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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

of Rockville Centre

Town

Village

Local Law No. 10 of the year 2007

A local law to amend the Code of the Village of Rockville Centre, in relation to storm water management, erosion and sediment control.

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

County

City

of Rockville Centre as follows:

Town

Village

Section one. The Code of the Village of Rockville Centre is hereby amended, by adding thereto a new Chapter, to be Chapter 286, to read as follows:

“Chapter 286. Storm Water Management, Erosion and Sediment Control.

§286-1. Findings of Fact. The Board of Trustees of the Village of Rockville Centre, hereby finds and determines as follows:

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

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

B. This storm water 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 storm water management practices can increase the velocity of storm water 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 baseflow;

F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;

G. storm water runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of storm water runoff from land development activities;

H. The regulation of storm water runoff discharges from land development activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with storm water 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 storm water 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.

§286-2. Purpose. The Village of Rockville Centre has developed a storm water management program for coverage under the New York State Pollution Discharge Elimination System (SPDES) requirements. The purpose of this chapter is to establish minimum storm water 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 this chapter. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for storm water Discharges from Municipal Separate storm water Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- C. Minimize increases in storm water runoff from land development activities in order to reduce flooding, siltation, increases in creek and channel temperature, and bank erosion, and maintain the integrity of creeks and channels;
- D. Minimize increases in pollution caused by storm water runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of storm water runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through storm water management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§286-3. Statutory Authority. In accordance with the Municipal Home Rule Law and Village Law of the State of New York, the Board of Trustees (“Board”) of the Village of Rockville Centre (“Village”) has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Village and for the protection and enhancement of its physical environment. The Board 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.

§286-4. Applicability. This chapter shall be applicable to all land development activities as defined in this chapter.

§286-5. Storm Water Management Officer Duties and Authority. The Storm Water Management Officer shall accept and review all storm water pollution prevention plans and forward such plans to the applicable municipal board. The Storm Water Management Officer may (1) review the plans, (2) upon approval by the Board, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed the 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.

§286-6. All land development activities subject to review and approval by the Planning Board or the Board of Appeals under subdivision, site plan and/or special permit regulations of the Village Code shall be reviewed subject to the standards contained in this chapter.

§286-7. All land development activities not subject to review as stated in section §286-6 shall be required to submit a Storm Water Pollution Prevention Plan (SWPPP) to the Storm Water Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

§286-8. Exemptions. The following activities shall be exempt from review under this chapter:

- A. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
- B. Repairs to any storm water management practice or facility deemed necessary by the Storm Water Management Officer;
- C. Any part of a subdivision if a plat for the subdivision has received final approval on or before the effective date of this law;
- D. Land development activities for which a building permit has been approved and issued on or before the effective date of this law.
- E. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;
- F. Emergency protective measures immediately or imminently necessary to protect life, property or natural resources;
- G. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that individual and the family members of such individual;
- H. Landscaping and horticultural activities in connection with an existing structure or use;
- I. Fire fighting activities that produce runoff waters to enter the MS4 or US waters.

§286-9. Definitions. The following terms used in this chapter shall have the meaning set forth in this section:

- A. Applicant - a property owner or agent of a property owner who has filed an application for a land development activity;
- B. 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;
- C. Channel - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water;
- D. Clearing - any activity that removes the vegetative surface cover;
- E. Dedication - the deliberate appropriation of property by its owner for general public use;
- F. Department, or DEC - the New York State Department of Environmental Conservation;
- G. Design Manual - the *New York State Storm Water Management Design Manual*, most recent version including applicable updates, that serves as the official guide for storm water management principles, methods and practices;
- H. Developer - a person who undertakes land development activities;
- I. EPA – the Environmental Protection Agency
- J. 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”;
- K. Grading - excavation or fill of material, including the resulting conditions thereof;
- L. Impervious Cover - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc);
- M. Industrial Storm Water 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 storm water discharges or specifies on-site pollution control strategies;
- N. Infiltration - the process of percolating storm water into the subsoil;
- O. 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;
- P. Land Development/Redevelopment 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.
- Q. Landowner – the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
- R. Licensed/Certified Professional – a person currently licensed to practice engineering in New York State or a Certified Professional in Erosion and Sediment Control (CPESC).

S. Maintenance Agreement - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

T. 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.

U. NYSDEC – New York State Department of Environmental Conservation.

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

W. Planning Board – the Village Planning Board

X. 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.

Y. Project - land development activity

Z. Recharge - the replenishment of underground water reserves.

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

BB. Sensitive Areas - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

CC. SPDES General Permit for Construction Activities GP-02-01 - 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.

DD. SPDES General Permit for storm water Discharges from Municipal Separate storm water Sewer Systems GP-02-02 - 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 storm water control standards

EE. Stabilization - the use of practices that prevent exposed soil from eroding.

FF. Stop Work Order - an order issued which requires that all construction activity on a site be stopped.

GG. Storm water - rainwater, surface runoff, snowmelt and drainage

HH. Storm water hotspot - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical storm water runoff, based on monitoring studies.

