

Chapter 20-A of the Hilton Code is hereby established and shall read as follows:

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ARTICLE I
Construction Standards for
Stormwater Pollution Prevention and Erosion and Sediment Control

20A-1 Introduction / Purpose

Land disturbance activities and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of water-borne pollutants. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites. During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality, and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates maintenance and/or repair of sewers and ditches, and the dredging of waterways. In addition, clearing and/or grading during construction tends to increase soil erosion and causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for citizens of the Village of Hilton. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow. Regulation of land disturbance 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.

As a result, the purpose of this Article is to safeguard public health, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land in the Village of Hilton. It seeks to meet those purposes by achieving the following objectives:

- 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-02-02 or as amended or revised;
- Require land disturbance 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 or as

- amended or revised;
- Minimize increases in stormwater runoff from land disturbance activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
 - Minimize increases in pollution caused by stormwater runoff from land disturbance activities which would otherwise degrade local water quality;
 - Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
 - 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.

20A-2 Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

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.

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 disturbance activity or stormwater management permit.

Authorized Enforcement Agency - Employees or designees of the Village of Hilton.

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of Pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage.

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

Clean Water Act - The federal Water Pollution Control Act (33 U.S.C. §1251 et seq.) and any subsequent amendments thereto.

Clearing - Any activity that removes the vegetative surface cover.

Construction Activity - Activities subject to SPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

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

Designated Agent - Individual(s) directed by the Village of Hilton to conduct site inspections and/or perform other municipal duties.

Discharger - Any individual, association, organization, partnership, firm, corporation or other entity discharging stormwater to the municipal storm sewer.

Earthwork - Construction activities including clearing, grading, excavating, soil disturbance or placement of fill that result in land disturbance.

Erosion Control - Measures that minimize erosion.

Fee in Lieu - A payment of money in place of meeting all or part of the stormwater performance standards required by this Article.

Final Stabilization - All soil-disturbing activities at the site have been completed and a uniform perennial vegetative cover with density of 80% has been established or equivalent measures such as the use of mulches or geotextiles have been employed on all unpaved areas and areas not covered by permanent structures.

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

Hazardous Materials - Any material, including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Hotspot - An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Illegal Discharge - Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section VIII of this Article and any stormwater discharges to the Sanitary Sewer except as permitted by the Village of Hilton.

Illicit Connections - An illicit connection is defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an Illegal Discharge to enter the storm drain system including, but not limited to, any conveyances which allow any Non-Stormwater Discharge including sewage, process wastewater and wash water to enter the storm drain system and any connection to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by a government agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by the Village of Hilton.
3. Any stormwater discharge to a Sanitary Sewer unless approved by the Village of Hilton.

Impervious Cover - Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Industrial Activity - Activities subject to SPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Industrial Wastes - any liquid, gaseous or solid substance or a combination thereof which is an undesired by-product waste resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources, except garbage.

Infiltration - The process of percolating stormwater into the subsoil.

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 Disturbance Activity - Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of one or more acres, or activities disturbing less than 1 acre that is part of a larger common plan of development or sale, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

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.

Letter of Credit - A document issued by a bank, which guarantees the payment of a customer's drafts for a specified period and up to a specified amount.

Licensed/Certified Professional - A person currently licensed to practice engineering in New York State, a registered landscape architect or a Certified Professional in Erosion and Sediment Control (CPESC).

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.

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

New York Standards and Specifications for Erosion and Sediment Control - the most recent version of this publication which is commonly known as the "Blue Book".

Non-Stormwater Discharge - Any discharge to the storm drain system that is not composed entirely of stormwater.

Off-Site Facility - A stormwater management measure located outside the subject property boundary.

Performance Bond - A bond underwritten by a surety in the contract amount to guarantee that the contractor will perform the required work according to the contract specifications.

Person- Any individual, association, organization, partnership, firm, corporation or any other entity recognized by law and acting as either the owner or the owner's agent.

Phasing - Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

Pollutant - Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate

metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises - Any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Private Sewage Disposal System - A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law

Qualified Professional - A person knowledgeable in the principles and practices of erosion and sediment controls, such as a licensed professional engineer, registered landscape architect, Certified Professional in Erosion & Sediment Control (CPESC), or soil scientist.

Recharge - The replenishment of underground water reserves.

Redevelopment - Reconstruction or modification to any existing, previously developed land such as residential, commercial, industrial, institutional or road/highway, which involves soil disturbance. Redevelopment is distinguished from development or new development in that new development refers to construction on land where there had not been previous construction. Redevelopment specifically applies to construction areas with impervious surface.

Responsible Individual - As related to inspection of construction site erosion controls, any person with an in-depth understanding of the principles and practices of erosion and sediment control, stormwater management and the proper procedures and techniques for the installation and maintenance of erosion and sediment control features.

Sanitary Sewer - A sewer, which transports sewage and to which storm, surface and ground waters are not intentionally admitted.

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

Sewage - A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be inadvertently present. The admixture of sewage with industrial wastes as defined above or other wastes also shall be considered "Sewage" within the meaning of this definition.

