

Town of New Paltz
Town Clerk/ Tax Collector
Rosanna Mazzaccari
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New Paltz, NY 12561
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October 28, 2016

Town Clerk, Town of Lloyd
12 Church Street
Highland, NY 12528

Town Clerk, Town of Plattekill
PO Box 45
Modena, NY 12548

Town Clerk, Town of Gardiner
PO Box 1
Gardiner, NY 12525

Town Clerk, Town of Esopus
PO Box 700
Port Ewen, NY 12466

Town Clerk, Town of Rosendale
1915 Lucas Avenue
Cottekill, NY 12419

Town Clerk, Town of Rochester
PO Box 65
Accord, NY 12404

Town Clerk, Town of Marbletown
PO Box 217
Stone Ridge, NY 12419

- Re:
- 1) A local law to amend the Code of The Town of New Paltz to amend Chapter 121, "Subdivision of Land" of the code of the Town of New Paltz. (Stormwater Related Code Ammendments)
 - 2) 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"
 - 3) A local law to amend the Code of the Town of New Paltz to add a new Chapter 135 "Stormwater Management and Erosion and Sediment Control "

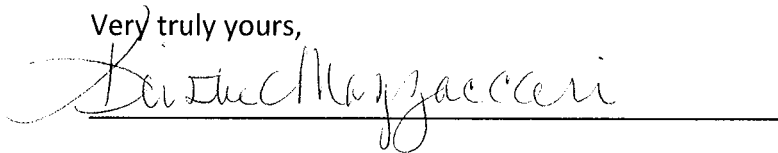
Dear Clerks:

Enclosed are copies of local laws B, C, and D of the year 2016.

The public hearings for these proposed laws are scheduled for November 3, 2016 at 6:15, 6:20, and 6:25 respectively at 3 Veterans Drive, New Paltz, Ulster County, New York.

If you are unable to attend this meeting and would like to comment, please send written comments to Rosanna Mazzaccari, Town Clerk, Town of New Paltz, PO Box 550, New Paltz, NY 12561

Very truly yours,

A handwritten signature in cursive script that reads "Kristie Mazzaccari". The signature is written in black ink and is positioned above a solid horizontal line.

Kristie Mazzaccari, Deputy Town Clerk

Enc.

**TOWN OF NEW PALTZ
NOTICE OF HEARING
INTRODUCTORY LOCAL LAW**

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of New Paltz, New York, on October 27, 2016, a local law entitled “STORMWATER RELATED CODE AMENDMENTS” for the purpose of amending Chapter 121, Subdivision Regulations, and Chapter 140, Zoning, to incorporate minimum stormwater management requirements and controls for land development activities and otherwise regulate stormwater to protect and safeguard the general health, safety, and welfare of the residents and property owners in the Town of New Paltz and to comply with the requirements of the DEC SPDES General Permit for Municipal Separate Storm Sewer Systems.

The proposed local law would amend the Town Code as follows: Sections 121-14 and 121-14 would be amended to add provisions requiring a Stormwater Pollution Prevention Plan (SWPPP) for preliminary and final subdivision approval; Sections 121-24 would be amended to require a subdivider to comply with Chapter 135; Section 140-52.B. would be amended to require the submission of a SWPPP for final site plan approval; and Section 140-52.D. would be amended to add compliance with Chapter 135 as a standard for site plan approval.

A complete copy of the Introductory Local Law is available for inspection at the Town Clerk's Office.

NOW, THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of New Paltz, New York, will hold a public hearing on the aforesaid Local Law at the Community Center, 3 Veterans Drive, New Paltz, New York, on **November 3, 2016, at 6:20 P.M.**, at which time, or as soon thereafter as practicable, and all persons interested therein shall be heard. The hearing may be closed on that date or adjourned to another date, as the Town Board deems appropriate.

The Town of New Paltz will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: October 27, 2016

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF TOWN OF NEW PALTZ

ROSANNA MAZZACCARI, TOWN CLERK

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 amend the Code of the Town of New Paltz to amend Chapter 121, "Subdivision of Land" of the Code of the Town of New Paltz.

Be it enacted by the Town Board of the

County

City

Town of New Paltz as follow:

Village

Section 1. AMENDMENT

Chapter 121, "Subdivision of Land" of the Code of the Town of New Paltz is hereby amended as follows:

Subdivision D of Section 121-14, "Required Documents, Bonds, Improvements and Utilities" is hereby renumbered as Subdivision E thereof and there is hereby added a new Subdivision D of Section 121-14 to read as follows:

"D. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of the Stormwater Management & Erosion and Sediment Control Law of the Town of New Paltz Code shall be required for Preliminary Subdivision Plat approval. Whether a Stormwater Pollution Prevention Plan is required or not, the subdivision plan will include GPS (Global Positioning System) reference data in a form suitable to the Stormwater Management Officer for stormwater

outfalls and permanent structures built in accordance with the New York State Stormwater Management Design Manual.”

Section 2. AMENDMENT

Chapter 121, “Subdivision of Land” of the Code of the Town of New Paltz is hereby amended to add a new Subdivision C of Section 121-15, “Final Approval Documents” to read as follows:

“C. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of the Stormwater Management & Erosion and Sediment Control Law of the Town of New Paltz Code shall be required for Final Subdivision Plat approval. Whether a Stormwater Pollution Prevention Plan is required or not, the subdivision plan will include GPS (Global Positioning System) reference data in a form suitable to the Stormwater Management Officer for stormwater outfalls and permanent structures built in accordance with the New York State Stormwater Management Design Manual.”

Section 3. AMENDMENT

Subdivisions C, D, E and F of Section 121-15, “Final Approval Documents” are hereby renumbered as subdivisions D, E, F and G, respectively.

Section 4. AMENDMENT

Subdivision D of Section 121-24, “Improvements and utilities” of Chapter 121, “Subdivision of Land” of the Code of the Town of New Paltz is hereby REPEALED and there is added a new Subdivision D of Section 121-24, “Improvements and utilities” of Chapter 121, “Subdivision of Land” of the Code of the Town of New Paltz to read as follows:

“D. Stormwater management. The subdivider shall install all necessary storm sewers, culverts and appurtenant stormwater management facilities at his expense in accordance with the standards of the Superintendent of Highways and the engineer for the town and in strict conformity with Chapter 135, “Stormwater Management & Erosion and Sediment Control” of the Code of the Town of New Paltz.

Section 4. SEVERABILITY

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other person or circumstances and the Town Board hereby declares that it would not have enacted this local law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

**TOWN OF NEW PALTZ
NOTICE OF HEARING
INTRODUCTORY LOCAL LAW**

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of New Paltz, New York, on October 27, 2016, a local law entitled “PROHIBITION ON ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEM” which local law would add a new Chapter 136 to the Town Code for the purpose of regulating connections to, and controlling the introduction of pollutants into, the Separate Storm Sewer System of the Town of New Paltz in order to comply with the requirements of the DEC SPDES General Permit for Municipal Separate Storm Sewer Systems.

A complete copy of the Introductory Local Law is available for inspection at the Town Clerk's Office.

NOW, THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of New Paltz, New York, will hold a public hearing on the aforesaid Local Law at the Community Center, 3 Veterans Drive, New Paltz, New York, on **November 3, 2016, at 6:15 P.M.**, at which time, or as soon thereafter as practicable, and all persons interested therein shall be heard. The hearing may be closed on that date or adjourned to another date, as the Town Board deems appropriate.

The Town of New Paltz will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: October 27, 2016

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF TOWN OF NEW PALTZ

ROSANNA MAZZACCARI, TOWN CLERK

5 (Use this form to file a local law with the Secretary of State.)
6

7 Text of law should be given as amended. Do not include matter being eliminated and do
8 not use italics or underlining to indicate new matter.
9

10 ~~County~~

11 ~~City~~

12 ~~Town of New Paltz~~

13 ~~Village~~
14

15 **Local Law No. of the year 2016**
16

17 A Local Law to Add a New Chapter 136 to the Code of the Town of New Paltz, entitled
18 "Prohibition of Illicit Discharges and Regulation of Activities and Connections to the Town of
19 New Paltz Separate Storm Sewer System"
20

21 Be it enacted by the Town Board of the Town of New Paltz as follows:
22

23 **Section 1.**
24

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

29 **§136-1: PURPOSE**

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

- 36 A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from
37 MS4s, Permit No. GP -0-015-03, as that General Permit may be amended or revised;
- 38 B. To regulate the contribution of pollutants to the MS4 since such systems are not designed
39 to accept, process or discharge non-stormwater wastes;
- 40 C. To prohibit Illicit Connections, Activities and Discharges to the MS4;

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

47 **§136-2: DEFINITIONS**

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

- 50 A. Best Management Practices (BMPs). Schedules of activities, prohibitions of practices,
51 general good house keeping practices, pollution prevention and educational practices,
52 maintenance procedures, and other management practices to prevent or reduce the discharge of
53 pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance
54 systems. BMPs also include treatment practices, operating procedures, and practices to control
55 site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
56
- 57 B. Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et. seq.),
58 and any subsequent amendments thereto.
- 59 C. Construction Activity. Activities requiring authorization under the SPDES permit for
60 stormwater discharges from construction activity, GP -0-015-02, as amended or revised. These
61 activities include construction projects resulting in land disturbance of one or more acres. Such
62 activities include but are not limited to clearing and grubbing, grading, excavating, and
63 demolition.
- 64 D. Department. The New York State Department of Environmental Conservation.
- 65 E. Design Professional. New York State licensed professional engineer or licensed
66 architect.
- 67 F. Hazardous Materials. Any material, including any substance, waste, or combination
68 thereof, which because of its quantity, concentration, or physical, chemical, or infectious
69 characteristics may cause, or significantly contribute to, a substantial present or potential hazard
70 to human health, safety, property, or the environment when improperly treated, stored,
71 transported, disposed of, or otherwise managed.
- 72 G. Illicit Connections. Any drain or conveyance, whether on the surface or subsurface,
73 which allows an illegal discharge to enter the MS4, including but not limited to:
74 1. Any conveyances which allow any non-stormwater discharge, including treated or
75 untreated sewage, process wastewater, and wash water, to enter the MS4, and any
76 connections to the storm drain system from indoor drains and sinks, regardless of whether

