

# Local Law Filing

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of Washingtonville

DEPARTMENT OF STATE

Local Law No. 1 of the year 2020

A local law AMENDING CHAPTER 147 OF THE VILLAGE OF  
(insert Title)  
WASHINGTONVILLE CODE ENTITLED "STORMWATER MANAGEMENT"

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Washingtonville

as follows:

See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20<sup>20</sup>~~19~~<sub>19</sub> of the Village of Washingtonville was duly passed by the Board of Trustees on 4 20<sup>20</sup>~~19~~<sub>19</sub>, in accordance with the applicable provisions of law. March

*Christine Shenk*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 03-04-19

(Seal)

**VILLAGE OF WASHINGTONVILLE**

**LOCAL LAW NO. 1 OF 2019**

**A LOCAL LAW AMENDING CHAPTER 147 OF THE VILLAGE OF  
WASHINGTONVILLE CODE ENTITLED "STORMWATER MANAGEMENT"**

Be it enacted by the Board of Trustees of the Village of Washingtonville, County of Orange, State of New York, as follows:

**Section 1. Purpose.**

This Local Law is enacted for the purpose of replacing the existing regulations governing stormwater management within the Village to comply with the minimum standards prescribed by the New York State Department of Environmental Conservation.

**Section 2. Amendment.**

Articles I and II of Village Code Chapter 147 entitled "Stormwater Management", as enacted pursuant to Local Law Number 2 of 2005 are hereby repealed and replaced with the following:

Chapter 147. Stormwater Management

Article I. General Provisions

§ 147-1. Findings of fact.

It is hereby determined that:

A.

Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.

B.

This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species.

C.

Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.

D.

Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation.

E.

Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.

F.

Substantial economic losses can result from these adverse impacts on the waters of the

municipality.

G.

Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.

H.

The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.

I.

Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§ 147-2. Purpose.

The purpose of this chapter, and related stormwater management provisions in Chapter 150, Subdivision of Land, and Chapter 175, Zoning, is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 147-1 hereof. This chapter, and related stormwater management provisions in Chapter 150, Subdivision of Land, and Chapter 175, Zoning, seeks to meet those purposes by achieving the following objectives:

A.

It is the purpose of these regulations to establish minimum acceptable standards for stormwater management within the Village of Washingtonville. These minimum acceptable standards must be met and paid for by the person or firm proposing the subdivision, development and/or site plan where the facilities will be used;

B.

The limitations on construction of stormwater management facilities imposed herein specifically do not apply to mapped subdivisions, developments and site lands which have been finally approved by the Village of Washingtonville Planning Board or other authorized authority for which a final map has been filed in the office of the Orange County Clerk;

C.

Meet the requirements of minimum measures 4 and 5 of the SPDES general permit for stormwater discharges from municipal separate stormwater sewer systems (MS4s), Permit No. GP-0-08-002 or as amended or revised;

D.

Require land development activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) general permit for construction activities GP-0-08-001 or as amended or revised;

E.

Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;

F.

Minimize increases in pollution caused by stormwater runoff from land development activities

which would otherwise degrade local water quality;

G.

Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and

H.

Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 147-3. Statutory authority.

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Board of Trustees has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Village of Washingtonville and for the protection and enhancement of its physical environment. The Board of Trustees may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

§ 147-4. Definitions.

Unless specifically defined below, words or phrases shall be interpreted so as to give them the meanings they have in common usage and to give these regulations their most effective application. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The work "shall" connotes mandatory and not discretionary the word "may" is permissive.

**ADVERSE IMPACTS**

Any modifications, alterations or effects on a feature or characteristic of public waters, wetlands or adjacent lands, including their quality, quantity, hydrology, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses, which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

**AGRICULTURAL ACTIVITY**

The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

**APPLICANT**

A property owner or agent of a property owner who has filed an application for a land development activity.

**BUILDING**

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

**CHANNEL**

A natural or artificial watercourse with a definite bed and banks that conducts continuously

or periodically flowing water.

**CLEARING**

Any activity that removes the vegetative surface cover.

**DEDICATION**

The deliberate appropriation of property by its owner for general public use.

**DEPARTMENT**

The New York State Department of Environmental Conservation.

**DESIGN MANUAL**

The New York State Stormwater Management Design Manual, most recent version including applicable updates, which serves as the official guide for stormwater management principles, methods and practices.

**DETENTION STRUCTURE**

A permanent structure for the temporary storage of runoff, designed so as not to create a permanent pool of water, which gradually releases water over 24 hours at a rate not exceeding the predevelopment rate of runoff. This structure is used to control the peak discharge rates of stormwater and provide gravity settling of pollutants.

**DEVELOPER**

Any person who engages in development either as the owner or the agent of the owner of property.

**DEVELOPMENT or DEVELOPMENT ACTIVITY**

**A.**

Construction, installation, alteration, demolition or removal of a structure, impervious surface or drainage facility.