Silvicultural Activity - Activities that control the establishment, growth, composition,

health and quality of forests and woodlands.

Site - A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Plan Approval - The examination and subsequent authorization to proceed with a project based upon a drawing prepared to specifications and containing necessary elements, which show the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

SPDES General Permit for Construction Activities- 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 -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.

Special Conditions -

1. Discharge Compliance with Water Quality Standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their Municipal Separate Storm Sewer (MS4) Permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the Village of Hilton must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
2. 303(d) Listed Waters. The condition in the Village of Hilton's MS4 Permit that applies where the Village discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed Pollutant of concern to the 303(d) listed water.
3. Total Maximum Daily Load (TMDL) Strategy. The condition in the Village of Hilton's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the Village discharges. If the discharge from the Village did not meet the TMDL stormwater allocation prior to September 10, 2003, the Village was required to modify its stormwater management program to ensure that reduction of the Pollutant of concern specified in the TMDL is achieved.
4. The condition in the Village of Hilton's MS4 Permit that applies if a

TMDL is approved in the future by EPA for any waterbody or watershed into which the Village discharges. Under this condition the Village of Hilton must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If the Village is not meeting the TMDL stormwater allocations, the Village must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the Pollutant of concern specified in the TMDL is achieved.

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.

Start of Construction - The first land disturbance activity associated with a development, including: land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit - A permit issued by NYSDEC (under authority delegated pursuant to 33 U.S.C. § 1342 (b)) that authorizes the discharge of Pollutants to waters of the United States, whether the permit is applicable on an individual or general area-wide basis.

Storm Drainage System - Publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels (i.e. ditches), reservoirs and other drainage structures.

Stormwater - Any surface flow, runoff or drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater Management - The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

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

Stormwater Pollution Prevention Plan (SWPPP) - A plan for controlling stormwater

runoff and pollutants from a site during and after construction activities and describes the Best Management Practices and activities to be implemented by a Person to identify sources of pollution or contamination at a site and the actions to eliminate or reduce Pollutant discharges to Stormwater, Stormwater Conveyance Systems and/or receiving Waters to the Maximum Extent Practicable.

Stormwater Runoff - The flow on the surface of the ground, resulting from precipitation.

Stormwater Treatment Practices - Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies

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.

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

Total Maximum Daily Load (TMDL) - The maximum amount of a Pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that Pollutant.

Village - Village of Hilton

Wastewater - Any water or other liquid, other than uncontaminated stormwater, discharged from a facility

Water Quality Standard Violation - An increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York

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

Waters of the United States - Surface watercourse and water bodies as defined at 40 CFR § 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

Watercourse - Waters of the United States as defined at 40 CFR § 122.2.

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.

20A-3 Applicability

This Article shall be applicable to all land disturbance activities that will disturb one or more acres of land unless exempted under Section VII.C. of this Local Law. The Article also applies to land disturbance activities of less than one acre if such activities are part of a larger common plan of development or sale that will disturb one or more acres, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

20A-4 Compatibility with Other Permits and Ordinance Requirements

Compliance with this Article does not relieve the applicant of the obligation and responsibility to obtain separate coverage under the NYSDEC SPDES General Permit for Construction Activities if required. For projects also applying for coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, the applicant shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP), a Notice of Intent (NOI) with a certification statement including the date demonstrating submission to the NYSDEC, a letter of permission from the NYSDEC granting approval to disturb five (5) acres or greater of land at one time (if applicable) and any related documents to the Village of Hilton Superintendent of Public Works for review and approval.

The requirements of this Article should be considered minimum requirements and where any provision of this Article imposes restrictions different from those imposed by any other federal, state, or local ordinance, rule or regulation, or other provision of law, the provisions that are more restrictive or impose more stringent requirements shall take precedence.

Construction activities that involve land disturbance may also require additional compliance measures detailed in other regulations, ordinances, designations and/or local laws, including, but not limited to, the Article for Design and Management of Post-Construction Stormwater Pollution Prevention Measures.

20A-5 Legislative Authority

In accordance with Article 2, Section 10 of the Municipal Home Rule Law of the State of New York, the Village of Hilton Board of Trustees has the authority to enact laws for the purpose of promoting the health, safety, or general welfare of the Village, including the protection and preservation of the property of its inhabitants. By the same authority, the Board of Trustees may include in any such law provisions for the appointment of any municipal employees to effectuate and administer such law.

20A-6 Standards for Construction Activities Covered Under this Article

The Village requires the use of technical standards for erosion and sediment controls. These are detailed in the Village Development Regulations and the New York State Department of Environmental Conservation's Standards and Specifications for Erosion and Sediment Control. For the design of water quality and water quantity controls (post-construction stormwater runoff control practices), the NYSDEC's technical standards are detailed in the New York State Stormwater Management Design Manual.

Where stormwater management practices are not in accordance with the aforementioned technical standards, the applicant or developer must demonstrate equivalence to these technical standards and the SWPPP shall be prepared by a licensed/certified professional.