- 77 said drain or connection had been previously allowed, permitted, or approved by an
78 authorized enforcement agency; or
- 79 2. Any drain or conveyance connected from a commercial or industrial land use to the
80 MS4 which has not been documented in plans, maps, or equivalent records and approved
81 by an authorized enforcement agency.
- 82 H. Illicit Discharge. Any direct or indirect non-stormwater discharge to the MS4, except as
83 exempted in Section 6 of this law.
- 84 I. Individual Sewage Treatment System. A facility serving one or more parcels of land or
85 residential households, or a private, commercial or institutional facility, that treats sewage
86 or other liquid wastes for discharge into the groundwaters of New York State, except where
87 a permit for such a facility is required under the applicable provisions of Article 17 of the
88 Environmental Conservation Law.
- 89 J. Industrial Activity. Activities requiring the SPDES permit for discharges from industrial
90 activities except construction, GP-0-012-01, as that General Permit may be amended or
91 revised.
- 92 K. MS4. Municipal Separate Storm Sewer System.
- 93
- 94 L. Municipal Separate Storm Sewer System. A conveyance or system of
95 conveyances (including roads with drainage systems, municipal streets, catch basins,
96 curbs, gutters, ditches, man-made channels, or storm drains):
- 97 (1) Owned or operated by the Town of New Paltz;
98 (2) Designed or used for collecting or conveying stormwater;
99 (3) Which is not a combined sewer; and
100 (4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at
101 40CFR 122.2
- 102 M. Municipality. The Town of New Paltz
- 103 N. Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of
104 stormwater.
- 105 O. Person. Any individual, association, organization, partnership, firm, corporation, limited
106 liability company, or other entity recognized by law and acting as either the owner of any interest
107 in real property, or as the owner's agent.
- 108 P. Pollutant. Dredged spoil, filter backwash, solid waste, incinerator residue, treated or
109 untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials,
110 radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial,
111 municipal, agricultural waste and ballast discharged into water; which may cause or might

112 reasonably be expected to cause pollution of the waters of the state in contravention of the New
113 York State water quality standards set forth in 6 NYCRR 703.

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

117 R. Special Conditions.

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

125 (2) 303(d) Listed Waters. The condition in the municipality's MS4 permit that
126 applies where the MS4 discharges to a 303(d) listed water. Under this condition
127 the stormwater management program must ensure no increase of the listed
128 pollutant of concern to the 303(d) listed water.

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

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

142 S. State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit. A
143 permit issued by the Department that authorizes the discharge of pollutants to waters of the
144 state.

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

146 U. Stormwater Management Officer (SMO). An employee, the municipal engineer or other
147 public official(s) designated by the Town of New Paltz to enforce this local law. The SMO

148 may also be designated by the municipality to accept and review stormwater pollution
149 prevention plans, forward the plans to the applicable municipal board and inspect
150 stormwater management practices.

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

156 W. TMDL. Total Maximum Daily Load.

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

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

162 **§136-3: APPLICABILITY**

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

165 **§136-4: RESPONSIBILITY FOR ADMINISTRATION**

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

169 **§136-5: SEVERABILITY**

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

174 **§136-6: DISCHARGE PROHIBITIONS**

175 **A.** Prohibition of Illegal Discharges.

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

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

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

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

201 (4) The prohibition shall not apply to any discharge permitted under an SPDES
202 permit, waiver, or waste discharge order issued to the discharger and administered
203 under the authority of the Department, provided that the discharger is in full
204 compliance with all requirements of the permit, waiver, or order and other
205 applicable laws and regulations, and provided that written approval has been
206 granted by the Department for any discharge to the MS4.

207 **B. Prohibition of Illicit Connections.**

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

210 (2) This prohibition expressly includes, without limitation, illicit connections made in
211 the past, regardless of whether the connection was then permissible under law or
212 practices applicable or prevailing at the time of connection.

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

216 **§136-7: PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS**

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

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

228 **§136-8: PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER**

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

243 **§136-9: REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER**
244 **POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

- 245 A. Best Management Practices
246 Where the SMO has identified illicit discharges as defined in Section 136-2 or activities
247 contaminating stormwater as defined in Section 136-8 the municipality may require
248 implementation of Best Management Practices (BMPs) to control those illicit
249 discharges and activities.
 - 250 (1) The owner or operator of a commercial or industrial establishment shall provide,
251 at their own expense, reasonable protection from accidental discharge of

252 prohibited materials or other wastes into the MS4 through the use of structural
253 and non-structural BMPs.

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

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

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

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

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

269 (a) Inspect the septic tank annually to determine scum and sludge
270 accumulation. Septic tanks must be pumped out whenever the bottom of
271 the scum layer is within three inches of the bottom of the outlet baffle or
272 sanitary tee or the top of the sludge is within ten inches of the bottom of
273 the outlet baffle or sanitary tee.

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

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

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

279 (2) Repair or replace individual sewage treatment systems as follows:

280 (a) The repaired or replaced systems shall be designed and installed in
281 accordance with 10NYCRR Appendix 75A to the maximum extent
282 practicable.

283 (b) A design professional licensed to practice in New York State shall prepare
284 design plans for any type of absorption field that involves:

285 1. Relocating or extending an absorption area to a location not
286 previously approved for such field; or

287 2. Installation of a new subsurface treatment system at the same
288 location; or

289 3. Use of alternate system or innovative system design or technology.

290 (c) A written certificate of compliance, including certification that the
291 installation of the repaired or replaced system has been inspected to the
292 extent necessary to determine it was installed in substantial conformance
293 with the design plans, shall be submitted by the design professional to
294 the municipality at the completion of construction of the repair or
295 replacement system.

296 **§136-10: SUSPENSION OF ACCESS TO MS4. ILLICIT DISCHARGES IN EMERGENCY**
297 **SITUATIONS.**

298 **A.** The SMO may, without prior notice, suspend MS4 discharge access to a person when
299 such suspension is necessary to stop an actual or threatened discharge which presents or
300 may present imminent and substantial danger to the environment, to the health or welfare
301 of persons, or to the MS4. The SMO shall notify the person of such suspension within a
302 reasonable time thereafter in writing of the reasons for the suspension. If the violator
303 fails to comply with a suspension order issued in an emergency, the SMO may take such
304 steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize
305 danger to persons, including making an application to a court of competent jurisdiction
306 for an injunction, order to remedy the violation or other appropriate relief.

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

320 **§136-11: INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

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

325 **§136-12: ACCESS AND MONITORING OF DISCHARGES**

326 **A.** Applicability. This section applies to all facilities that the SMO must inspect to enforce

327 any provision of this Law, or whenever the authorized enforcement agency has cause to believe
328 that there exists, or potentially exists, in or upon any premises any condition which constitutes a
329 violation of this Law.

330 B. Access to Facilities

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

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

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

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

348 (5) A person who is the operator of a facility subject to this law commits an offense if
349 the person denies the SMO reasonable access to the facility for the purpose of
350 conducting any activity authorized or required by this law when the SMO has
351 probable cause to believe that there is a violation of this law on the premises, or
352 that there is a need to inspect and/or sample as part of a routine inspection and
353 sampling program designed to verify compliance with this law or any order issued
354 hereunder,
355

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

362 **§136-13: NOTIFICATION OF SPILLS**

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

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

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

382 **§136-14: ENFORCEMENT**

383 **A. Notice of Violation**

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

- 387 (1) The elimination of illicit connections or discharges;
- 388 (2) That violating discharges, practices, or operations shall cease and desist;
- 389 (3) The abatement or remediation of stormwater pollution or contamination hazards
390 and the restoration of any affected property;
- 391 (4) Submission of a plan to avoid recurrence of the violation(s);
- 392 (5) The performance of monitoring, analyses, and reporting;
- 393 (6) The implementation of source control or treatment BMPs.

394 **B. Abatement of Violation.**

395 If abatement of a violation and/or restoration of affected property is required, the notice shall set
396

397 forth a deadline within which such remediation or restoration must be completed. Said notice shall
398 further advise that, should the violator fail to remediate or restore within the established deadline,
399 the work will be done by a designated governmental agency or a contractor and the expense
400 thereof shall be charged to the violator.

401 **C. Penalties**

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

417 **§136-15: CORRECTIVE MEASURES**

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

422 B. If refused access to the subject private property, the SMO may seek a warrant or order in
423 a court of competent jurisdiction to be authorized to enter upon the property. Upon
424 determination that a violation is continuing, the SMO or Town Board may seek a court
425 order to take any and all other measures reasonably necessary to abate the violation and/or
426 restore the property and or to collect the fines and penalties set forth above. The cost of
427 implementing and maintaining such measures shall be the sole responsibility of the
428 discharger.

429 **§136-16: INJUNCTIVE RELIEF**

430 It shall be unlawful for any person to violate any provision or fail to comply with any of the
431 requirements of this law. If a person has violated or continues to violate the provisions of this
432 law, the Town may apply to a court of competent jurisdiction for a Temporary Restraining Order
433 and/or preliminary and/or permanent injunction restraining the person from activities which

434 would create further violations, compelling the person to perform abatement or remediation of the
435 violation, or for such other relief as the Town Board deems appropriate.

436 **§136-17: ALTERNATIVE REMEDIES**

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

- 440 (1) The violation was unintentional; and
- 441 (2) The violator has no history of previous violations of this Law; and
- 442 (3) Environmental damage was minimal; and
- 443 (4) Violator acted quickly to remedy violation; and
- 444 (5) Violator cooperated in investigation and resolution.

