
349 such devices as are necessary in the opinion of the SMO to conduct monitoring
350 and/or sampling of the facility's stormwater discharge.

351 (4) The municipality has the right to require the facilities subject to this law to install
352 monitoring equipment as is reasonably necessary to determine compliance with
353 this law. The facility's sampling and monitoring equipment shall be maintained at
354 all times in a safe and proper operating condition by the discharger at its own
355 expense. All devices used to measure stormwater flow and quality shall be
356 calibrated to ensure their accuracy.

357 (5) A person who is the operator of a facility subject to this law commits an offense if
358 the person denies the SMO reasonable access to the facility for the purpose of
359 conducting any activity authorized or required by this law when the SMO has
360 probable cause to believe that there is a violation of this law on the premises, or
361 that there is a need to inspect and/or sample as part of a routine inspection and

362 sampling program designed to verify compliance with this law or any order issued
363 hereunder,
364

365 (6) If the SMO is refused access to any part of the premises from which stormwater is
366 discharged, and he/she has probable cause to believe that there may be a violation
367 of this law on the premises, or that there is a need to inspect and/or sample as part
368 of a routine inspection and sampling program designed to verify compliance with
369 this law or any order issued hereunder, then the SMO may apply to any court of
370 competent jurisdiction for a search warrant.

371 **§136-13: NOTIFICATION OF SPILLS**

372 A. Emergency Response. Notwithstanding other requirements of law, as soon as any person
373 responsible for a facility or operation, or responsible for emergency response for a facility or
374 operation has information of any known or suspected release of materials which are
375 resulting or may result in illegal discharges or pollutants discharging into the MS4, said person
376 shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

377 B. Notice of Potential Release to MS4. In the event such release involves hazardous materials,
378 said person shall immediately notify emergency response agencies of the occurrence via
379 emergency dispatch services. In the event of a release of non-hazardous materials, said
380 person shall notify the municipality in person or by telephone or facsimile no later than the next
381 business day. Notifications in person or by telephone shall be confirmed by written notice
382 addressed and mailed to the municipality within three business days of the telephone notice.
383 The notification provisions of this Section are in addition to any other applicable notification
384 provisions required by federal, State or local laws or regulations, and such person shall also
385 comply with those notification requirements.

386 C. Retention of Records. If the discharge of prohibited materials emanates from a
387 commercial or industrial establishment, the owner or operator of such establishment shall also
388 retain an on-site written record of the discharge, the actions to contain and clean up the
389 discharge, and the actions taken to prevent its recurrence. Such records shall be retained for at
390 least three years.

391 **§136-14: ENFORCEMENT**

392 A. Notice of Violation

393 When the SMO finds that a person has violated a prohibition or failed to meet a requirement of
394 this law, he/she may order compliance by written notice of violation to the responsible person.
395 Such notice may require, without limitation:

- 396 (1) The elimination of illicit connections or discharges;
397 (2) That violating discharges, practices, or operations shall cease and desist;

398 (3) The abatement or remediation of stormwater pollution or contamination hazards
399 and the restoration of any affected property;

400 (4) Submission of a plan to avoid recurrence of the violation(s);

401 ~~_____~~The performance of monitoring, analyses, and reporting;

402 (6) Payment of fine; and

403 (7) The implementation of source control or treatment BMPs.

404 B. Abatement of Violation.

405 If abatement of a violation and/or restoration of affected property is required, the notice shall set
406 forth a deadline within which such remediation or restoration must be completed. Said notice shall
407 further advise that, should the violator fail to remediate or restore within the established deadline,
408 the work will be done by a designated governmental agency or a contractor and the expense
409 thereof shall be charged to the violator.