20A-7 Land Disturbance Activity Approval Process

A. Requirements of Application

1. Any applicant requesting site plan approval or a permit for land disturbance activity which would require the disturbance of one or more acres of land shall also include with a submission a SWPPP that shall be reviewed and approved by the Village prior to issuance of the final site plan approval or a permit.
2. No applicant shall be granted site plan approval or a permit which would require the disturbance of one or more acres of land without the review and approval of a SWPPP by the Village.

3. Furthermore, prior to the issuance of a permit or site plan approval all projects that would result in the disturbance of one or more acres of land will be required to comply with all applicable provisions of the Article for Design and Management of Post-Construction Stormwater Pollution Prevention Measures. As part of the SWPPP the applicant shall include a signed statement that all applicable requirements of the Article for Design and Management of Post-Construction Stormwater Pollution Prevention Measures have been met to the satisfaction of the Village of Hilton.
4. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee as set forth in 20A-18.
5. Each application shall include a comprehensive and complete SWPPP that shall be prepared in accordance with 20A-9 of this Article.
6. Each application shall include a statement that any land clearing, construction, or development involving the movement of land shall be in accordance with the submitted SWPPP.
7. All land disturbance activities as defined in 20A-2 of this Article not subject to site plan or permit approval shall be required to submit a SWPPP to the Stormwater Management Officer designated by the Village who shall approve the SWPPP if it complies with the requirements of this Article.

B. Exemptions from Article

The following activities are exempt from review under this Article:

- Any emergency activity immediately necessary for the protection of public health, property or natural resources.
- Agricultural activity as defined in this Article.
- Silvicultural activity except that landing areas and log haul roads are subject to this Article.
- 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.
- Repairs to any stormwater treatment practice deemed necessary by the

Village.

20A-8: Financial Guarantees

The Village may, at its discretion, require the applicant to submit a financial guarantee in a form acceptable to the Village prior to issuance of site plan approval or a permit in order to insure that the stormwater pollution prevention and erosion and sediment control practices are implemented and maintained by the applicant as required by the approved SWPPP. The financial guarantee may be in the form of a performance bond, cash escrow, or letter of credit from an appropriate financial or surety institution which names the Village as the beneficiary. The amount of the financial guarantee shall be the total estimated construction cost of the stormwater pollution prevention and erosion and sediment control practices approved, plus a contingency. The financial guarantee shall contain forfeiture provisions for failure to complete work specified in the SWPPP. The financial guarantee shall be released in full only upon satisfaction of the requirements listed in 20A-11 of this ordinance. At its discretion, the Village may allow for a partial release of the financial guarantee based on the completion of various development stages.

20A-9 Stormwater Pollution Prevention Plan Requirements

The Village shall designate a Stormwater Management Officer who shall accept and review all SWPPPs and forward such plans to the applicable municipal board. A consultant cannot be appointed as a Stormwater Management Officer. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Village Board of Trustees, engage the services of a New York State licensed 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/certified professional that the plans conform to the requirements of this Article.

Prior to final approval of a land disturbance activity, a SWPPP shall be prepared by the applicant in accordance with the specifications outlined by the Village and submitted to the Stormwater Management Officer designated by the Village for review by the Hilton Planning Board. This plan must be prepared in accordance with sound engineering practices by a qualified professional as defined in Section II of this Article. The final plan must be signed by a New York State licensed professional engineer (PE), who will certify that the design of all stormwater pollution prevention and erosion and sediment control practices meet the requirements outlined in the Village of Hilton Development Regulations and the New York Standards and Specifications for Erosion and Sediment Control and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Village.

The requirements to have a SWPPP prepared by a qualified professional and to have the final plan signed and certified by a New York State licensed professional engineer (PE) are not applicable to land disturbance activities that meet technical standards and are five (5) acres or less occurring on a single family residence, which is not part of a larger common plan of development, or an agricultural property. In addition, these land disturbance activities must not discharge directly to a 303(d) impaired waterbody or must not be located in a Total Maximum Daily Load (TMDL) watershed.

A. Minimum Requirements

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 and contact information that includes the name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the subject property or properties.
2. Site map/construction drawing(s) for the project, including a general location map and a 1" = 100' topographic base map of the site which extends a minimum of 100 feet beyond the limits of the proposed development. 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) including receiving waters (name of the water), streams, ponds, culverts, ditches, and wetlands as well as drainage patterns that could be affected by the construction activity; existing and final slopes; locations of utilities, roads, soils types, forest cover, and significant natural and manmade features not otherwise shown; locations of off-site material, waste, borrow or equipment storage areas, proposed concrete clean out basin(s) and construction entrance; and location(s) of the stormwater discharges(s); and resources protected under other chapters of this code or by easements.
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, final grading and landscaping, and any other activity at the site that results in soil disturbance. Sequencing shall identify the expected date on which clearing will begin and the estimated duration of exposure of cleared

areas. Consistent with the New York State Standards and Specifications for Erosion and Sediment Control, not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP and a letter of permission from the NYSDEC.