**B.**

Clearing, scraping, grubbing or otherwise removing or killing the vegetation of a site;  
or

**C.**

Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand or rock of a site.

**DRAINAGE FACILITY**

Any component of the drainage system.

**DRAINAGE SYSTEM**

The system through which the water flows from the land. In includes stormwater, watercourses, water bodies, groundwater and wetlands.

**EROSION**

the wearing away or washing away of soil by the action of wind or water.

**EROSION CONTROL MANUAL**

The most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book."

**FIRST FLUSH**

The first 1/2 inch of runoff or the runoff generated from a one-year storm event, whichever

is greater, from all land areas that have been made more impervious than predevelopment conditions through land clearing, grading, construction and/or development activities.

**FLOOD**

The temporary rise in the level of any water body, watercourse or wetland which results in the inundation of areas not ordinarily covered by water.

**GRADING**

Excavation or fill of material, including the resulting conditions thereof.

**IMPERVIOUS COVER**

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, gravel areas, etc.).

**IMPERVIOUS SURFACE**

A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious areas such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

**INDUSTRIAL STORMWATER PERMIT**

A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies pollution control strategies.

**INFILTRATION**

The process of percolating stormwater into the subsoil.

**INFILTRATION BASIN**

A permanent structure designed to recharge stormwater runoff to groundwater.

**JURISDICTIONAL WETLAND**

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

**LAND DEVELOPMENT ACTIVITY**

Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

**MAINTENANCE AGREEMENT**

A legally recorded document that acts as a property deed restriction and which provides for long-term maintenance of stormwater management practices.

**NATURAL SYSTEMS**

Systems which predominately consist of or use those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

**NONPOINT SOURCE POLLUTION**

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**OWNER**

The person in whom is vested the fee ownership, dominion or title of property, i.e., the proprietor. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant, including a developer.

**PERSON**

Any and all persons, natural or artificial, and includes any individual, firm, corporation, government agency, business trust, partnership, association, two or more persons having a joint or common interest or any other legal entity.

**PHASING**

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

**POLLUTANT OF CONCERN**

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

**PROJECT**

Land development activity.

**RECEIVING BODIES OF WATER**

Any water bodies, watercourses or wetlands into which surface waters flow either naturally, in man-made ditches or in closed conduit systems.

**RECHARGE**

The replenishment of underground water reserves.

**RETENTION STRUCTURE**

A permanent structure which provides for the storage of runoff by means of a permanent pool of water without release except by means of evaporation, infiltration or attenuated release when runoff volume exceeds the permanent storage capacity.

**SEDIMENT**

The fine particulate material, whether mineral or organic, that is in suspension or has settled in a water body.

**SEDIMENT CONTROL**

Measures that prevent eroded sediment from leaving the site.

**SEDIMENT FACILITY**

Any structure or area which is designed to hold runoff water until suspended particles have settled.

**SENSITIVE AREAS**

Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special concern species.

**SITE**

Any tract, lot or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision or project.

**SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-0-08-001, AS AMENDED OR REVISED**

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres



of land.

**SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-0-08-002, AS AMENDED OR REVISED**

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

**STABILIZATION**

The use of practices that prevent exposed soil from eroding.

**STOP-WORK ORDER**

An order issued which requires that all construction activity on a site be stopped.

**STORMWATER**

Rainwater, surface runoff, snowmelt and drainage.

**STORMWATER HOTSPOT**

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

**STORMWATER MANAGEMENT**

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

**STORMWATER MANAGEMENT FACILITY**

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

**STORMWATER MANAGEMENT OFFICER**

An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices. Plan reviews and site inspections may be delegated to a consulting engineer and/or a consultant paid for through the applicant's escrow account; however, a municipal employee or board member must make the final approval.

**STORMWATER MANAGEMENT PRACTICES (SMP)**

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or monopoint source pollution inputs to stormwater runoff and water bodies.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

**STORMWATER RUNOFF**

Flow on the surface of the ground, resulting from precipitation.

**STRUCTURE**

That which is built or constructed, an edifice or building or any piece of work artificially built or composed of parts joined together in some definite manner, but shall not include fences or signs.

**SURFACE WATERS OF THE STATE OF NEW YORK**

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal,

fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

**VEGETATION**

All plant growth, including trees, shrubs, herbs, vines, ferns, mosses and grasses.

**WATER BODY**

Any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

**WATERCOURSE**

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

**WATERSHED**

A drainage area or basin contributing to the flow of water in a receiving body of water.

**WATERS OR PUBLIC WATERS**

Any and all water on or beneath the surface of the ground. It includes the water in any watercourse, water body or drainage system. It also includes diffused surface water and water standing, percolating or flowing beneath the surface of the ground.

**WATERWAY**

A channel that directs surface runoff to a watercourse or to the public storm drain.