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

- 446 (1) Attendance at compliance workshops;
- 447 (2) River, stream or creek cleanup activities.
- 448 (3) Other community service related to restoration or protection of environmental
449 resources.

450 **§136-18: VIOLATIONS DEEMED A PUBLIC NUISANCE**

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

456 **§136-19: REMEDIES NOT EXCLUSIVE**

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

460

461 **§136-20: APPEAL**

462 Any person, firm or corporation claiming to be adversely affected or aggrieved by any ruling,
463 decision, determination or order of the SMO may appeal such ruling, decision, or determination
464 to the New York State Supreme Court within thirty days after said determination, ruling, or
465 decision is filed in the office of the Town Clerk. To the extent that said time limit is at variance
466 with the time limit set forth in Civil Practice Law and Rules Section 277, it is the intention of
467 this Local Law to supersede same.

468 **Section 2. Effective date.**

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

472 K:\PROJECTS\10000 (New Paltz T)\15000 (TB)\15012 (Stormwater Ordinance)\2016 Laws\20160114 IDDE Ordinance Draft.rtf
473

**TOWN OF NEW PALTZ
NOTICE OF HEARING
INTRODUCTORY LOCAL LAW**

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of New Paltz, New York, on October 27, 2016, a local law entitled “STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL” which local law would add a new Chapter 135 to the Town Code for the purpose of establishing minimum stormwater management requirements and controls for land development activities and otherwise regulating stormwater to protect and safeguard the general health, safety, and welfare of the residents and property owners in the Town of New Paltz and to comply with the requirements of the DEC SPDES General Permit for Municipal Separate Storm Sewer Systems.

A complete copy of the Introductory Local Law is available for inspection at the Town Clerk's Office.

NOW, THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of New Paltz, New York, will hold a public hearing on the aforesaid Local Law at the Town Hall, One Veterans Drive, New Paltz, New York, on **November 3, 2016, at 6:25 P.M.**, at which time, or as soon thereafter as practicable, and all persons interested therein shall be heard. The hearing may be closed on that date or adjourned to another date, as the Town Board deems appropriate.

The Town of New Paltz will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: October 27, 2016

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF TOWN OF NEW PALTZ

ROSANNA MAZZACCARI, TOWN CLERK

6 (Use this form to file a local law with the Secretary of State.)
7

8 Text of law should be given as amended. Do not include matter being eliminated
9 and do not use italics or underlining to indicate new matter.
10

11 ~~County~~
12 ~~City~~
13 ~~Town of New Paltz~~
14 ~~Village~~
15

16 Local Law No. of the year 2016
17

18 A local law to amend the Code of the Town of New Paltz to add a new Chapter 135,
19 "Stormwater Management and Erosion and Sediment Control" to read as follows:
20

21
22 **Be it enacted by the Town Board of the**
23 ~~County~~
24 ~~City~~
25 ~~Town of New Paltz as follow:~~
26 ~~Village~~
27

28 Be it enacted by the Town Board of the Town of New Paltz as follows:
29

30 **Section 1. Amendment.**
31

32 1. The Code of the Town of New Paltz is hereby amended to add a new Chapter 135,
33 "Stormwater Management and Erosion Sediment Control" to read as follows:
34

35 **Article 1. General Provisions**
36 **§ 135-1. Findings of Fact**
37

38 It is hereby determined that:
39

- 40 **A.** Land development activities and associated increases in site impervious cover
41 often alter the hydrologic response of local watersheds and increase stormwater
42 runoff rates and volumes, flooding, stream channel erosion, or sediment transport
43 and deposition;
44 **B.** This stormwater runoff contributes to increased quantities of water-borne

- 45 pollutants, including siltation of aquatic habitat for fish and other desirable
46 species;
- 47 **C.** Clearing and grading during construction tends to increase soil erosion and add to
48 the loss of native vegetation necessary for terrestrial and aquatic habitat;
- 49 **D.** Impervious surfaces allow less water to percolate into the soil, thereby decreasing
50 groundwater recharge and stream baseflow;
- 51 **E.** Improper design and construction of stormwater management practices can
52 increase the velocity of stormwater runoff thereby increasing stream bank erosion
53 and sedimentation;
- 54 **F.** Substantial economic losses can result from these adverse impacts on the waters
55 of the municipality;
- 56 **G.** Stormwater runoff, soil erosion and nonpoint source pollution can be controlled
57 and minimized through the regulation of stormwater runoff from land
58 development activities;
- 59 **H.** Proper design, construction and maintenance of stormwater management practices
60 can greatly increase their effectiveness in water quality treatment and water
61 quantity control.
- 62 **I.** Green infrastructure is an effective and desirable method to reduce impacts from
63 stormwater runoff and should be implemented in order to restore natural
64 hydrologic regimes, increase infiltration, slow water, and protect communities
65 from the risks associated with stormwater runoff and soil erosion.
- 66 **J.** Stormwater management practices involving Infiltration recharge the groundwater
67 table and provide a high degree of water quality treatment.
- 68 **K.** Stormwater practices involving Bioretention provide a high degree of water
69 quality treatment.
- 70 **L.** The regulation of stormwater runoff discharges from land development activities
71 in order to control and minimize increases in stormwater runoff rates and
72 volumes, soil erosion, stream channel erosion, and nonpoint source pollution
73 associated with stormwater runoff is in the public interest and will minimize
74 threats to public health and safety.
- 75 **M.** Regulation of land development activities by means of performance standards
76 governing stormwater management and site design will produce development
77 more compatible with the natural functions of a particular site or an entire
78 watershed and thereby mitigate the adverse effects of erosion and sedimentation
79 from development.

80

81

82 **§ 135-2. Purpose**

83 The purpose of this local law is to establish minimum stormwater management
84 requirements and controls to protect and safeguard the general health, safety, and welfare
85 of the public residing within the Town of New Paltz and to address the findings of fact in
86 Section 135-1 hereof. This local law seeks to meet those purposes by achieving the
87 following objectives:

88

- 89 **A.** Meet the requirements of minimum measures 4 and 5 of the SPDES General

- 90 Permit for Stormwater Discharges from Municipal Separate Sewer Systems
91 (MS4s), Permit No. GP-0-015-03, as that permit may be amended from time to
92 time
- 93 **B.** Require regulated land development activities to conform to the substantive
94 requirements of the NYS Department of Environmental Conservation State
95 Pollutant Discharge Elimination System (SPDES) General Permit for
96 Construction Activities GP-0-015-02, as that permit may be amended from time
97 to time
- 98 **C.** Encourage the use of green infrastructure practices as part of all land development
99 activities, but especially those activities requiring site plan or subdivision plan
100 approval, to control stormwater runoff, protect natural areas, reduce impervious
101 cover, maintain natural hydrology, and using runoff reduction techniques to the
102 maximum extent practicable.
- 103 **D.** Require that regulated land development activities be designed so that there is no
104 net increase in stormwater runoff from those activities in order to reduce flooding,
105 siltation, increases in stream temperature and streambank erosion and maintain
106 the integrity of stream channels;
- 107 **E.** Minimize increases in pollution caused by stormwater runoff from land
108 development activities which would otherwise degrade local water quality and
109 harm fish and wildlife habitats;
- 110 **F.** Minimize the total annual volume of stormwater runoff which flows from any
111 specific site during and following development to the maximum extent
112 practicable; and
- 113 **G.** Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source
114 pollution, wherever possible, through stormwater management practices and to
115 ensure that these management practices are properly maintained and eliminate
116 threats to public safety.

117

118 **§ 135-3. Statutory Authority**

119 This Chapter is enacted pursuant to Article 10 of the Municipal Home Rule Law of the
120 State of New York, which gives the Town Board of New Paltz the authority to enact local
121 laws and amend local laws, for the purpose of promoting the health, safety or general
122 welfare of the Town of New Paltz and for the protection and enhancement of its physical
123 environment. The Town Board of New Paltz may appoint municipal officers, employees,
124 or independent contractors to effectuate, administer and enforce such local law.

125

126 **§ 135-4. Applicability**

- 127 **A.** This local law shall be applicable to all water discharged into the MS4 of the
128 Town of New Paltz that is generated on any developed and undeveloped lands
129 unless explicitly exempted by an authorized enforcement agency.
- 130 **B.** This local law shall be applicable to all land development activities as defined in
131 Article 2, Section 135-6.
- 132 **C.** The municipality shall designate a Stormwater Management Officer (“SMO”),
133 who shall accept and review all Stormwater Pollution Prevention Plans
134 (SWPPP’s) and forward such plans to the applicable municipal board. The

135 Stormwater Management Officer shall engage the services of the designated
136 Town Engineer to review the plans, specifications and related documents at a cost
137 established in accordance with a fee structure that is periodically updated and
138 adopted by the Town Board, the cost of the review being reimbursable to the
139 Town by the Applicant.

140 **D.** All land development activities subject to review and approval by the Planning
141 Board of the Town of New Paltz under subdivision and site plan regulations shall
142 be reviewed subject to the standards contained in this local law.

143 **E.** All land development activities not subject to review as stated in Section 135-4 D.
144 and not included as an exempt activity as listed in Section 135-5 herein shall be
145 required to submit a SWPPP to the Stormwater Management Officer, who will
146 then engage the services of the designated Town Engineer to review the submitted
147 SWPPP. After considering the review and recommendations of the Town
148 Engineer, the SMO shall approve the SWPPP if it complies with the requirements
149 of this law.