5. A description of the pollution prevention measures that will be used to control litter and prevent construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges; a description of construction and waste materials expected to be stored on-site with updates as appropriate; a description of controls that will be implemented to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater; and a description of spill prevention and response measures.
6. A description of the 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 disturbance to project closeout, including who will be responsible for the maintenance and implementation of said features at the site and what practices will be employed to ensure that adequate vegetative cover is established and preserved. For temporary and permanent vegetative control measures, the seeding mixtures and rates, types of sod, method of seedbed preparation, depth of topsoil, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching shall be provided.
7. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
8. Illustration of all necessary erosion and sediment control measures, including the siting and sizing of any temporary sediment basins and provide the dimensions, material specifications and installation details for each throughout all phases of construction and completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
9. Identification of all temporary practices that will be converted to permanent control measures.
10. 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.

11. Identification of the parts or components of the SWPPP that require maintenance. Furthermore it shall also provide a schedule of required maintenance and identify the party responsible for such work.
12. 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.
13. Any existing data that describes the stormwater runoff at the site.
14. Assurance that all other applicable environmental permits have been acquired for the site prior to initial land disturbance. Copies of the applicable environmental permits shall be provided to the Village of Hilton.
15. Assurance that the applicant or their "Responsible Individual" shall be on site at all times when earthwork takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
16. Assurance that all contractors and subcontractors involved in soil disturbance and/or stormwater management practice installation and maintenance shall be identified in the SWPPP. All such contractors and subcontractors shall sign a copy of the following certification statement before undertaking any land disturbance activity at the site: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP. I also understand that it is unlawful for any person to cause or contribute to a violation of the 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 must be included in the SWPPP.

B. Modifications to the Plan After Approval

All amendments of the SWPPP shall be submitted to the Village and shall be approved or disapproved.

1. The applicant shall amend the SWPPP whenever:

There is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP; or

The SWPPP proves to be ineffective in providing the proper stormwater pollution prevention and erosion and sediment control as required by this Article. Amendments to the SWPPP may be reviewed by the Village. A copy of the newly amended SWPPP must be provided to the Village within 5 business days.

(c) Site development has not commenced within 18 months from SWPPP approval.

2. Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP. The Village may request copies of signed contractor certification statements from new contractors/subcontractors working on the site.

Field modifications of a minor nature may be authorized in writing by the Village and/or its designated agent to the applicant.

20A-10 Inspections

A. Inspections

The Village and/or its designated agent as defined in 20A-2 shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant that the work fails to comply with the SWPPP. In addition, the Village reserves the right to enter the work site at any reasonable time for purposes of inspection. The SWPPP and the records of any inspections completed by the owner or their agent shall be maintained at the site in the site logbook from the date of initiation of construction activities to the date of final stabilization. To obtain inspections, the applicant shall notify the Village at least forty-eight (48) hours before the following activities occur:

1. Start of construction
2. Erosion and sediment control measures have been installed and stabilized
3. Site clearing has been completed
4. Rough grading has been completed
5. Final grading has been completed
6. Close of the construction Season

7. Final landscaping
8. Closeout inspection

The above inspection timetable does NOT relieve the owner of the obligation under this or any other permit or regulation to conduct regular inspections as set forth in said permit and/or regulation.

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 earthwork shall be conducted on the site, except for site stabilization until the violations are corrected and approved by the Village.

B. Property Owner/Developer Inspections

The applicant shall employ a "Responsible Individual" as defined in 20A-2 of this Article who will oversee the implementation of the SWPPP on a daily basis. The "Responsible Individual" 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. The applicant shall also employ the services of a qualified professional in erosion and sediment control who will inspect and document the effectiveness of all erosion and sediment control practices. The documentation will be kept in a site logbook. Inspection reports will be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. A monthly summary of reports will be copied to the site logbook and delivered to the Village within 5 days after the month's end.

The requirement to employ a qualified professional to inspect and document the effectiveness of all erosion and sediment control practices is not applicable to land disturbance activities five (5) acres or less occurring on a single family residence, which is not part of a larger common plan of development or on an agricultural property. In addition, these land disturbance activities must not discharge directly to a 303(d) impaired waterbody or must not be located in a Total Maximum Daily Load (TMDL) watershed.

20A-11 Duration, Maintenance and Closeout**A. Duration**

For a project that requires a NYSDEC SPDES Permit, the SWPPP approved by the Village shall be in effect until (i) the site has been finally stabilized, (ii) a Notice of Termination (N.O.T) is submitted to the NYSDEC in accordance with the general permit, and (iii) a final inspection has been completed by the Village.

For projects that do not require a NYSDEC N.O.T., the SWPPP is in effect until a final inspection is conducted and the Village has issued the applicant written approval.