**WETLANDS**

Any area meeting the requirements of the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" (latest edition), and/or any area identified by the New York State Department of Environmental Conservation (NYSDEC) as being a state-protected wetland.

§ 147-5. Objectives.

Since improperly managed stormwater runoff can increase the incidence of flooding and erosion which can adversely affect human life, flora and fauna, these regulations have the following objectives:

A.

To protect, maintain and enhance both the immediate and long-term health, safety and general welfare of the citizens of the Village of Washingtonville.

B.

To prevent damage from flooding.

C.

To protect, restore and maintain the chemical, physical and biological integrity of community waters.

D.

To encourage protection of natural drainage systems, such as wetlands, and use them in ways that do not impair their beneficial functioning.

E.

To protect, restore and maintain the habitat of fish and wildlife.

F.

To assure the attainment of these objectives by requiring the approval and implementation of SWPPPs for all activities which may adversely impact surrounding areas.

§ 147-6. Applicability; Stormwater Management Officer.

A.

This chapter, and related stormwater management provisions in Chapter 150, Subdivision of Land, and Chapter 175, Zoning), shall be applicable to all land development activities as defined in this Chapter.

B.

The municipality shall designate a Stormwater Management Officer, who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:

(1)

Review the plans;

(2)

Upon approval by the Board of Trustees of the Village of Washingtonville, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or

(3)

Accept the certification of a licensed professional that the plans conform to the requirements of this chapter and related stormwater management provisions in Chapter 150, Subdivision of Land, and Chapter 175, Zoning).

C.

All land development activities subject to review and approval by the Planning Board of the Village of Washingtonville under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter and related stormwater management provisions in Chapter 150, Subdivision of Land, and Chapter 175, Zoning).

D.

All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this chapter and related stormwater management provisions in Chapter 150, Subdivision of Land, and Chapter 175, Zoning.

E.

Unless exempted pursuant to § 147-7, soil erosion and sediment control flow and/or an SWPPP must be submitted and approved before:

(1)

A plat is recorded or land is subdivided;

(2)

An existing drainage system is altered, rerouted, deepened, widened, enlarged, decreased or obstructed; or

(3)

The issuance of a building permit;

(4)

Site plan or special use permit granted by Planning Board;

(5)

Approval of a plan which proposes construction of a Village or private road.

§ 147-7. Exemptions.

The following activities shall be exempt from review under this chapter and related stormwater management provisions in Chapter 150, Subdivision of Land, and Chapter 175, Zoning:

A.

Agricultural land management activities as defined in Chapter 175, Zoning, § 175-3. For projects involving agricultural structures disturbing between 10,000 square feet and 43,560 square feet, a soil erosion and sediment control plan shall be implemented and maintained as directed by the Stormwater Management Officer.

B.

Any maintenance, alteration, use or improvement to an existing structure not changing or affecting quality, rate or location of surface water discharge.

C.

Silvicultural activity.

D.

Routine maintenance activities that disturb less than one acre and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

E.

Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer or Village's consultant.

F.

Land development activities for which a building permit has been approved on or before the effective date of this chapter.

G.

Cemetery graves.

H.

Installation of fences, signs, telephone, and electric poles and other kinds of posts or poles.

I.

Emergency activity immediately necessary to protect life, property or natural resources.

J.

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

K.

Landscaping and horticultural activities in connection with an existing structure.

Article II. Administration and Enforcement

§ 147-8. Contents of SWPPP.

A.

It is the responsibility of an applicant to include in the SWPPP sufficient information for the Village Engineer or his designee to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on public waters and adjacent lands and the effectiveness and acceptability of those measures proposed by the applicant for reducing

adverse impacts. The SWPPP shall contain all material necessary to communicate the information required by this section.

(1)

All calculations, assumptions, criteria and references used in the design of new facilities, examination of existing facilities and comparison of pre- to post-development discharges shall be included with the plan.

(2)

All stormwater management data must be prepared and sealed by individuals registered in New York State to perform such duties.

B.

The SWPPP shall contain the name, address and telephone number of the owner and the developer. In addition, the legal description of the property shall be provided, and its location with reference to such landmarks as major water bodies, adjoining roads, railroads, subdivisions or other municipalities shall be clearly identified by a map.

C.

The existing environmental and hydrologic conditions of the site and of receiving waters and wetlands shall be described in detail, including the following:

(1)

A plan showing the predevelopment conditions of the site at a scale of at least one inch equals 50 feet and a map at a scale of at least one inch equals 500 feet which shows all contributory drainage areas to the study point.

(2)

The flow rate of stormwater runoff under existing conditions.

(3)

A description of all watercourses, water bodies and wetlands on or adjacent to the site or into which the stormwater flows. Information regarding the existing water quality, if any, and the receiving water quality classification as determined by the NYSDEC shall be included.