II. Storm Water Management - the use of structural or non-structural practices that are designed to reduce storm water runoff and mitigate its adverse impacts on property, natural resources and the environment. This shall include the practices listed on Schedule A included in this chapter.

JJ. Storm Water Management Facility - one or a series of storm water management practices installed, stabilized and operating for the purpose of controlling storm water runoff.

KK. Storm Water Management Officer (SMO) - the Village Superintendent of Public Works (or the person serving in the capacity of the Superintendent) or the authorized deputies, agents or representatives of the Superintendent, including employees of Village departments as appropriate, or other person designated by the Mayor, with the approval of the Board of Trustees. The SMO is authorized to accept and review storm water pollution prevention plans, forward the plans to the applicable municipal board, inspect storm water management practices, and exercise the powers and duties specified for such official in this chapter.

LL. Storm Water Management Practices (SWMPs) - 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 nonpoint source pollution inputs to storm water runoff and water bodies.

MM. Storm Water Pollution Prevention Plan (SWPPP) - a plan for controlling storm water runoff and pollutants from a site during and after construction activities.

NN. Storm Water Runoff - flow on the surface of the ground, resulting from precipitation.

OO. Stream Channel – a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water (see also, Watercourse, Waterway).

PP. Superintendent – the Village Superintendent of Public Works.

QQ. 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 manmade 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.

RR. Village – the Village of Rockville Centre.

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

TT. Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain.

UU. Zoning Board of Appeals, or Board of Appeals – the Village Zoning Board of Appeals.

§286-10 Schedule A. Storm Water Management Practices Acceptable For Water Quality.

Stormwater Management Practices Acceptable for Water Quality <i>(From: New York State Stormwater Management Design Manual, Table 5.1)</i>		
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 flow 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 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 drain areas that has variable water levels and relies on groundwater for its permanent pool.

Infiltration	Infiltration Trench (I-1)	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)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3)	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)	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)	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.

§286-11. Storm Water Pollution Prevention Plans. No application for approval of a land development activity shall be reviewed until the appropriate board has received a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this chapter.

A. Contents of Storm Water Pollution Prevention Plans. All SWPPPs shall provide the following background information and erosion and sediment controls:

(1) Background information about the scope of the project, including location, type and size of project.

(2) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the storm water discharges(s). The site map shall be at a scale no smaller than 1 inch=100 feet;

(3) Description of the soil(s) present at the site;

(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 (5) 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 storm water 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 storm water, 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 location(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 staging 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 pollutants from exposed areas of the site to the degree attainable; and

(16) Any existing data that describes the storm water runoff at the site.

B. Land development activities meeting one or more of the following conditions shall also include water quantity and water quality controls (post-construction storm water runoff controls) as set forth in this chapter as applicable:

(1) storm water runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters, or Total Maximum Daily Load (TMDL) designated watershed for which pollutants in storm water have been identified as a source of the impairment, or

(2) storm water runoff from land development activities disturbing five (5) or more acres, or

(3) storm water runoff from land development activity disturbing between one (1) and (5) acres of land during the course of the project.

C. SWPPP Requirements. Land development activities meeting one or more of the foregoing conditions:

(1) All information in this chapter;

(2) Description of each post-construction storm water management practice;

(3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post construction storm water management practice;

(4) Hydrologic and hydraulic analysis for all structural components of the storm water management system for the applicable design storms;

(5) Comparison of post-development storm water runoff conditions with pre-development conditions;

(6) Dimensions, material specifications and installation details for each post-construction storm water management practice;

(7) Maintenance schedule to ensure continuous and effective operation of each post-construction storm water management practice;

(8) Maintenance easements to ensure access to all storm water management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;

(9) Inspection and maintenance agreement binding on all subsequent landowners served by the onsite storm water management measures in accordance with this chapter.

§286-12. Plan Certification. The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all storm water management practices meet the requirements in this local law.

§286-13. Other Environmental Permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final storm water design plan.

§286-14. Contractor Certification. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or storm water 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 Storm Water Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards." 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. The certification statement(s) shall become part of the SWPPP for the land development activity.

§286-15. SWPPP to be retained on site. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§286-16. Performance and Design Criteria for Storm Water Management and Erosion and Sediment Control. All land development activities shall be subject to the following performance and design criteria:

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

(1) The New York State Storm Water 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).

§286-17. Water Quality Standards. No land development activity shall cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

§286-18. Maintenance and Repair During Construction.

A. 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 local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

B. The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches

of precipitation or more. The reports shall be delivered to the Storm Water Management Officer and also copied to the site log book.

§286-19. Maintenance Easement(s). Prior to the issuance of any approval that has a storm water management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the storm water management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Village Attorney.

§286-20. Maintenance after Construction. The owner or operator of permanent storm water management practices installed in accordance with this law shall be operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

- A. 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;
- B. Written procedures for operation and maintenance and training new maintenance personnel.
- C. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with this chapter.

§286-21. Maintenance Agreements. The Board shall approve a formal maintenance agreement for storm water management facilities binding on all subsequent landowners, which agreement shall be in a form approved by the Village Attorney, and recorded by the owner in the office of the County Clerk as a deed restriction on the property prior to final plan approval.