B. Maintenance

1. The applicant shall at all times properly operate and maintain all stormwater management facilities and erosion and sediment control measures which are installed or used by the applicant to achieve compliance with the conditions of this Article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent. The land disturbance 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.
2. At the end of the construction season when soil disturbance activities will be finalized or suspended until the following spring, it may be desirable to reduce the frequency of the required weekly site inspections to monthly inspections. In order to reduce inspection frequencies, the applicant must complete stabilization activities before proper installation is precluded by snow cover or frozen ground. If vegetation is used as a stabilization method, seeding, planting, and/or sodding must be scheduled to avoid fall frosts and to allow for proper germination/establishment. Installations and maintenance must be done according to the New York State Standards and Specifications for Erosion and Sediment Control.

C. Closeout

The applicant must satisfy the following project closeout requirements:

1. Reestablish grade of all permanent stormwater facilities;
2. Inspect grading of all drainage structures and provide elevation as-builts to the Village;
3. Establish perennial vegetative cover to a density of eighty (80) percent over one hundred (100) percent of the site;
4. Removal of all debris and temporary erosion and sediment control practices;
5. Provide a written certification by a New York State licensed/certified professional that the site has undergone final stabilization (as defined in Section II) and that all temporary erosion and sediment controls not needed for long-term erosion control have been removed.
6. Complete any other measure deemed appropriate and necessary by the Village to stabilize the project site.

20A-12 Enforcement & Penalties

A. Notice of Violation

When the Village determines that an activity is not being carried out in accordance with the requirements of this Article, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

1. The name and address of the owner 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 development activity into compliance with this Article 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;

B. Stop-Work Order

The Village may issue a stop-work order for violations of this Article. Persons receiving a stop-work order shall be required to halt all land disturbance 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 Hilton confirms that the land disturbance 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 Article.

C. Violation and Penalties

Failure to comply with any provision or requirement of this Article or violation of any statement, plan, application, permit or certification approved under the provisions of this Article, shall be considered a violation punishable by a fine and/or imprisonment, as provided for in Section 10(4)(b) of the Municipal Home Rule Law of the State of New York. Each day on which any violation of any of the provisions of this Article occurs shall constitute one offense and each successive day of violation shall constitute a separate and distinct offense. Any person who violates the provisions of the Article shall be subject to a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed fifteen days, or both for conviction of a first offense; a second violation of this Article committed within a period of five years, is punishable by a fine not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed thirty days, or both; and a third or subsequent violation of this Article within a period of five years, is punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed thirty days, or both.

D. Withholding of Certificate of Occupancy

Occupation permits may not be granted until corrections to all stormwater management practices have been made and accepted by the Village.

20A-13 Abatement

- A. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the municipal authority, its representatives and/or employees may enter upon the subject private property with the consent of the owner or with a valid search and/or seizure warrant, and are authorized to take any and all measures necessary to abate the violation and/or restore the property.

- B. Cost : Within ten days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any Person violating any of the provision of this Article shall become liable to the Village of Hilton by reason of such violation.

20A-14 Injunctive Relief

It shall be unlawful for any Person to violate any provision or fail to comply with any of the requirements of this Article. If a Person has violated or continues to violate the provisions of this Article, the Village of Hilton may petition for a preliminary or permanent injunction restraining the Person from activities which would create further violations or compelling the Person to perform abatement or remediation of the violation.

20A-15 Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate enjoin or otherwise compel the cessation of such nuisance may be taken.

20A-16 Remedies Not Exclusive

The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state or Article and it is within the discretion of the Village to seek cumulative remedies.

20A-17 Repeal

All Local Laws, ordinance, and parts thereof inconsistent with this Article are hereby repealed.

20A-18 Severability

The provisions and sections of this Article shall be deemed to be separable and if the provisions of any article, section, subsection, paragraph, subdivision or clause of this Article shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Article.

20A-19 Fees

A review fee shall be paid by any applicant or its Agent whenever the services of the Village Engineer or other professional are required to review sketches, plats or plans submitted for Village approval. The Applicant shall also reimburse the Village for all reasonable and necessary engineering, administrative, and legal expenses incurred by the Village in connection with the review, inspection, and consideration of a Stormwater Pollution Prevention Plan.

**ARTICLE II
Illicit Discharge Connection Stormwater****20A-19 Purpose/Intent**

The purpose and intent of this Article is to ensure the health, safety and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.) by (i) reducing pollutants in storm water discharges to the maximum extent practicable; (ii) prohibiting non-storm water discharges to the storm drain system; and (iii) prohibiting stormwater discharges to Sanitary Sewers.

20A-20 Applicability

This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Village of Hilton. The Article shall also apply to stormwater entering the Sanitary Sewers.

20A-21 Responsibility for Administration

The Village shall administer, implement and enforce the provisions of this Article. Any powers granted or duties imposed upon the Village may be delegated in writing by the Village to persons or entities acting in the beneficial interest of or in the employ of the Village of Hilton, by the Mayor, with the approval of the Village Board of Trustees.

20A-22 Severability

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

20A-23 Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore, this Article does not intend or imply that compliance by any Person will ensure that there will not be contamination, pollution, or unauthorized discharge of pollutants.