(4)

Groundwater levels from readily available data sources.

(5)

The location of floodplains.

(6)

Land cover.

(7)

Topography at two-foot contour intervals.

(8)

Soils, including erodibility, percolation rate, depth to groundwater and depth to bedrock, etc.

D.

Proposed alterations of the site shall be described in detail and shown on plans at a scale of at least one inch equals 50 feet, including:

(1)

Changes in topography, with all grading shown with two-foot contour intervals or less;

(2)

Limits of proposed disturbed area;

(3)

Proposed ground coverage, i.e. pavement, gravel, houses, buildings, lawns, etc. and their areas;

(4)

Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;

(5)

Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

(6)

Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;

(7)

Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;

(8)

A site map/construction drawing(s) specifying the locations(s), size(s) and length(s) of each erosion and sediment control practice;

(9)

Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

(10)

Temporary practices that will be converted to permanent control measures;

(11)

Implementation schedule for tagging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

(12)

Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

(13)

Name(s) of the receiving water(s);

(14)

Delineation of SWPPP implementation responsibilities for each part of the site;

(15)

Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutant from exposed areas of the site to the degree attainable; and

(16)

Any existing data that describes the stormwater runoff at the site.

E.

All components of the drainage system and any measures for the detention, retention or infiltration of water or for the protection of water quality shall be described in detail, including:

(1)

The channel, direction, flow rate and quality of stormwater that will be conveyed from and/or through the site, with a comparison to the existing conditions. (In no case will any facility or construction be allowed that raises the existing water surface elevation on upstream or downstream properties, unless specifically agreed to by those property owners.)

(2)

Detention, retention and/or infiltration structures, including plans for the discharge of contained waters, maintenance plans.

(3)

A tabulation of water quality volumes and storage, discharge curves with corresponding water surface elevations, inflow hydrographs, outflow hydrographs and dewatering/infiltration times will be required to be submitted with all detention, retention and infiltration facilities.

(4)

All plans, with defined subcatchment areas, and profiles of the proposed drainage facilities, including the size and type of material.

(5)

Erosion control plans for all development activities.

(6)

All calculations and design information in accordance with the design section of these regulations.

(7)

General specifications for the construction of all components of the drainage system.

(8)

Any other information which the Village Engineer or his designated representative believes is reasonably necessary for evaluation of the plans.

#### F.-Contractor Certification

(1)

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

(2)

The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

(3) The certification statement(s) shall become part of the SWPPP for the land development activity.

#### § 147-9. Design standards.

To ensure attainment of the objectives of these regulations and to ensure that performance standards will be met, the design, construction and maintenance of drainage systems shall be consistent with the following standards:

A.

In the interest of reducing the total area of impervious surface, preserving existing features, which are critical to stormwater management, and reducing the concentration of stormwater flow, maximum use shall be made of existing on-site natural and man-made stormwater management facilities.

B.

Innovative stormwater management facilities may be proposed (e.g., rooftop storage, underground storage structures and infiltration systems), provided that they are accompanied by detailed engineering plans and demonstrate performance capabilities that are acceptable to the Village Engineer.

C.

Stormwater management facilities shall be provided so the peak discharge of the calculated post-development runoff to an adjacent property, watercourse or water body does not exceed the peak discharge of the pre-development runoff. Point discharge of stormwater runoff to an adjacent property, watercourse or water body will not be allowed in the post-development design if one did not exist in the predevelopment condition. Point discharge is required to be returned to sheet flow, or an easement will be required to be obtained from the adjoining property owner if this condition cannot be met.

D.

Runoff calculations for the pre-development and post-development comparison shall consider the one-year, ten-year, twenty-five-year, and one-hundred-year storm frequencies.

E.

For pre-development computations, all runoff coefficients within the study area shall be based on actual (present) land use conditions.

F.

Retention and detention basins in compliance with NYSDEC standards and guidelines and other approved alternatives shall be used to retain and detain the increased and accelerated runoff and reduce pollutants in runoff which the development generates. Water shall be released from these areas at a rate equal to or less than the pre-development conditions of the storm event. Measures shall be taken to protect the outfall area from erosion. Water quality volume shall be addressed by any proposed post-development design.

G.

Retention/detention basins shall be designed to safely discharge the peak discharge from the post-development one-hundred-year storm frequency event through an emergency spillway in a manner which will not damage the integrity of the basin or cause damage to adjoining properties.

H.

Retention/detention basins shall be landscaped in accordance with current engineering practices and in accordance with the New York Standards and Specifications for Erosion and Sediment Control, year of latest revisions.

I.

Retention/detention basins which may be used to collect sediment during construction operations must have all sediment removed at any time that it is at 60% of its original capacity. Upon completion of all construction, any sediment in the basin must be removed, and the basin shall be reshaped to the design dimensions and stabilized. A maintenance schedule must be provided that indicates how often the basin is to be cleaned thereafter and who is responsible for cleaning it.