A. In lieu of such maintenance agreement, the Board, in its sole discretion, may accept dedication of any existing or future storm water management facility, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§286-22. Subdivisions. The following requirements shall be applicable to subdivisions of property in addition to any other applicable laws, rules or regulations pertaining to subdivisions of property in the Village:

A. Prior to approval of any preliminary subdivision plat, a satisfactory Storm Water Pollution Prevention Plan (SWPPP) consistent with the requirements of this chapter shall be provided. The SWPPP shall meet the performance and design criteria and standards in this chapter. The approved Preliminary Subdivision Plat shall be consistent with the provisions of this chapter.

B. Prior to approval of any final subdivision plat, a Storm Water Pollution Prevention Plan consistent with the requirements of this chapter and with the terms of

preliminary plan approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in this chapter. The approved Final Subdivision Plat shall be consistent with the provisions of this chapter.

§286-23. Site Plan Approvals. In any case where a site plan approval is required pursuant to this Code, no such approval shall be granted unless a Storm Water Pollution Prevention Plan consistent with the requirements of this chapter has been provided as part of the application for Site Plan Approval. The SW PPP shall meet the performance and design criteria and standards in this chapter. The approved Site Plan shall be consistent with the provisions of this chapter.

§286-24. Administration and Enforcement. The following provisions for construction inspection, performance guarantees and bonds, and enforcement are applicable to any project or development subject to this chapter in addition to the other provisions of this Code, provided, however, that this section shall not be applicable to the extent that any other provision of this Code contains a stricter or more stringent requirement:

A. Inspections.

(1) Erosion and Sediment Control Inspection. The Storm Water Management Officer may require such inspections as necessary to determine compliance with this law 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 law and the storm water pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Storm Water Management Officer at least 48 hours before any of the following, as required by the Storm Water Management Officer:

- a. Start of construction
- b. Installation of sediment and erosion control measures
- c. Completion of site clearing
- d. Completion of rough grading
- e. Completion of final grading
- f. Close of the construction season
- g. Completion of final landscaping
- h. Successful establishment of landscaping in public areas.

If any violations are found as a result of any such inspection, 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 Storm Water Management Officer.

B. Storm Water Management Practice Inspections. The Storm Water Management Officer, is responsible for conducting inspections of storm water management practices (SMPs). All applicants are required to submit "as built" plans for any storm water management practices located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities and must be certified by a professional engineer.

C. Inspection of storm water 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 storm water 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 storm water management practices.

§286-25. Submission of Reports. The Storm Water Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this law.

§286-26. Right-of-Entry for Inspection. When any new storm water management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Village, or its designee, the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in this chapter.

§286-27. Construction Completion Guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village in its approval of the Storm Water Pollution Prevention Plan, the Board may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village as the beneficiary. The security shall be in an amount to be determined by the Board based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Board, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Board. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

§286-28. Maintenance Guarantee. Where storm water management and erosion and sediment control facilities are to be operated and maintained by the developer or by a person or entity that owns or manages a non-residential facility, the developer, prior to construction, may be required to provide the Village with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all storm water management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain storm

water management and erosion and sediment control facilities, the Village may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

§286-29. Record keeping. Entities subject to this chapter shall maintain records demonstrating compliance with this chapter.

§286-30. Enforcement.

A. Notice of Violation. When the Storm Water Management Officer or other authorized Village official determines that a land development activity is not being carried out in accordance with the requirements of this chapter, such official may issue a written notice of violation to the landowner. The notice of violation shall contain, at a minimum:

- (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 local law and a time schedule for the completion of such remedial action;
- (5) a statement of the penalty or penalties that shall or may 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 by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

B. Stop Work Orders. The Storm Water Management Officer or Code Official 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 official issuing such order, or the Board, 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 local law.

§286-31. Remedies. In addition to any other remedy or penalty applicable by law, any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

§286-32. Penalties. Unless a higher or more strict penalty is otherwise provided by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment for a period not to exceed fifteen (15) days, 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, such person shall be punishable by a fine not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) 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, such person shall be punishable by a fine not less than one thousand dollars (\$1000.00) or imprisonment for a period not to exceed six months, or both. Each calendar week in which a violation occurs or continues shall constitute a separate additional violation.

§286-33. Withholding of Certificate of Occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Storm Water Management Officer or the Code Official may prevent or prohibit the occupancy of said building or land.

§286-34. Restoration of lands. Any person violating any provision of this chapter may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Board may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§286-35. Fees for Services. Any person undertaking land development activities regulated by this chapter shall pay the fees and costs required pursuant to the Village's fee regulations, such costs to be paid at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village or performed by a third party for the Village."

Section three. If any part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, chapter, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

(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. _____ of 2007 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on December, 2007, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 10 of 2007 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 200_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 200_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 200_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 200_, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 200_, became operative.

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__, above.

~~Clerk of the County legislative body, City, Town or Village Clerk~~
or officer designated by local legislative body.

(Seal)

Date: December, 2007

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
Village Attorney
Title
~~County~~
~~City~~
of Rockville Centre
~~Town~~
Village
Date: December, 2007