20A-24 Powers and Authority of Inspectors

1. The Village, its employee(s) and/or designated representative(s) bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, records examination and copying, observation, measurements, sampling, and testing pertinent to discharge or potential to discharge, and for repair and maintenance to the municipal separate storm sewer system.
2. Information and data on a non-domestic source obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction, unless the non-domestic source specifically requests and is able to demonstrate to the satisfaction of the Village that the release of such information would divulge information, processes or methods of production entitled to protection as confidential information according to the criteria set forth in 40 CFR 2.208 and 2.302, as may be amended from time to time.

When requested by the Person furnishing a report, the portions of a report which might disclose confidential information shall not be made available for inspection by the public. Storm water constituents and characteristics will not be recognized as confidential information.

Information accepted by the Village as confidential shall be made available upon request to any agency meeting the requirements of Section 308 of the Clean Water Act, including officers, employees or authorized representatives of the United States concerned with carrying out the Clean Water Act, bound by the confidentiality rules in 40 CFR Part 2, as may be amended from time to time.

3. While performing the necessary work on private properties referred to in Section 20A-24 paragraph "1", the Village shall observe all safety rules applicable to the Premises established by the Person, and the Person shall be held harmless for injury or death to the authorized representative(s), and the Village shall indemnify the Person against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the Person by Village employees and growing out of the inspection and sampling operation, except as such may be caused by negligence or failure of the Person to maintain safe conditions.
4. Unreasonable delays in allowing the Village access to the Premises or other interference with the activities of the Village shall be a violation of this Article. Access to property and/or records of a non-domestic source may not be refused on

the basis that the Village of Hilton refuses to sign any waiver, access agreement, or similar document.

5. If the Village has been refused access to a building, structure or property or any part thereof, and if the Village has demonstrated probable cause to believe that there may be a violation of this Article or that there is a need to inspect as part of a routine inspection program of the Village to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Village will make an application to a court of competent jurisdiction for a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant application shall specify what, if anything, may be searched and/or seized on the property described. If granted by the court, such warrant shall be served at reasonable hours by the Village in the company of a uniformed officer of the law enforcement agency with jurisdiction over the property. In the event of an emergency affecting public health and safety, inspections may be made without the issuance of a warrant.

20A-25 Discharge Prohibitions

Prohibition of Illegal Discharges

1. No Person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including, but not limited to, Pollutants or waters containing any Pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. Such activities include failing Private Sewage Disposal Systems as defined in 20A-2, improper management of animal waste or any other activity that causes or contributes to violations of the Village of Hilton's Municipal Separate Storm Sewer System (MS4) SPDES permit authorization.
2. Upon notification to a Person that they are engaged in activities that cause or contribute to violations of the Village's MS4 SPDES permit authorization, that Person shall take all reasonable actions to correct such activities such that it no longer causes or contributes to violations of the Village's MS4 SPDES permit authorization.

Prohibition Exceptions

The commencement, conduct or continuance of any Illegal Discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this Article: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated and non-sediment laden pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities and any other water source not containing pollutants. Regardless of exemption, Best Management Practices should be implemented to reduce impacts from the above activities.
2. Discharges specified in writing by the Village as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge, but requires a verbal notification to the Village prior to the time of the test.
4. The prohibition shall not apply to any Non-Stormwater Discharge permitted under SPDES permit, waiver or waste discharge order issued to the Discharger and administered under the authority of the New York State Department of Environmental Conservation, provided that the Discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system by the Village.

Prohibition of Illicit Connections

1. The construction, use, maintenance or continued existence of Illicit Connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. A Person is considered to be in violation of this Article if the Person connects a pipe or line conveying sewage to the municipal separate storm sewer system (MS4) or allows such a connection to continue.

Waste Disposal Prohibitions

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drainage system, or water of the U.S., any refuse, rubbish, yard/lawn waste, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited along streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

Prohibition Against Failing Private Sewage Disposal Systems

No Person shall construct or maintain any cesspool, sewage disposal system, pipe or drain so as to expose or discharge the sewage contents or other deleterious liquids or matter therefrom to the atmosphere or on the ground surface or into any storm sewer or drain or as to endanger any watercourse or body of water unless a permit for such discharge shall have been issued by the Monroe County Department of Public Health or by the State Department of Health or the State Department of Environmental Conservation, and such discharge shall be made in accordance with the requirements thereof. Owners or operators of Private Sewage Disposal Systems shall operate, maintain and inspect such systems in accordance with the Monroe County Sanitary Code.

Prohibition of Stormwater Discharge to Sanitary Sewer

Stormwater shall not be discharged into the Sanitary Sewer without written permission to do so from the Village of Hilton.

20A-26 Suspension of MS4 AccessSuspension Due to Illicit Discharges in Emergency Situations

The Village may, without prior notice, suspend discharge access into the MS4 to a Person when such a suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment; to the health or welfare of persons; to the storm drainage system including but not limited to pipes, manholes, outfall structures and storm laterals; or the Waters of the United States. If the violator fails to comply with a suspension order, the Village may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States or to minimize danger to persons.