J.



Retention/detention basins which are designed with a dam shall incorporate the following minimum standards:

(1)

The maximum water depth shall not exceed 10 feet unless approved by waiver of the Board of Trustees.

(2)

The minimum top width of dams shall be eight feet.

(3)

The side slopes of earth fill dams shall not be steeper than three feet horizontal to one foot vertical on the downstream side of the embankment.

(4)

Basins without restricted access shall have impoundment areas with side slopes no greater than five feet horizontal on one foot vertical.

(5)

A cutoff trench of impervious material shall be provided under all dams.

(6)

All pipes and culverts through dams shall have properly spaced cutoff collars or factory welded antiseep collars.

(7)

A minimum of one foot freeboard, computed from the maximum water surface elevation during the one-hundred-year storm event, shall be provided in all basins.

(8)

The minimum floor elevation of all structures that would be affected by a basin or other water impoundments or open conveyance systems where ponding may occur shall be two feet above the one-hundred-year water surface elevation.

K.

Runoff calculations for stormwater management facilities shall be based upon the following methods:

(1)

SCS TR-20 (latest revision) is the recommended and preferred method for the study of watersheds with a drainage area greater than 100 acres. SCS TR-20 or SCS TR-55 Tabular Hydrograph Method (latest revision) may be used for the study of watersheds with a drainage area greater than 200 acres.

(2)

SCS TR-55 Graphical Peak Method (latest revision) may be used in lieu of the Tabular Hydrograph Method for sizing conveyance systems or checking peak flows only. It shall not be used for basin routing or subarea routing as it does not provide an adequate hydrograph.

(3)

Other standard engineering models with approval of the Village Engineer.

(4)

Stormwater runoff shall be based on the following twenty-four-hour storm events with a Type III distribution:

**Storm Event**

1-year

10-year

## **Storm Event**

100-year

Source: SCS Technical Release 55 (year of latest revision).

(5)

Use of other criteria, assumptions, references, calculation methods and computer programs may be utilized, provided that detailed design information and programming, with references, are submitted to and found acceptable by the Village Engineer prior to submission of the SWPPP.

L.

The design plan and construction schedule shall incorporate measures to minimize soil erosion and sedimentation.

M.

Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed.

N.

Stormwater shall not be transferred from one watershed to another unless one of the following shall apply:

(1)

The watersheds are subwatersheds of a common watershed which join together within the perimeter of the property.

(2)

The effect of the transfer does not alter the peak discharge onto adjacent lands, watercourse or water bodies at any point.

(3)

Easements from the affected landowners are provided.

O.

Technical references. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

(1)

The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").

(2)

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

P.

Technical standards.

(1)

For all swales and gutters, the Manning's roughness coefficient "n" factors used to determine capacity and velocity shall be based on accepted engineering practices.

(2)

Corrugated metal pipe will not be allowed to be used in any drainage system or facility without

the approval of the Village Superintendent of Highways and the Village Engineer. If allowed, corrugated metal pipe shall be fully asphalt coated with paved inverts, and the "n" factor shall be 0.022 for annular pipe and 0.017 for helical pipe.

(3)

The "n" factor for concrete pipe shall be 0.013.

(4)

The "n" factor for polyethylene pipe shall be 0.010 for smooth interior pipe and 0.019 for corrugated interior pipe.

(5)

Manufacturer's specifications may be submitted to the Village Engineer for acceptance if other types of pipes or sizes of pipes indicate that another value of "n" should be used.

(6)

Catch basins shall be designed with a sump of 16 inches.

(7)

Catch basin inlet capacity shall be based on design data provided by the manufacturer.

(8)

Any existing drainage structures within 200 feet of the subdivision/site shall be included in the SWPPP. Structures that convey streams shall be checked to determine if they have the capacity to carry the fifty-year storm flows, and all other structures shall be checked for capacity to carry the twenty-five-year storm flows.

(9)

A tabulation of flows through all drainage systems shall be submitted with the plans.

(10)

Culvert design shall consider inlet/outlet control at each structure or hydraulic losses shall be calculated through the system. These calculations are to be submitted as part of the plans. At a minimum, when pipe sizes change, the tops of the pipes shall match in elevation.

(11)

All culverts having diameters of 24 inches to 48 inches shall have a removable inlet grating of five-eighths-inch-diameter (minimum) reinforcing bars spaced approximately six inches on center. All design calculations are to reflect this inlet control condition.

Q.

Catch basins shall be located in the swale along open-section roadways. The calculated depth of flow in the swale shall not exceed 1/2 of the total depth of the swale before placing a catch basin. The catch basin shall be capable of accepting 100% of the flow in the swale, based on a twenty-five-year-return-frequency storm event. On closed-section roadways, catch basins shall be located along the curbline and are not permitted along the curb radius at intersections. For the purpose of catch basin placement, the depth of flow along the curb and across intersections shall not exceed two inches.