150

151 **§ 135-5. Exemptions**

152 The following activities are exempt from review under this local law:

153 **A.** Agricultural activity, as defined in this local law;

154 **B.** Silviculture activity, except that landing areas on log haul roads are subject to this
155 law;

156 **C.** Routine maintenance activities that disturb less than five acres of land and are
157 performed to maintain the original line and grade, hydraulic capacity or original
158 purpose of a facility;

159 **D.** Repairs to any stormwater management practice or facility deemed necessary by
160 the Stormwater Management Officer, after consultation with the Town Engineer,
161 to accomplish the purposes of this Chapter;

162 **E.** Any construction on a lot shown on a plat of subdivision or a site plan which has
163 received final approval by the Town of New Paltz and on which construction has
164 commenced on or before the effective date of this local law. However, site plans
165 and subdivisions, or any part thereof, that have received final approval by the
166 Town of New Paltz and construction has not commenced on or before the
167 effective date of this law shall comply to the maximum extent practicable with the
168 applicable requirements of this local law, as directed by the Stormwater
169 Management Officer and the Town Engineer;

170 **F.** Land development activities being conducted on land not incorporated within an
171 approved subdivision, but for which a building permit has been approved on or
172 before the effective date of this local law.

173 **G.** Cemetery graves;

174 **H.** Installation of fence, sign, telephone, and electric poles and other kinds of posts or
175 poles.

176 **I.** Emergency activities deemed immediately necessary by the Town Board to
177 protect life, property or natural resources;

178 **J.** Activities of an individual engaging in home gardening by growing flowers,
179 vegetable and other plants primarily for use by that person and his or her family;

180 **K.** Landscaping and horticultural activities in connection with an existing structure
181 and/or existing site improvements.

182

183 **Article 2. Stormwater Control**

184

185 **§ 135-6. Definitions**

186 The terms used in this local law or in documents prepared or reviewed under this local
187 law shall have the meaning as set forth in this section.

188

189 **Agriculture** - All agricultural operations and activities related to the growing or raising
190 of crops, livestock or livestock products, and agricultural products, as such terms are
191 defined in or governed by the Agriculture and Markets Law of the State of New York on
192 lands qualified under Ulster County and NYS law for an agricultural exemption by the
193 Assessor of the Town of New Paltz.

194 **Applicant** - A person (as defined herein) who files an application for a permit or
195 approval required for a land development activity regulated by this Chapter, including the
196 owner of the property on which the proposed regulated activity would be located, and any
197 contract vendee, lessee of the land, or person who would actually control and direct the
198 proposed regulated activity, and/or the authorized agent of such person.

199 **Best Management Practices (BMP)** - Physical, structural, and/or managerial practices
200 that, when used singly or in combination, prevent or reduce pollution of water, and have
201 been approved by the Department of Environmental Conservation.

202 **Building** - any structure, either temporary or permanent, having walls and a roof,
203 designed for the shelter of any person, animal, or property, and occupying more than 100
204 square feet of area.

205 **Channel** - a natural or artificial watercourse with a definite bed and banks that conducts
206 continuously or periodically flowing water.

207 **Clearing** - Destruction and removal of areas of vegetation by manual, mechanical,
208 biological or chemical methods.

209 **Dedication** - the deliberate appropriation of property by its owner.

210 **Design Manual** – the current version of the *New York State Stormwater Management*
211 *Design Manual*, applicable to the proposed SWPPP including applicable updates, which
212 serves as the official reference document for stormwater management principles, methods
213 and practices.

214 **Developer** - a person who undertakes land development activities.

215 **Erosion Control** – measures that prevent the soil from eroding.

216 **Erosion Control Manual** - the most recent version of the “New York Standards and
217 Specifications for Erosion and Sediment Control” manual.

218 **Grading** - the alteration of surface or subsurface conditions of land, lakes, ponds, or
219 watercourses.

220 **Green Infrastructure** - Green infrastructure approaches infiltrate, evapotranspire or
221 reuse stormwater, using soils and vegetation rather than hardscape collection, conveyance
222 and storage structures. Common green infrastructure approaches include green roofs,
223 trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters,

224 vegetated median strips, reforestation, and protection and enhancement of riparian buffers
225 and floodplains.

226 **Impervious Cover** - those surfaces, improvements and structures that cannot effectively
227 infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks,
228 driveways, etc.).

229 **Industrial Stormwater Permit** - a State Pollutant Discharge Elimination System
230 (SPDES) permit issued to a commercial industry or group of industries which regulates
231 the pollutant levels associated with industrial stormwater discharges or specifies on-site
232 pollution control strategies.

233 **Infiltration** - the process of percolating stormwater into the subsoil.

234 **Land Development Activity** - construction activity including clearing, grading,
235 excavating, soil disturbance or placement of fill that results in land disturbance of equal
236 to or greater than one (1.0) acre, or activities disturbing less than one (1.0) acre of total
237 land area that are part of a larger common plan of development or sale totaling equal to or
238 greater than one (1.0) acre of land disturbance, even though multiple separate and distinct
239 land development activities may take place at different times on different schedules.

240 **Landowner** - the legal or beneficial owner of land, including those holding the right to
241 purchase or lease the land, or any other person holding proprietary rights in the land.

242 **Low Impact Development (LID)** - A land planning and engineering design approach to
243 manage stormwater runoff which emphasizes conservation and use of on-site natural
244 features to protect water quality. This approach implements engineered small-scale
245 hydrologic controls to replicate, to the extent practicable, the pre-development hydrologic
246 regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining
247 runoff close to its source.

248 **Maintenance Agreement** - a legally recorded document that sets forth restrictions on the
249 use of property, in the form of a deed restriction or covenant, and which establishes the
250 legal responsibility of the property owners and others for long-term maintenance of
251 stormwater management practices.

252 **Nonpoint Source Pollution** - pollution from any source other than from any discernible,
253 confined, and discrete conveyances, and shall include, but not be limited to, pollutants
254 from agricultural, silvicultural, mining, construction, subsurface disposal and urban
255 runoff sources.

256 **NYSDEC** - the New York State Department of Environmental Conservation

257 **Phasing** - clearing a parcel of land in distinct pieces or parts, with the stabilization of
258 each piece completed before the clearing of the next.

259 **Pollutant of Concern** - sediment or a water quality measurement that addresses
260 sediment (such as total suspended solids, turbidity or siltation) and any other pollutant
261 that has been identified as a cause of impairment of any water body that will receive a
262 discharge from the land development activity.

263 **Project** - land development activity

264 **Recharge** - the replenishment of underground water reserves.

265 **Sediment Control** - measures that prevent eroded sediment from leaving the site.

266 **SPDES General Permit for Construction Activities GP-0-015-02** - A permit under the
267 New York State Pollutant Discharge Elimination System (SPDES) issued to developers
268 of construction activities to regulate disturbance of one or more acres of land.

269 **SPDES General Permit for Stormwater Discharges from Municipal Separate**
270 **Stormwater Sewer Systems GP-0-015-03** - A permit under the New York State
271 Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate
272 discharges from municipal separate storm sewers for compliance with EPA established
273 water quality standards and/or to specify stormwater control standards
274 **Stabilization** - the use of practices that prevent exposed soil from eroding.
275 **Stop Work Order** - an order issued which requires that all construction activity on a site
276 be stopped.
277 **Stormwater** - rainwater, surface runoff, snowmelt and drainage.
278 **Stormwater Design Plan, Conceptual** - A preliminary plan set demonstrating a
279 stormwater management system(s) and water quality controls for a proposed
280 development at a level of detail to demonstrate its compliance with all applicable
281 requirements, which may be incorporated in a Stormwater Pollution Prevention Plan for
282 the proposed development.
283 **Stormwater Design Plan (SDP), Final** - A detailed plan set outlining the stormwater
284 management system(s) and water quality controls for the proposed development,
285 including all computations and specifications, and incorporated as appropriate in the final
286 subdivision plan, final site plan or construction plan for the proposed developed.
287 **Stormwater Hotspot** - a land use or activity that generates higher concentrations of
288 hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based
289 on monitoring studies.
290 **Stormwater Management** - the use of structural or non-structural practices that are
291 designed to reduce stormwater runoff and mitigate its adverse impacts on property,
292 natural resources and the environment.
293 **Stormwater Management Facility** - one or a series of stormwater management
294 practices installed, stabilized and operating for the purpose of controlling stormwater
295 runoff.
296 **Stormwater Management Officer** - an employee or officer designated by the
297 municipality to accept and review stormwater pollution prevention plans, forward the
298 plans to the applicable municipal board or Town Engineer and inspect stormwater
299 management practices, and to enforce the provisions of this Chapter.
300 **Stormwater Management Practices (SMPs)** - measures, either structural or
301 nonstructural, that are determined to be the most effective, practical means of preventing
302 flood damage and preventing or reducing point source or nonpoint source pollution inputs
303 to stormwater runoff and water bodies.
304 **Stormwater Pollution Prevention Plan (SWPPP)** - a plan for controlling stormwater
305 runoff and pollutants from a site during and after construction activities as further
306 detailed in this Chapter.
307 **Stormwater Runoff** - flow on the surface of the ground, resulting from precipitation
308 **Surface Waters of the State of New York** - lakes, bays, sounds, ponds, impounding
309 reservoirs, springs, wells, rivers, streams, creeks, estuaries, wetlands, marshes, inlets,
310 canals, the Atlantic ocean within the territorial seas of the state of New York and all other
311 bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or
312 private (except those private waters that do not combine or effect a junction with natural
313 surface or underground waters), which are wholly or partially within or bordering the

314 state or within its jurisdiction.

315 Storm sewers and waste treatment systems, including treatment ponds or lagoons which
316 also meet the criteria of this definition are not waters of the state. This exclusion applies
317 only to manmade bodies of water which neither were originally created in waters of the
318 state (such as a disposal area in wetlands) nor resulted from impoundment of waters of
319 the state.

320 **Water Quality Volume** – The quantity of stormwater that is captured and received water
321 quality treatment with the utilization of a Stormwater Management Practice. The Water
322 Quality Volume represents 90% of the average annual stormwater runoff volume and its
323 quantity is directly related to the impervious cover in the drainage basin. The volume is
324 calculated in accordance with the Design Manual.

325 **Watercourse** - A river, creek, stream, ditch, or channel in which water flows as listed
326 (classified or unclassified) by the NYS Department of Environmental Conservation in 6
327 NYCRR Article X.