Suspension Due to the Detection of Illicit Discharge

Any Person discharging to the MS4 in violation of this Article may have their MS4 access suspended or terminated if such action would abate or reduce an Illicit Discharge. The Village will notify a violator of the proposed suspension or termination of its MS4 access. The violator may petition the Village to reconsider the suspension or termination of MS4 access by requesting a hearing.

It shall be unlawful for any Person to reinstate MS4 access to Premises suspended or terminated pursuant to this Section, without the prior approval of the Village of Hilton.

20A-27 Industrial or Construction Activity Discharges

Any Person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Village prior to discharge or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

20A-28 Monitoring of Discharges**A. Applicability**

This section applies to all facilities that the Village must inspect to enforce any provision of this Article, or whenever the Village has cause to believe that there exists, or potentially exists, in or upon any Premises any condition that constitutes a violation of this Law.

B. Access to Facilities

1. The Village shall be permitted to enter and inspect, at any time, facilities subject to regulation under this Article as often as may be necessary to determine compliance with this Article. If a Discharger has security measures in force that require proper identification and clearance before entry into its Premises, the Discharger shall make the necessary arrangements to allow access to representatives of the Village.
2. Facility operators shall allow the Village ready access to all parts of the Premises for the purpose of inspection, sampling and examination of the private storm drainage system. Persons or facility operators must supply copies, if requested by the Village, of all records kept under the conditions of the SPDES stormwater discharge permit. Persons or facility operators must also identify the performance of any additional duties as defined by state and federal law.
3. The Village shall have the right to place or position on any permitted facility such devices as are necessary in the opinion of the Village to conduct monitoring and/or sampling of the facility's discharge to the storm sewer system.
4. The Village has the right to require the Discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated as necessary and recommended by the manufacturer to ensure their accuracy.
5. Any temporary or permanent obstruction to the facility that allows for unsafe access or difficulty in monitoring, inspecting or sampling of the storm drainage system shall be promptly removed by the Discharger at the written or verbal request of the Village and shall not be replaced. All costs associated with clearing such access restrictions shall be borne by the Discharger in full.
6. Unreasonable delays, as determined by the Village, in allowing the Village access to a facility, which is permitted under the New York State Department of Environmental Conservation SPDES Program, for the purposes of conducting any activity authorized or required by the permit is considered a violation of said Program and of this Article.

7. If the Village has been refused access to any part of the Premises from which a discharge or conveyance to the storm sewer system exists, and the Village is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to further inspect and/or sample the private stormwater system to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Village may seek issuance of a search warrant from any court of competent jurisdiction.

20A-29 Requirements to Prevent, Control and Reduce Stormwater Pollutants by the Use of Best Management Practices

Best Management Practices

The Village will adopt requirements identifying Best Management Practices (BMPs) for any activity, operation or facility that may cause or contribute to pollution or contamination of stormwater, the storm drain system or Waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural BMPs. Further, any Person responsible for a property or premise, which is, or may be, the source of an Illicit Discharge, may be required to implement, at said Person's expense, additional structural and non-structural BMPs to prevent the further discharge of Pollutants to the municipal Storm Drainage System. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with Industrial Activity, to the maximum extent practicable, shall be deemed compliant with the provisions of this section. Appropriately designed structural/non-structural BMPs shall be included as part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the SPDES permit.

Private Sewage Disposal Systems

Where Private Sewage Disposal Systems are contributing discharge to the Village subject to the Special Conditions as defined in 20A-2 of this Article, the owner or operator of such Private Sewage Disposal System shall be required to maintain and operate the system as follows:

1. Private Sewage Disposal Systems should be operated, maintained and inspected in accordance with the Monroe County Sanitary Code.
2. Septic tank additives shall not be used.
3. Repair or replace Private Sewage Disposal Systems as follows:
 - a. In accordance with Monroe County sewage design standards.
 - b. No Person shall alter, repair or extend a Private Sewage Disposal System unless a permit is obtained from the Monroe County Public Health Director or their authorized representative.

20A-30 Watercourse Protection

1. No Person shall alter a storm water practice on private or publicly owned land such that it alters the storm water practice from its intended use.
2. Every Person owning property through which a watercourse passes, or such Person's lessee, shall keep and maintain that part of the watercourse within the property in a manner which prevents illicit discharges, and keeps the watercourse free of trash, debris, yard/lawn waste, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

20A-31 Notification of Spills

Notwithstanding other requirements of law, as soon as any Person (i) responsible for a facility or operation or (ii) responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in the Illegal Discharges of Pollutants into stormwater, the public or private storm drain system or Waters of the United States, said Person shall take all necessary steps to ensure the discovery, containment and cleanup of any such release. In the event a release of Hazardous Materials occurs, said Person shall immediately notify the NYSDEC Region 8 Spill Response Team and/or call the NYS Spill Hotline within the time frame established by law as well as notification to the Village of the occurrence. In the event of a release of non-Hazardous Materials, said Person shall notify the Village in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village, post-marked within three business days of the date of the in person or phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such

records shall be retained for at least five years.