R.

Manholes and catch basins shall not be spaced more than 300 feet apart. Structures shall be placed at all points of changes in horizontal or vertical direction.

S.

Stormwater collection systems shall have a minimum diameter of 15 inches and shall be designed to have a minimum velocity of three feet per second. However, at the terminus of the system, the flow velocity at the discharge point shall not exceed four feet per second prior to the flow entering a natural watercourse, water body or adjacent property.

T.

The maximum swale, gutter or curb velocity of stormwater runoff shall be maintained at levels which result in a stable condition both during and after construction. Swales shall be designed and stabilized in accordance with New York Standards and Specifications for Erosion Control, year of latest revision. Swales shall be designed to allow for infiltration of stormwater runoff and removal of pollutants from the runoff whenever possible. This can be accomplished by keeping the swale at as flat a slope as possible, stabilizing the swale with a water-tolerant erosion-resistant grass that will not be mowed close to the ground, increasing the percolation ability of the swale by tilling the soil before establishing vegetative cover and installing check dams with riprap on the downstream side to prevent scouring.

U.

Drainage facilities not located within public rights-of-way shall be located within easements.

V.

When plan applications are submitted in sections, each section shall control stormwater runoff and sedimentation as though it were a separate entity. If temporary facilities are required for construction of a section, they shall meet all of the requirements of these regulations. A construction or phasing schedule shall be submitted with each plan and shall demonstrate the methods to be used to minimize stormwater runoff and soil erosion and sedimentation.

W.

Stormwater management facilities shall not be constructed within or discharge to NYDEC-regulated wetland areas, wetland buffer areas or water bodies unless either:

(1)

The appropriate permits from applicable regulatory agencies have been obtained; or

(2)

A letter from said agencies has been obtained stating that a permit is not required for the proposed work. Copies of the permits or letters shall be submitted to the Village Planning Board for review by the Village Engineer prior to the final approval of the plan.

X.

Individual lots, buildings and dwellings shall be provided with drainage facilities to assure proper runoff from roofs, driveways, paved areas and footing drains. Footing drains shall discharge to free-flowing outlets. The installation of such facilities shall be in accordance with these regulations and the Village of Washingtonville Road Specifications and are required prior to the issuance of a certificate of occupancy.

Y.

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

Z.

Stormwater discharges should be consistent with the thermal criteria found in Part 704 of the Water Quality Regulations, Title 6, Chapter X, New York State Codes, Rules and Regulations.

§ 147-10. Performance standards.

SWPPPs must demonstrate that the proposed development or activity has been planned and designed and will be constructed and maintained to meet each of the following standards:

A.

Ensure that after development, runoff from the site maintains the rate of flow and quality of runoff that would have occurred following the same rainfall under existing conditions.

B.

Maintain the existing hydraulic and characteristics of the watershed.

C.

Protect the quality of ground and surface waters.

D.

Protect groundwater levels.

E.

Protect the beneficial functioning of wetlands as areas for the natural storage of surface waters and the chemical reduction and assimilation of pollutants.

F.

Prevent increased flooding and damage that result from improper location, construction and design of structures in areas which are presently subject to an unacceptable danger of flooding.

G.

Minimize injury to flora and fauna and adverse impacts to fish and wildlife habitat.

H.

Otherwise further the objectives of these regulations.

§ 147-11. Easements.

The applicant shall reserve easements or drainage rights-of-way within the subdivision where stormwater or surface water drainage facilities are existing or proposed, whether man-made or natural. The easement shall conform as closely as possible to the lines of such course and shall also meet the following criteria:

A.

Easements shall have a minimum width of 20 feet and shall be adequately designed to provide area for the collection and discharge of water, the maintenance and repair of the facility and the passage of equipment for such work.

B.

In the case of streams or open-channel drainage, the easement shall encompass the one-hundred-year storm event or the flood of record, plus one foot freeboard above that elevation. Calculations acceptable to the Village Engineer supporting those elevations shall be submitted with the plans.

C.

When a proposed drainage system carries water onto adjacent lands where no discharge point existed in the pre-developed condition, stormwater will be returned to a sheet flow condition prior to exit from the site or an easement must be obtained from the downstream property owners(s).

D.

The plans shall clearly indicate who has the right of access and the responsibility of maintenance for all facilities.

§ 147-12. Maintenance.

A.

It is the financial responsibility of the owner and subsequent landowners to maintain the proposed stormwater management system as it was designed and constructed. Good maintenance involves periodic cleaning and dredging of pipes and basins and mowing and maintaining proper land cover. A SWPPP cannot be approved by the Village Planning Board unless the applicant can show that a financial mechanism will be established which ensures that the owner and subsequent landowners

have the financial ability to maintain the stormwater management system. Should the owner propose to transfer the ownership and management responsibility to a homeowners' association, the subdivision covenants must indicate how the association will bear the financial burden of maintaining the stormwater management facilities. The Planning Board, at its discretion, may require that a maintenance bond be posted to meet this obligation. The amount of the bond shall be equal to the estimated cost of maintaining the system for a period of five years.