328 **Wetland** – Regulated areas that comprise hydric soils and/or are inundated or saturated
329 by surface or ground water at a frequency and duration sufficient to support, and that
330 under normal circumstances do support, a prevalence of vegetation typically adapted for
331 life in saturated soil conditions and are regulated under federal, state, and/or town law.
332 Wetlands generally include marshes, bogs, vernal pools, wet meadows, fens and similar
333 areas.

334

335 § 135-7. Stormwater Pollution Prevention Plans

336

337 A. Stormwater Pollution Prevention Plan Requirement

338 (1) No application for approval of a land development activity shall be deemed
339 complete until the appropriate board has received a proposed Stormwater
340 Pollution Prevention Plan (SWPPP), prepared in accordance with the DEC
341 General Permit for Discharges of Construction Activities that will be applicable to
342 the proposed land development activity, as that permit may be amended from time
343 to time, and the supplemental standards set forth below in Paragraph B.

344

345 (2) The applicant shall also provide a copy of the SWPPP prepared in accordance
346 with the specifications of this local law to the engineering department or other
347 designated storm water office of the County of Ulster. The applicant shall also
348 provide GPS (Global Positioning System) reference data in a form suitable to the
349 SMO for stormwater outfalls and permanent structures constructed in accordance
350 with the New York State Stormwater Management Design Manual.

351

352 B. Contents of Stormwater Pollution Prevention Plans

353 1) All SWPPPs shall provide the following information:

354

a. Background information about the scope of the project, including
355 location, type and size of project.

356

b. Site map/construction drawing(s) for the project, including a general
357 location map. At a minimum, the site plan shall be drawn at a scale
358 no smaller than 1 inch equals 100 feet and shall show the total site

- 359 area; all improvements; areas of disturbance; areas that will not be
360 disturbed; existing vegetation; on-site and adjacent off-site surface
361 water(s); floodplain and floodway boundaries; wetlands and drainage
362 patterns that could be affected by the construction activity as well as
363 buffer (adjacent) areas regulated by the NYS DEC and the Town of
364 New Paltz; location of different soil types with soil type boundaries;
365 existing and final slopes; description of ground cover/vegetation
366 along watercourses; locations of off-site material, waste, borrow or
367 equipment storage areas; and location(s) of the stormwater
368 discharges(s);
- 369 c. Description of the soil(s) present at the site, including an
370 identification of the hydrologic soil group (HSG);
- 371 d. Construction phasing plan describing the intended sequence of
372 construction activities, including clearing and grubbing, excavation
373 and grading, utility and infrastructure installation and any other
374 activity at the site that results in soil disturbance. Consistent with the
375 New York Standards and Specifications for Erosion and Sediment
376 Control (Erosion Control Manual), not more than five (5) acres shall
377 be disturbed at any one time unless pursuant to an approved SWPPP.
378 All silt fences and other applicable erosion and sediment control
379 measures shall be removed from the site after the site has been
380 stabilized.
- 381 e. Description of the ground cover conditions throughout the site, as
382 well as any changes to ground cover that have occurred in the
383 previous five (5) years.
- 384 f. Description of the pollution prevention measures that will be used to
385 control litter, construction chemicals and construction debris from
386 becoming a pollutant source in stormwater runoff;
- 387 g. For all land development activities that requires Site Plan Approval
388 under Town Code, a description of salt usage for control of snow and
389 ice shall be included. The frequency, type, quantity, etc. of salt usage
390 as well as measures to reduce salt usage shall be included.
- 391 h. Description of construction and waste materials expected to be stored
392 on-site with updates as appropriate, and a description of controls to
393 reduce pollutants from these materials including storage practices to
394 minimize exposure of the materials to stormwater, and spill -
395 prevention and response;
- 396 i. The percent of impervious ground cover should be clearly noted for
397 pre-construction and post-construction conditions;
- 398 j. Temporary and permanent structural and vegetative measures to be
399 used for soil stabilization, runoff control and sediment control for
400 each stage of the project from initial land clearing and grubbing to
401 project close-out;
- 402 k. A site map/construction drawing(s) specifying the location(s), size(s)
403 and length(s) of each erosion and sediment control practice;
- 404 l. Dimensions, material specifications and installation details for all

- 405 erosion and sediment control practices, including the siting and sizing
406 of any temporary sediment basins;
- 407 m. Temporary practices that will be converted to permanent control
408 measures;
- 409 n. Implementation schedule for staging temporary erosion and sediment
410 control practices, including the timing of initial placement and
411 duration that each practice should remain in place;
- 412 o. Maintenance schedule to ensure continuous and effective operation
413 of the erosion and sediment control practice;
- 414 p. Name(s) of the receiving water(s);
- 415 q. Delineation of SWPPP implementation responsibilities for each part
416 of the site;
- 417 r. Description of structural practices designed to divert flows from
418 exposed soils, store flows, or otherwise limit runoff and the discharge
419 of pollutants from exposed areas of the site to the degree attainable;
420 and
- 421 s. Any existing data that describes the stormwater runoff at the site.

422

- 423 2) Land development activities as defined in Section 1 of this Article and meeting
424 Condition "A", "B", and/or "C" below shall include water quantity and
425 water quality controls (post-construction stormwater runoff controls) as set
426 forth in Section 135-7 B. 3) and 135-7 B. 4) below.

427 Condition A - Stormwater runoff from land development activities
428 discharging a pollutant of concern to either an impaired water identified on
429 the Department's 303(d) list of impaired waters or a Total Maximum Daily
430 Load (TMDL) designated watershed for which pollutants in stormwater
431 have been identified as a source of the impairment.

432 Condition B - Stormwater runoff from land development activities
433 disturbing five (5.0) or more acres.

434 Condition C - Stormwater runoff from land development activity
435 disturbing between one (1.0) and five (5.0) acres of land during the course
436 of the project, exclusive of the construction of single family residences.

437

- 438 3) General SWPPP Requirements for land development activities that meet
439 Conditions A, B and/or C:

- 440 a. All information in Section 135-7 B. (1 of this local law
441 b. Description of each post-construction stormwater management
442 practice;
- 443 c. Documentation that the stormwater management planning process
444 using green infrastructure has been followed as required in the Design
445 Manual using the stormwater management practices in Schedules A1, A2
446 and A3. A detailed description as to why each green infrastructure practice
447 cannot be utilized in the design must be provided.
- 448 c. Site map/construction drawing(s) showing the specific location(s) and

- 449 size(s) of each post-construction stormwater management practice;
- 450 d. Hydrologic and hydraulic analysis for all structural components of the
- 451 stormwater management system for the applicable design storms.
- 452 e. Comparison of post-development stormwater runoff conditions with
- 453 pre-development conditions
- 454 f. Increases in stormwater runoff volume as a result of the land
- 455 development activity shall be presented. Potential downstream impacts
- 456 due to increased volume and proposed methods to lessen the volume shall
- 457 be discussed.
- 458 g. Dimensions, material specifications and installation details for each
- 459 post-construction stormwater management practice;
- 460 h. Infiltration Practices for water quality treatment are preferred after the
- 461 use of green infrastructure practices in the design have been exhausted (per
- 462 the requirements of the Design Manual) if soils and other physical
- 463 characteristics are suitable and if the project does not involve a stormwater
- 464 hot spot (See Section 4.11 of the Design Manual). If Infiltration Practices
- 465 are not used, a detailed description as to why this cannot be achieved must
- 466 be provided.
- 467 i. Bioretention Practices for water quality treatment are preferred after
- 468 the use of green infrastructure practices in the design have been exhausted
- 469 (per the requirements of the Design Manual) if physical characteristics of
- 470 the site are suitable. If Bioretention Practices are not used, a detailed
- 471 description as to why this cannot be achieved must be provided.
- 472 j. The method of soil compaction should be discussed. During
- 473 construction, compaction of landscaped or pervious areas should be
- 474 avoided to allow infiltration of stormwater into the subsoil.
- 475 k. Maintenance schedule to ensure continuous and effective operation of
- 476 each post-construction stormwater management practice.
- 477 l. Maintenance easements to ensure access to all stormwater
- 478 management practices at the site for the purpose of inspection and repair.
- 479 Easements shall be recorded on the plan and shall remain in effect with
- 480 transfer of title to the property.
- 481 m. Inspection and maintenance agreement binding on all subsequent
- 482 landowners served by the on-site stormwater management measures in
- 483 accordance with Article 2, Section 4 of this local law.

484

485 4) Requirements for post-construction runoff controls shall comply with the

486 standards established in the Design Manual and the New York Standards and

487 Specifications for Erosion and

488 Sediment Control, and including the following standards for land development

489 activities that meet Conditions A, B and/or C:

490

1. Pond Practices

491

- a. The maximum bottom area of any individual stormwater
- 492 management pond or series of stormwater management ponds,
- 493 including the forebay area, shall not exceed 0.5 acres, unless