410 C. Penalties

411 In addition to or as an alternative to any penalty provided herein or by law, any person who
412 violates the provisions of this local law shall be guilty of a violation punishable by a fine not
413 exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six
414 months, or both, for conviction of a first offense; for conviction of a second offense both of which
415 were committed within a period of five years, punishable by a fine not less than three hundred
416 fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to
417 exceed six months, or both; and upon conviction for a third or subsequent offense all of which
418 were committed within a period of five years, punishable by a fine not less than seven hundred
419 dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed
420 six months, or both. However, for the purposes of conferring jurisdiction upon courts and
421 judicial officers generally, violations of this local law shall be deemed misdemeanors and for
422 such purpose only all provisions of law relating to misdemeanors shall apply to such violations.
423 Each week's continued violation shall constitute a separate additional violation. In addition, any
424 person who violates this law shall pay any fines or penalties that the Town of New Paltz is
425 required to pay by reason of said person's violations.

426 **§136-15: CORRECTIVE MEASURES**

427 A. If the violation has not been corrected pursuant to the requirements set forth in the Notice
428 of Violation, then the SMO shall request the owner's permission for access to the subject
429 private property to take any and all measures reasonably necessary to abate the violation
430 and/or restore the property.

431 B. If refused access to the subject private property, the SMO may seek a warrant or order in
432 a court of competent jurisdiction to be authorized to enter upon the property. Upon

433 determination that a violation is continuing, the SMO or Town Board may seek a court
434 order to take any and all other measures reasonably necessary to abate the violation and/or
435 restore the property and or to collect the fines and penalties set forth above. The cost of
436 implementing and maintaining such measures shall be the sole responsibility of the
437 discharger.

438 **§136-16: INJUNCTIVE RELIEF**

439 It shall be unlawful for any person to violate any provision or fail to comply with any of the
440 requirements of this law. If a person has violated or continues to violate the provisions of this
441 law, the Town Board may authorize the SMO ~~may to~~ apply to a court of competent jurisdiction
442 for a Temporary Restraining Order and/or preliminary and/or permanent injunction restraining
443 the person from activities which would create further violations, compelling the person to perform
444 abatement or remediation of the violation, or for such other relief as the Town Board deems
445 appropriate.

446 **§136-17: ALTERNATIVE REMEDIES**

447 **A.** Where a person has violated a provision of this law, he/she may be eligible for
448 alternative disposition in lieu of the penalties set forth in Section 136-14, Subdivision C
449 upon a determination of the Municipal Code Enforcement Office that:

- 450 (1) The violation was unintentional; and
- 451 (2) The violator has no history of previous violations of this Law; and
- 452 (3) Environmental damage was minimal; and
- 453 (4) Violator acted quickly to remedy violation; and
- 454 (5) Violator cooperated in investigation and resolution.

455 **B.** Alternative remedies may consist of one or more of the following:

- 456 (1) Attendance at compliance workshops;
- 457 (2) River, stream or creek cleanup activities.
- 458 (3) Other community service related to restoration or protection of environmental
459 resources.

460 **§136-18: VIOLATIONS DEEMED A PUBLIC NUISANCE**

461 In addition to the enforcement processes and penalties provided, any condition caused or
462 permitted to exist in violation of any of the provisions of this law which is a threat to public
463 health, safety, and welfare may be summarily abated or restored at the violator's expense, and/or
464 a civil action may be brought by the Town Board, in the name of the Town, to abate, enjoin, or
465 otherwise compel the cessation of such nuisance.
466

467 **§136-19: REMEDIES NOT EXCLUSIVE**

468 The remedies provided by this law are not exclusive of any other remedies available under any
469 applicable federal, state or local law, and it is within the discretion of the authorized enforcement
470 agency to seek cumulative remedies.

471

472 **§136-20: APPEAL**

473 Any person, firm or corporation claiming to be adversely affected or aggrieved by any ruling,
474 decision, determination or order of the SMO may appeal such ruling, decision, or determination
475 to the New York State Supreme Court within thirty days after said determination, ruling, or
476 decision is filed in the office of the Town Clerk. To the extent that said time limit is at variance
477 with the time limit set forth in Section 217 of the New York State Civil Practice Law and Rules,
478 it is the express intention of this Local Law to supersede same.

479 **Section 2. Effective date.**

480 This law shall become effective following its final adoption and after filing same with the
481 Secretary of State of New York. All prior laws or parts of law in conflict with this law are
482 hereby repealed.