B.

The systems maintained by the owner or homeowners' association shall have adequate easements to permit the Village Engineer to inspect and, if necessary, to take corrective measures should the owner fail to properly maintain the system. Before taking corrective action, the Board of Trustees shall give the owner written notice of the nature of the existing defects. If the owner fails within 30 days from the date of notice to commence corrective action or to appeal the matter to the Zoning Board of Appeals, the Board of Trustees may take necessary corrective action, the cost of which shall become a lien on the real property until paid.

C.

Improvements may become part of a drainage district with approval by the Board of Trustees in accordance with Village Law Article 12 or 12-A.

§ 147-13. Performance security.

A.

Improvements. The estimated costs of the following improvements, where applicable, which are associated with the SWPPP are required to be included in the amount of the performance security:

(1)

Storm drainage systems, including but not limited to catch basins, manholes, pipes, swales, basins, infiltration systems.

(2)

Erosion and sediment control, including grading and stabilization.

(3)

As-built or record drawings.

(4)

Any other items which may be deemed to be required by the Village Engineer. The applicant's engineer is to prepare the estimate and submit it to the Village Engineer for review and recommendation to the Board of Trustees.

B.

Performance security. A performance security shall be delivered to the Village Clerk to guarantee to the Village that the developer will faithfully cause to be constructed and completed within a reasonable time as determined by the Planning Board the required public improvements. Before the Planning Board grants final approval of the subdivision plat or site plan, the applicant shall follow the procedure set forth below:

(1)

In an amount set by the Board of Trustees, the applicant shall either file with the Village Clerk a certified check to cover the full cost of the required improvements or an adequate and acceptable security issued by a bank or surety company approved by the Board of Trustees to cover the full cost of the required improvements, or any combination thereof. Any such security shall comply with the requirements of New York State Village Law and, further, shall be satisfactory to the Board of Trustees and the Village Attorney as to form, sufficiency, manner of execution and surety.

A period of three years shall be set forth in the document of surety within which required improvements must be completed. However, the term of such performance security may be required to be extended and the amount of the security increased by the Board of Trustees if improvements are not completed within the original term of the security.

(2)

The required improvements shall not be considered to be completed until the installation of the improvements has been accepted by the Village Engineer and any appropriate department head and as-built or record drawings satisfactory to the Village Engineer have been submitted. If the applicant elects to provide a security or certified check for all required improvements as specified in Subsection B(1) above, such security shall not be released until such as-built plans are submitted. The Village shall release the security upon certification of the Village Engineer and the Village Attorney that all requirements of the security have been satisfied.

(3)

The applicant shall complete all required improvements or post the required performance security, either or both to the satisfaction of the Board of Trustees, before any building permits shall be issued.

(4)

If the Planning Board shall decide at any time during the term of performance that the extent of the building development that has taken place is not sufficient to warrant all the improvements covered by such performance security, or that required improvements have been installed as provided in this section and by the Planning Board in sufficient amount to warrant reduction in the face amount of said security, or that the character and extent of such development required additional improvements previously waived for a period stated at the time of fixing the original terms of such security, the Board of Trustees may modify its requirements for any or all such improvements, and the face value of such performance security shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited may be reduced or increased proportionately.

#### § 147-14. Procedures, inspections and fees.

A.

Any person planning a development as defined in these regulations, unless exempted, shall submit a SWPPP to the Village Planning Board. Developers and consultants are urged to discuss stormwater management approaches for specific projects with the Planning Board prior to submittal of preliminary plans.

B.

The application fee is to be paid at the time the SWPPP or application for waiver is submitted.

C.

Charges for technical review of the SWPPP charged against the escrow review; all charges must be paid by the applicant prior to final approval of the plan.

D.

Within 62 days after submission of the completed SWPPP, the Village Planning Board shall approve, with or without specified conditions or modifications, or reject the plan and notify the applicant accordingly. The Village Engineer or designate shall provide a written evaluation of the applicant's submission. If the Planning Board has not rendered a decision within 62 days after completed plan submittal, it shall inform the applicant of the status of the review process and the

anticipated completion date. If the plan is rejected or modified, the Planning Board shall state the reasons.

E.

The SWPPP must meet all of the requirements as specified in these regulations in order to be approved.

F.

The SWPPP will not be approved unless adequate provisions have been made for inspection of the property before any development activity begins. The applicant shall arrange with the Village Engineer for scheduling the following inspections:

(1)

Initial inspection prior to approval of the SWPPP (this inspection is at the discretion of the Village Engineer).