- 494 specifically accepted by the Town's reviewing Engineer upon an
495 investigation of the specific site conditions that could justify an
496 increase in stormwater management pond area.
- 497 b. The minimum length to width ratio for the pond shall be 2:1, or
498 the pond must be designed so that the flow path within the pond
499 is equal to 2 times the pond width. The pond inlet and outlet
500 shall be located on the opposite sides of the pond.
 - 501 c. Maintain a long flow path through the system to the greatest
502 extent possible, and design ponds with irregular shape.
 - 503 d. The Pond shoreline shall be planted with barrier riparian
504 vegetation in accordance with the Design Manual.
 - 505 e. A legally binding maintenance agreement shall be developed to
506 ensure pond maintenance.
 - 507 f. Sediment removal from the forebay shall occur every 3 years or
508 when it becomes 30% full.
 - 509 g. Sediment removal from the main basin shall occur every 5 years
510 or when it becomes 30% full (30% of the permanent pool depth),
511 whichever occurs sooner.
 - 512 h. A maintenance easement and access right of way shall be
513 provided.
 - 514 i. All low flow orifices (6-inch diameter or less) shall be
515 adequately designed to prevent clogging.
 - 516 j. Pond side slopes shall be 3H:1V to allow regular maintenance
517 (e.g. mowing).
 - 518 k. The principal spillway and large culverts shall not permit access
519 by small children.
 - 520 l. Pond Practices shall meet all requirements set forth in the Design
521 Manual.
- 522 2. Infiltration Practices
- 523 a. The infiltration practice shall operate as an offline treatment
524 system, with a bypass overflow to a detention basin or other
525 stable downstream receptacle.
 - 526 b. A legally binding maintenance agreement should be provided if
527 appropriate.
 - 528 c. Remove sediment/gross solids from the infiltration surface
529 annually, to ensure the maximum surface area for treatment.
 - 530 d. Rehabilitate/replace at least the top 6 inches of filter media when
531 flow-through rate reduces to <60% design treatment flow rate
532 (replace >6 inches as necessary to restore design treatment flow
533 rate).
 - 534 e. Infiltration Practices shall meet all requirements set forth in the
535 Design Manual.
- 536 3. Bioretention Practices
- 537 a. Bioretention Soil Media:

- 538 i. The media shall have 0% clay content. Any clay greatly
539 hastens failure, especially in the presence of geotextiles.
- 540 ii. The required organic component of the soil media shall be
541 peat.
- 542 b. A landscaping plan is required for each
543 Bioretention Practice. To the extent practicable, native plant species
544 shall be used.
- 545 c. A legally binding maintenance agreement should be provided as
546 appropriate.
- 547 d. Remove sediment/gross solids from the bioretention surface
548 annually or when depth exceeds 3 inches.
- 549 e. Rehabilitate/replace mulch and bioretention media (top 6 inches
550 minimum) when flowing through rate reduces to <60% design
551 treatment flow rate.
- 552 f. Bioretention Practices shall meet all requirements set forth in the
553 Design Manual.
- 554

555 **§135-8. Plan Certification and MS4 Acceptance**

556 The SWPPP shall be prepared by a New York State registered landscape architect, an
557 International Erosion Control Association Certified Professional in Erosion and
558 Sediment Control (CPESC, an International Erosion Control Association Certified
559 Professional in Storm Water Quality (CPSWQ) or a New York State licensed
560 professional engineer, and must be signed by the professional preparing the plan, who
561 shall certify that the design of all stormwater management practices meet the
562 requirements in this local law and any other applicable laws or regulations.

563

564 The Notice of Intent (NOI) Acceptance form shall be reviewed and approved by the
565 Town's authorized and designated MS4 representative prior to filing the NOI with the
566 NYS DEC to obtain coverage under any SPDES General Permit for Stormwater.

567

568 **§135-9. Other Permits**

569 The applicant shall provide the SMO with acceptable evidence that all other
570 applicable permits have been or will be acquired for the land development activity
571 prior to approval of the final stormwater design plan.

572

573 **§135-10. Contractor Certification**

574 A. Each contractor and subcontractor identified in the SWPPP who will be
575 involved in soil disturbance and/or stormwater management practice
576 installation shall sign and date a copy of the following certification
577 statement before undertaking any land development activity: "I certify
578 under penalty of law that I have read, understand and agree to comply with
579 the terms and conditions of the Stormwater Pollution Prevention Plan. I
580 also understand that it is unlawful for any person to cause or contribute to a
581 violation of water quality standards."

- 582 B. The certification must include the name and title of the person providing
583 the signature, address and telephone number of the contracting firm; the
584 address (or other identifying description) of the site; and the date the
585 certification is made.
- 586 C. The certification statement(s) shall be filed with the SMO and become part
587 of the SWPPP for the land development activity.

588

589 **§135-11. SWPPP Copy Availability**

590

591 A copy of the SWPPP shall be retained at the site of the land development activity
592 in a prominent place for public viewing during construction, from the date of
593 initiation of construction activities to the date of the filing of a notice of
594 termination of coverage from the General Permit.

595

596 **Article 3. Performance and Design Criteria for Stormwater Management and**
597 **Erosion and Sediment Control**

598

599 All land development activities shall be subject to the following performance and design
600 criteria:

601

602 **§135-12. Technical Standards**

603

604 For the purpose of this local law, the following documents shall serve as the official
605 standards and specifications for stormwater management. A SWPPP or SDP that
606 incorporates stormwater management practices that are designed, constructed and
607 maintained in accordance with these technical documents, as well as other
608 requirements included in this law applicable to the regulated activity, shall be
609 presumed to meet the standards imposed by this law:

610

611 A. The most current version of The New York State Stormwater Management
612 Design Manual (New York State Department of Environmental
613 Conservation) or its successor;

614

615 B. The most current version of The New York Standards and Specifications
616 for Erosion and Sediment Control (Empire State Chapter of the Soil and
617 Water Conservation Society, 2004, or its successor (hereafter referred to as
618 the Erosion Control Manual);

619

620 C. The standards imposed by this local law are intended to be consistent with
621 DEC SWPPP standards unless a supplemental standard is expressly
622 identified in this local law.

623

624 **§135-13. Water Quality Standards**

625

626 Any land development activity shall not cause an increase in turbidity in surface
627 waters of the state of New York that will result in substantial visible contrast to
628 natural conditions.

629

630 **Article 4. Maintenance, Inspection and Repair of Stormwater Facilities**

631

632 **§135-14. Maintenance During Construction**

633

634 A. When land is disturbed in connection with a regulated land development
635 activity, the owner, applicant or developer shall ensure that a representative
636 of the applicant with appropriate training or expertise properly operates and
637 maintains all facilities and systems of treatment and control (and related
638 appurtenances) which are installed or used by the applicant or developer to
639 achieve compliance with the conditions of this local law. Sediment shall be
640 removed from sediment traps or sediment ponds whenever their design
641 capacity has been reduced by fifty (50) percent.

642 B. The applicant or developer or their representative shall be on site at all
643 times when construction or grading activity takes place and shall inspect
644 and document the effectiveness of all erosion and sediment control
645 practices.

646 C. Inspection reports by a qualified stormwater inspector shall be completed
647 every 7 days and within 24 hours of any storm event producing 0.5 inches
648 of precipitation or more. The reports shall be delivered to the Stormwater
649 Management Officer and also copied to the site log book.

650 D. In areas where soil disturbance activity has temporarily or permanently
651 ceased, the application of soil stabilization measures must be initiated by
652 the end of the next business day and completed within fourteen (14) days
653 from the date the current soil disturbance activity, and the owner, applicant
654 or developer shall thereafter ensure that the site is properly stabilized and
655 maintained.

656

657 **§135-15. Registration Statement; Maintenance Easement(s)**

658

659 Prior to the approval of any SWPPP that has a stormwater management facility as one
660 of the requirements, the applicant or developer shall:

661 A. complete and file with the SMO a Stormwater Facility Registration Statement,
662 which shall include a copy of any proposed permanent stormwater management
663 facility design, the operations and maintenance plan in the SWPPP for the permanent
664 facility, the entity that will be responsible for implementing each practice in the plan,
665 including contact information for a responsible person, and such fee as required by
666 resolution of the Town Board. The Statement shall be updated within thirty days of a
667 change or modification in the design, operation or maintenance of the facility, the
668 designated entity responsible for implementing any practice or the contact
669 information provided on the Statement, or when the owner or operator of the facility

670 submits a Notice of Termination of coverage to the MS4. The Statement shall be
671 renewed every three years thereafter.

672 B. execute a maintenance easement agreement that shall be binding on all subsequent
673 landowners served by the stormwater management facility. The easement shall
674 provide for access to the facility at reasonable times for periodic inspection by the
675 Town of New Paltz to ensure that the facility is maintained in proper working
676 condition to meet design standards and any other provisions established by this local
677 law. The easement shall be recorded by the developer in the office of the County
678 Clerk within 15 days after approval by the attorney for the Town of New Paltz, and
679 deliver a copy of the recorded easement to the SMO within 15 days of recording it.
680 The developer shall also execute Form TP-584 and such other documents as may be
681 required by the Ulster County Clerk in order to record said easement.

682

683 **§135-16. Maintenance after Construction**

684 The owner or operator of permanent stormwater management practices installed in
685 accordance with this law shall operate and maintain the stormwater management
686 practices to achieve the goals of this law. Proper operation and maintenance also
687 includes as a minimum, the following:

688

- 689 A. A preventive/corrective maintenance program for all critical facilities and
690 systems of treatment and control (or related appurtenances) which are
691 installed or used by the owner or operator to achieve the goals of this law.
- 692 B. Written procedures for operation and maintenance and training new
693 maintenance personnel.
- 694 C. Discharges from the SMPs shall not exceed design criteria or cause or
695 contribute to water quality standard violations in accordance with Article
696 2, section 3.2.

697

698 **§135-17. Maintenance Agreements**

699 The Town of New Paltz shall approve a formal maintenance agreement for
700 stormwater management facilities binding on all subsequent landowners and recorded
701 in the office of the County Clerk as a deed restriction on the property prior to final
702 plan approval. The maintenance agreement shall be consistent with the terms and
703 conditions of Schedule B of this local law entitled *Sample Stormwater Control*
704 *Facility Maintenance Agreement*. The Town of New Paltz, in lieu of a maintenance
705 agreement, at its sole discretion may establish a town drainage district in accordance
706 with the Town Law and accept dedication of any existing or future stormwater
707 management facility, provided such facility meets all the requirements of this local
708 law and includes adequate and perpetual access and sufficient area, by easement or
709 otherwise, for inspection and regular maintenance.