(2)

Construction inspection to be made during construction of underground drainage structures and during construction of any basin dams.

(3)

As-built inspection to be made when all work has been completed. Although inspections will be made by the Village Engineer or his designate, it is the responsibility of the applicant to provide certification to the Village, in writing, with the as-built plans, that all work has been completed in accordance with these regulations. The applicant will be notified, in writing, of any deficiencies noted at the site. These items shall be promptly corrected by the applicant or the applicant will be subject to the penalty provisions of these regulations.

G.

Construction inspections.

(1)

Erosion and sediment control inspection.

(a)

The Village of Washingtonville Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter, and related stormwater management provisions in Chapter 150, Subdivision of Land, and Chapter 175, Zoning, and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter, and related stormwater management provisions in Chapter 150, Subdivision of Land, and Chapter 175, Zoning, and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Washingtonville enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

[1]

Start of construction;

[2]

Installation of sediment and erosion control measures;

[3]

Completion of site clearing;

[4]

Completion of rough grading;

[5]

Completion of final grading;



[6]

Close of the construction season;

[7]

Completion of final landscaping;

[8]

Successful establishment of landscaping in public areas.

(b)

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

(2)

Stormwater management practice inspections. The Village of Washingtonville Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

(3)

Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including, but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

(4)

Submission of reports. The Village of Washingtonville Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter, and related stormwater management provisions in Chapter 150, Subdivision of Land, and Chapter 175, Zoning as are necessary to determine compliance with said provisions.

(5)

Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Village of Washingtonville the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection G(3).

H.

Maintenance during construction.

(1)

The applicant or developer of the land development activity shall at all times properly operate and

maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(2)

The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every seven days. More frequent inspections (two per week more than three days apart) are required for sites which are approved to disturb greater than five acres. The reports shall be delivered to the Stormwater Management Officer and also copied to the site log book.

I.

Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall be operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

(1)

A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.

(2)

Written procedures for operation and maintenance and training new maintenance personnel.

(3)

Discharges from the SMP shall not exceed design criteria or cause or contribute to water quality standard violations.

J.

Maintenance agreements. The Village of Washingtonville shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter entitled "Sample Stormwater Control Facility Maintenance Agreement". The Village of Washingtonville, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided that such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

K.

Notice of violation. When the Village of Washingtonville determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

(1)

The name and address of the landowner, developer or applicant;

(2)

The address, when available, or a description of the building, structure or land upon which the violation is occurring;

(3)

A statement specifying the nature of the violation;

(4)

A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;

(5)

A statement of the penalty or penalties that shall be assessed against the person to whom the notice of violation is directed;

(6)

A statement that the determination of violation may be appealed to the Board of Trustees by filing a written notice of appeal within 15 days of service of notice of violation.

L.

Stop-work orders. The Village of Washingtonville may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Village of Washingtonville confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

M.

Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.

N.

Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

O.

Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land.

P.

Restoration of land to stabilized condition. Any violator may be required to restore land to a stabilized condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Washingtonville may take necessary corrective action, and the violator and landowner, if different, shall be jointly and severally liable for the cost of such corrective action. If the cost of corrective action is not paid within 60 days from the date upon which the corrective action is complete, the Board of Trustees may, at its sole discretion, charge the costs of corrective

action, including engineering and inspection costs, against the real property by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Village. Such charges shall be levied and collected at the same time and in the same manner as Village-assessed taxes and shall be paid to the Village Comptroller, to be applied in reimbursing the fund from which the costs of corrective action were made. Prior to charging such assessments, the owner of the real property shall be provided written notice by certified mail, return receipt requested, at the last known address of record, of an opportunity to be heard and object before the Board of Trustees to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

Q.

Fees for services. The Village of Washingtonville may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates of SWPPPs, inspections, or SMP maintenance performed by the Village of Washingtonville or performed by a third party for the Village of Washingtonville.

**Section 3. Amendment of Chapter 147, Article III**

Article III of Village Code Chapter 147 entitled “Prohibition of Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems”, as enacted pursuant to Local Law Number 3 of 2014 is hereby amended to reflect new section numbers as follows:

<u>Current Section Number</u>	<u>New Section Number</u>
147-13	147-15
147-14	147-16
147-15	147-17
147-16	147-18
147-17	147-19
147-18	147-20
147-19	147-21
147-20	147-22
147-21	147-23
147-22	147-24
147-23	147-25
147-24	147-26
147-25	147-27
147-26	147-28
147-27	147-29
147-28	147-30
147-29	147-31
147-30	147-32
147-31	147-33
147-32	147-34

**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 of competent jurisdiction, such judgment shall be confined in its operation to the part or 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 persons or circumstances, and the Board of Trustees of the Village of Washingtonville hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 5. Repeal**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 6. Authority**

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Village Law to the extent that it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

**Section 7. Effective Date**

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