710

711 **Article 5. Administration and Enforcement**

712

713 **§135-18. Construction Inspection**

714

715 **A. Inspection Schedule**

716

717 1) The Town of New Paltz Stormwater Management Officer may require such
718 inspections as necessary to determine compliance with this law and may either
719 approve that portion of the work completed or notify the applicant wherein the
720 work fails to comply with the requirements of this law and the stormwater
721 pollution prevention plan (SWPPP) as approved. To obtain inspections, the
722 applicant shall notify the Town of New Paltz enforcement official at least 48 hours
723 before any of the following as required by the Stormwater Management Officer:

- 724 a) Start of construction
- 725 b) Installation of sediment and erosion control measures
- 726 c) Completion of site clearing
- 727 d) Completion of rough grading
- 728 e) Completion of final grading
- 729 f) Close of the construction season
- 730 g) Completion of final landscaping
- 731 h) Successful establishment of landscaping in public areas.
- 732 i) Dewatering activities involving the pumping of water.

733

734 2) If any violations are found, the applicant and developer shall be notified in writing
735 of the nature of the violation and the required corrective actions. No further work
736 shall be conducted, except for site stabilization, until any violations are corrected
737 and all work previously completed has received approval by the Stormwater
738 Management Officer.

739 **B. Stormwater Management Practice Inspections and As-built Survey**

740

741 1) The Town of New Paltz Stormwater Management Officer, or at the Town Board's
742 discretion, a New York State licensed professional engineer or certified professional
743 in erosion and sediment control, shall be responsible for conducting inspections of
744 stormwater management practices (SMPs).

745

746 2) The Stormwater Management Officer, or at the Town Board's discretion, a New
747 York State licensed professional engineer or certified professional in erosion and
748 sediment control, may also conduct random inspections during construction, clear and
749 grading or site disturbance.

750

751 3) The Stormwater Management Officer may inspect the site in response to
752 complaints associated with turbid water, flooding, or other potential violations of the
753 Stormwater Pollution Prevention Plan.

754

755 4) All applicants are required to submit "as built" plans for any stormwater
756 management practices located on-site after final construction is completed. The plan
757 must show the final design specifications for all stormwater management facilities

758 and must be certified by a professional engineer.

759

760 **C. Inspection of Stormwater Facilities After Project Completion**

761

762 After filing of a NOT or completion of the regulated activities, inspection programs
763 shall be established on any reasonable basis, including but not limited to: routine
764 inspections; random inspections; inspections based upon complaints or other notice of
765 possible violations; inspection of drainage basins or areas identified as higher than
766 typical sources of sediment or other contaminants or pollutants; inspections of
767 businesses or industries of a type associated with higher than usual discharges of
768 contaminants or pollutants or with discharges of a type which are more likely than the
769 typical discharge to cause violations of state or federal water or sediment quality
770 standards or the SPDES stormwater permit; and joint inspections with other agencies
771 inspecting under environmental or safety laws. Inspections may include, but are not
772 limited to: reviewing maintenance and repair records; sampling discharges, surface
773 water, groundwater, and material or water in drainage control facilities; and
774 evaluating the condition of drainage control facilities and other stormwater
775 management practices.

776

777 **D. Submission of Reports**

778 The SMO may require monitoring and reporting from entities subject to this law as
779 are necessary to determine compliance with this law.

780

781 **E. Right-of-Entry for Inspection.**

782 When any new stormwater management facility is installed on private property or
783 when any new connection is made between private property and the public storm
784 water system, the owner or operator shall allow the SMO or another duly authorized
785 representative of the MS4 receiving the discharge, upon the presentation of
786 credentials and other documents as may be required by law, to: Enter upon the
787 owner's or operator's premises where a regulated facility or activity is located or
788 conducted or where records must be kept pursuant to the requirements of this Chapter
789 or the conditions of coverage of any SPDES permit; Have access to and copy at
790 reasonable times, any records that must be kept pursuant to this Chapter or the
791 conditions of a SPDES permit; and Inspect at reasonable times any facilities or
792 equipment (including monitoring and control equipment), practices or operations
793 regulated or required by this Chapter; Sample or monitor at reasonable times, for
794 purposes of assuring compliance with this Chapter, any substances or parameters at
795 any location.

796

797 **§135-19. Performance Guarantee**

798

799 **A. Construction Completion Guarantee**

800 In order to ensure the full and faithful completion of those aspects of land
801 development activities that are related to compliance with all conditions set forth by
802 the Town of New Paltz in its approval of the Stormwater Pollution Prevention Plan,

803 the Town of New Paltz may require the applicant or developer to provide, prior to
804 construction, a cash escrow, or irrevocable letter of credit from an appropriate
805 financial institution which guarantees satisfactory completion and maintenance of the
806 stormwater water management and water quality facilities and names the Town of
807 New Paltz as the beneficiary. Security shall be in an amount determined by the Town
808 of New Paltz based on submission of final design plans, with reference to actual
809 construction and landscaping costs, and in form acceptable to the attorney for the
810 Town of New Paltz. The performance guarantee shall remain in force until the
811 applicant is released from liability by the Town of New Paltz provided that such
812 period shall not be less than one year from the date of final acceptance or such other
813 certification that the facility(ies) have been constructed in accordance with the
814 approved plans and specifications and that a one-year inspection has been conducted
815 and the facilities have been found to be acceptable to the Town of New Paltz. Per
816 annum interest on cash escrow deposits shall be reinvested in the account until the
817 applicant is released from liability

818

819 **B. Maintenance Guarantee**

820 Where stormwater management and erosion and sediment control facilities are to be
821 operated and maintained by the developer or by a corporation that owns or manages a
822 commercial or industrial facility, the developer, prior to construction, may be required
823 [by whom?] to provide Town of New Paltz with an irrevocable letter of credit from
824 an approved financial institution or other security acceptable to the Town in an
825 amount and in a form satisfactory to the Town to ensure proper operation and
826 maintenance of all stormwater management and erosion control facilities both during
827 and after construction, and until the facilities are removed from operation. If the
828 developer or landowner fails to properly operate and maintain stormwater
829 management and erosion and sediment control facilities, Town of New Paltz may
830 draw upon the account to cover the costs of proper operation and maintenance,
831 including engineering and inspection costs.

832

833 **C. Recordkeeping**

834 The Town of New Paltz may require entities subject to this law to maintain records
835 demonstrating compliance with this law.

836

837 **§135-20. Enforcement and Penalties**

838

839 A. This Chapter may be enforced by the Stormwater Management Officer (herein
840 referred to as the “SMO”) or any other official or representative of the Town of New
841 Paltz duly designated by the Town Board (hereinafter referred to alternatively as the
842 “Enforcement Official”).

843

844 B. The Enforcement Official is authorized to issue a Notice and Order to Remedy
845 Violation for any violation of any provision of this Chapter and to commence in any
846 court of competent jurisdiction a prosecution for such violation and arrange for the
847 issuance of process pursuant to the Criminal Procedure Law to secure the attendance of
848 the accused.

849

850 C. The Enforcement Official is authorized to include as a condition in any Notice
851 and Order to Remedy Violation a direction that the person to whom such notice and order
852 is directed to cure any specified condition that creates a danger to the health, safety or
853 welfare of the public.

854

855 D. Any person who fails to comply with the directives in a Notice and Order to
856 Remedy Violation issued by the Enforcement Official within the time limit stated
857 thereon, shall be deemed to have committed a separate offense against this Chapter and
858 shall also thereafter be liable for any such violation or the penalty therefor.

859

860 E. The Enforcement Official may issue a stop work order for violations of this
861 law. Persons receiving a stop work order shall be required to halt all land development
862 activities, except those activities that address the violations leading to the stop work
863 order. The stop work order shall be in effect until the Town of New Paltz confirms that
864 the land development activity is in compliance and the violation has been satisfactorily
865 addressed. Failure to address a stop work order in a timely manner may result in civil,
866 criminal, or monetary penalties in accordance with the enforcement measures authorized
867 in this local law.

868

869 F. The Enforcement Official may enforce compliance with this Chapter by
870 instituting a proceeding in a court of competent jurisdiction for fines and/or injunctive
871 relief, or to impose civil penalties for violations of this Chapter, or both.

872

873 G. The reasonable and necessary costs and expenses incurred by the Town,
874 including but not limited to contractor charges, reasonable attorney, engineering and
875 consultant fees, employee salaries and administrative costs associated with the
876 enforcement of this Chapter including an action to enjoin the performance of any work in
877 violation of this Chapter, or to compel the cure, correction, removal or prevention of any
878 condition existing in violation of the provisions of this Chapter, shall be charged to the
879 owner of such real property

880

881 H. If costs and expenses are not paid in full within thirty (30) days of service of a
882 duly audited voucher upon the owner by certified mail to the address on the Town
883 assessment roll, the charge and costs shall be assessed and levied against and constitute a
884 lien on the real property upon which it is levied until paid or otherwise satisfied and
885 discharged, and shall be collected in the same manner and at the same time as other Town
886 real property taxes.

887

888 **§135-21. Penalties for offenses.**

889 A. For purposes of this section, each week's continued violation of a requirement of this
890 Chapter shall constitute a separate violation.

891

892 B In addition to or as an alternative to any penalty provided herein or by law, any person
893 who violates the provisions of this local law shall be guilty of a violation punishable by a
894 fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to
895 exceed six months, or both for conviction of a first offense; for conviction of a second

896 offense both of which were committed within a period of five years, punishable by a fine
897 not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or
898 imprisonment for a period not to exceed six months, or both; and upon conviction for a
899 third or subsequent offense all of which were committed within a period of five years,
900 punishable by a fine not less than seven hundred dollars nor more than one thousand
901 dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However,
902 for the purposes of conferring jurisdiction upon courts and judicial officers generally,
903 violations of this local law shall be deemed misdemeanors and for such purpose only all
904 provisions of law relating to misdemeanors shall apply to such violations. Each week's
905 continued violation shall constitute a separate additional violation. In addition, in the
906 event that the Town of New Paltz incurs any monetary fines or penalties due to acts or
907 omissions of the persons or entities who violated this law, said individual or entity shall
908 be liable to the Town of New Paltz for payment of all such fines or penalties imposed
909 upon or paid by the Town of New Paltz.

910

911 C. In addition to the penalties provided for in this Chapter, above, the Town shall not
912 issue a building permit or other permit, any temporary certificate of occupancy,
913 certificate of occupancy or variance for any property for which a violation of this chapter
914 has been served until said violation has been finally determined to be cured or otherwise
915 resolved to the satisfaction of the Town.

916

917 D. No penalty provided for by this Chapter shall be deemed exclusive. The Enforcement
918 Official shall have discretion to seek one or more of the penalties provided herein in a
919 court of competent jurisdiction.

920

921 **§135-22 Inspections.**

922 A. The Enforcement Official shall make or cause to be made inspection(s) after proper
923 notice has been provided or as requested to determine the conditions of dwellings,
924 buildings, dwelling units, and premises in order to safeguard the safety, health and
925 welfare of the public under the provisions of this Code.

926

927 B. Upon reasonable advance notice to the Owner and to the Applicant under the
928 circumstances prevailing at the time that such notice is given, the Enforcement Official
929 and any other consultants reasonably required to assist the Enforcement Official in the
930 performance of the Enforcement Official's duties is hereby authorized to enter upon any
931 site or premises upon which any land development activity under this local law is being
932 conducted at any reasonable time for the purpose of performing his or her duties under
933 this local law.

934

935 C. Every owner and applicant undertaking any land development activities which are the
936 subject of this local law shall be deemed to have given their respective consents to the
937 Enforcement Official and to any consultants or other representatives of the Town
938 reasonably required to assist the Enforcement Official in the performance of the
939 Enforcement Official's duties to access any part of the site or premises upon which any
940 land development activity under this local law is being conducted at any reasonable time
941 for the purpose of performing his or her duties under this local law.

942

943 (1) Application for search warrant. Should an owner or applicant revoke its consent to
944 inspection(s) believed to be necessary by the Enforcement Official for the purpose of
945 performing his or her duties under this local law and the Enforcement Official has
946 reasonable cause to believe that a violation of this chapter has occurred, the Enforcement
947 Official is hereby authorized to apply to the Town Justice Court, or any other court of
948 competent jurisdiction, for an administrative search warrant (pursuant to such legal
949 requirements as may apply) to permit such inspection(s). The application for a search
950 warrant shall in all respects comply with the applicable laws of the State of New York.

951

952 (2) Upon the issuance of said warrant the Enforcement Official and any other consultants
953 reasonably required to assist the Enforcement Official in the performance of the
954 Enforcement Official's duties shall execute the warrant and shall conduct the inspection
955 as per the conduct and procedures provided for by applicable laws of the State of New
956 York.

957

958 (3) Coordination of enforcement. Inspection of premises and the issuing of orders in
959 connection therewith under the provisions of this Code shall be the exclusive
960 responsibility of the town officials charged with responsibility of enforcing this Chapter.

961

962 **§135-23. Restoration of lands**

963

964 A. Any violator may be required to restore land to its undisturbed condition.

965

966 B. In the event that restoration is not undertaken within a reasonable time after notice,
967 the Town of New Paltz may at its own option cause necessary corrective action to restore
968 land to be performed and assess the cost thereof through a special tax assessment to the
969 owners of the property until paid.

970

971 **§135-24. Fees for Services**

972

973 The Town of New Paltz may require any person undertaking land development activities
974 regulated by this law to pay reasonable costs at prevailing qualified professional fee rates
975 for review of SWPPPs, inspections, or SMP maintenance performed by the Town of New
976 Paltz or performed by a third party for the Town of New Paltz.

Schedule A1

Green Infrastructure Planning General Categories and Specific Practices (From: New York State Stormwater Management Design Manual, Table 3.1)		
Group	Practice	Description
Preservation of Natural Resources	Preservation of Undisturbed Areas	Delineate and place into permanent conservation easement undisturbed forests, native vegetated areas, riparian corridors, wetlands, and natural terrain.
	Preservation of Buffers	Define, delineate and place in permanent conservation easement naturally vegetated buffers along perennial streams, rivers, shorelines and wetlands.
	Reduction of Clearing and Grading	Limit clearing and grading to the minimum amount needed for roads, driveways, foundations, utilities and stormwater management facilities.
	Locating Development in Less Sensitive Areas	Avoid sensitive resource areas such as floodplains, steep slopes, erodible soils, wetlands, mature forests and critical habitats by locating development to fit the terrain in areas that will create the least impact.
	Open Space Design	Use clustering, conservation design or open space design to reduce impervious cover, preserve more open space and protect water resources.
	Soil Restoration	Restore the original properties and porosity of the soil by deep till and amendment with compost to reduce the generation of runoff and enhance the runoff reduction performance of practices such as grass channels, filter strips, and tree clusters.
Reduction of Impervious Cover	Roadway Reduction	Minimize roadway widths and lengths to reduce site impervious area.
	Sidewalk Reduction	Minimize sidewalk lengths and widths to reduce site impervious area.
	Driveway Reduction	Minimize driveway lengths and widths to reduce site impervious area.
	Cul-de-sac Reduction	Minimize the number of cul-de-sacs and incorporate landscaped areas to reduce their impervious cover.
	Building Footprint Reduction	Reduce the impervious footprint of residences and commercial buildings by using alternate or taller buildings while maintaining the same floor to area ratio.
	Parking Reduction	Reduce imperviousness on parking lots by eliminating unneeded spaces, providing compact car spaces and efficient parking lanes, minimizing stall dimensions, using porous pavement surfaces in overflow parking areas, and using multi-storied parking decks where appropriate.

Schedule A2

Green Infrastructure Techniques Acceptable for Runoff Reduction (From: New York State Stormwater Management Design Manual, Table 3.2)		
Group	Practice	Description
Runoff Reduction Techniques	Conservation of natural areas	Retain the pre-development hydrologic and water quality characteristics of undisturbed natural areas, stream and wetland buffers by restoring and/or permanently conserving these areas on a site.
	Sheetflow to riparian buffers or filter strips	Undisturbed natural areas such as forested conservation areas and stream buffers or vegetated filter strips and riparian buffers can be used to treat and control stormwater runoff from some areas of a development project.
	Vegetated open swale	The natural drainage paths, or properly designed vegetated channels, can be used instead of constructing underground storm sewers or concrete open channels to increase time of concentration, reduce the peak discharge, and provide infiltration.
	Tree planting / tree box	Plant or conserve trees to reduce stormwater runoff, increase nutrient uptake, and provide bank stabilization. Trees can be used for applications such as landscaping, stormwater management practice areas, conservation areas and erosion and sediment control.
	Stream daylighting for redevelopment projects	Stream daylight previously-culverted/piped streams to restore natural habitats, better attenuate runoff by increasing the storage size, promoting infiltration, and help reduce pollutant loads.
	Rain garden	Manage and treat small volumes of stormwater runoff using a conditioned planting soil bed and planting materials to filter runoff stored within a shallow depression.
	Green roof	Capture runoff by a layer of vegetation and soil installed on top of a conventional flat or sloped roof. The rooftop vegetation allows evaporation and evapotranspiration processes to reduce volume and discharge rate of runoff entering conveyance system.
	Stormwater planter	Small landscaped stormwater treatment devices that can be designed as infiltration or filtering practices. Stormwater planters use soil infiltration and biogeochemical processes to decrease stormwater quantity and improve water quality.
	Rain tank/Cistern	Capture and store stormwater runoff to be used for irrigation systems or filtered and reused for non-contact activities.
Porous Pavement	Pervious types of pavements that provide an alternative to conventional paved surfaces, designed to infiltrate rainfall through the surface, thereby reducing stormwater runoff from a site and providing some pollutant uptake in the underlying soils.	

Schedule A3

Stormwater Management Practices Acceptable for Water Quality (From: New York State Stormwater Management Design Manual, Table 3.3)

Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a wet shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1) (Runoff Reduction Capacity)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2) (Runoff Reduction Capacity)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3) (Runoff Reduction Capacity)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5) (Runoff Reduction Capacity)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1) (Runoff Reduction Capacity)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.

	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.
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Schedule B
TOWN OF NEW PALTZ

SAMPLE STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT

Whereas, the Municipality of Town of New Paltz ("Municipality") and the _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Municipality within 30 days of the date of this

1034 agreement, a security for the maintenance and continuation of the stormwater control
1035 measures in the form of a Bond, letter of credit or escrow account).

1036
1037 8. This agreement shall be recorded in the Office of the County Clerk, County of Ulster
1038 together with the deed for the common property and shall be included in the offering plan
1039 and/or prospectus approved pursuant to _____.

1040
1041 9. If ever the Municipality determines that the facility owner has failed to construct or
1042 maintain the stormwater control measures in accordance with the project plan or has
1043 failed to undertake corrective action specified by the Municipality or by the inspecting
1044 engineer, the Municipality is authorized to undertake such steps as reasonably necessary
1045 for the preservation, continuation or maintenance of the stormwater control measures and
1046 to affix the expenses thereof as a lien against the property.

1047
1048 10. This agreement is effective _____ .

1049
1050 **Section 2. Severability.**

1051
1052 If any clause, sentence, paragraph, subdivision or part of this local law or the application
1053 thereof to any person, firm or corporation, or circumstance be adjudged invalid or
1054 unconstitutional by any court of competent jurisdiction, such order or judgment shall not
1055 affect, impair or invalidate the remainder thereof, but shall be confined in its operation to
1056 the clause, sentence, paragraph, subdivision or part of this local law or in its application
1057 to the person, firm or corporation, or circumstance directly involved in the controversy in
1058 which such order or judgment shall have been rendered and shall not affect or impair the
1059 validity of the remainder of this local law or the application thereof to any other person,
1060 firm or corporation or circumstance and the Town Board hereby declares that it would
1061 not have enacted this local law or the remainder thereof had the invalidity of such
1062 provision or application thereof been apparent.

1063
1064 **Section 3. Effective date.**

1065
1066 This local law shall take effect immediately upon filing with the Secretary of State.