20A-32 Enforcement

Whenever the Village finds that a Person has violated a prohibition or failed to meet a requirement of this Article, the Village may order compliance by written Notice of Violation to the responsible Person. Such notice may require without limitation:

1. The performance of monitoring, analyses and reporting.
2. The elimination of illicit connection or discharges.
3. That violating discharges, practices or operations shall cease and desist.
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
5. Payment of a fine to cover administrative and remediation costs.
6. The implementation of source control or treatment BMPs.

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

20A-33 Penalties

In addition to or as an alternative to any penalty provided herein or by law, any violation of this Article is punishable by a fine not to exceed three hundred fifty dollars (\$350) or imprisonment for a period not to exceed fifteen days, or both for conviction of a first offense; a second violation of this Article committed within a period of five years, is punishable by a fine not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed thirty days, or both; and a third or subsequent violation of this Article within a period of five years, is punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed thirty days, or both. Each day's continued violation shall constitute a separate additional violation.

20A-34 Abatement

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the Village, its representatives and/or employees may enter upon the subject private property with the consent of the owner or with a valid search and/or seizure warrant, and are authorized to take any and all measures necessary to abate the violation and/or restore the property.

20A-35 Cost of Abatement of the Violation

Within ten days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protection claim objecting to the amount of the assessment within ten days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any Person violating any of the provision of this article shall become liable to the Village by reason of such violation.

20A-36 Injunctive Relief

It shall be unlawful for any Person to violate any provision or fail to comply with any of the requirements of this Article. If a Person has violated or continues to violate the provisions of this Article, the Village may petition for a preliminary or permanent injunction restraining the Person from activities which would create further violations or compelling the Person to perform abatement or remediation of the violation.

20A-37 Compensatory Action

In lieu of enforcement proceedings, penalties and remedies authorized by this Article, the Village may impose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

20A-38 Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate enjoin or otherwise compel the cessation of such nuisance may be taken.

20A-39 Criminal Prosecution

For the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this Article shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Any Person that has violated or continues to violate this Article shall be liable to criminal prosecution to the fullest extent of the law, and upon conviction, shall be guilty of a violation and subject to a penalty as set forth in Section 20A-33 of this Article.

The Village may recover all attorney fees, court costs and other expenses associated with enforcement of this Article, including sampling and monitoring expenses.

20A-40 Remedies Not Exclusive

The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state or Article and it is within the discretion of the Village of Hilton to seek cumulative remedies.

20A-41 Repeal

All Articles, ordinances, and parts thereof inconsistent with this Article are hereby repealed.

20A-42 Conflicts of Law

Whether any Article, ordinance or regulation of the Village of Hilton, County of Monroe, State of New York or United States of America is inconsistent with this Article, whichever Article, ordinance, or regulation is more stringent shall supersede the less stringent Article, ordinance, or regulation.

Article III
**Providing Standards For Design and Management of Post-Construction Stormwater
Pollution Prevention Measures**

20A-43 Introduction / Purpose

Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of water-borne pollutants. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

The purpose of this Article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in the watersheds within the Village. Therefore, the Village establishes this set of water quality and quantity policies to provide reasonable guidance for the regulation of stormwater runoff and to, in addition to the above, safeguard persons, protect property, prevent damage to the environment in the Village, and comply with the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer systems (MS4s), for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction 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 prevent threats to public health and safety.

20A-44 Applicability

This Article shall be applicable to land disturbance activities as defined in Section 20A-2 of this Chapter and those activities meeting Condition "A", "B", "C" or "D" below shall include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 20A-51 as applicable unless eligible for an exemption or granted a waiver by the Village in accordance with Section 20A-49 of this Article:

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

Condition B - Stormwater runoff from land disturbance activities disturbing five (5) or more acres.

Condition C - Stormwater runoff from land disturbance activity disturbing between one (1) acre and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

Condition D - Stormwater runoff from land disturbance activity that are smaller than one (1) acre if such activities are part of a larger common plan of development, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

All plans, documents and information required by this Article must be reviewed by the Village to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 20A-2 of this Chapter, decisions on permitting and on-site stormwater requirements shall be governed by special stormwater sizing criteria found in the current New York State Stormwater Management Design Manual. Final authorization of all redevelopment projects will be determined after a review by the Village. This applies to all redevelopment projects that are greater than or equal to one (1) acre.

The following activities may be exempt from the requirements of this Article:

- Any emergency activity immediately necessary for the protection of life, property or natural resources.
- Agricultural activity as defined in this Article.
- Silvicultural activity except that landing areas, and log haul roads, are subject to this Article.
- 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.
- Repairs to any stormwater treatment practice deemed necessary by the Village.

20A-45 Compatibility with Other Permits and Article Requirements

This Article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of Law. The requirements of this Article should be considered minimum requirements, and where any provision of this Article imposes restrictions different from those imposed by any other Article, ordinance, rule or regulation, or other provision of Law, whichever provisions are more restrictive or impose higher protective standards for human health and/or the environment shall be considered to take precedence.

Construction activities that involve land disturbance may also require additional compliance measures detailed in other regulations and/or Articles including the Village of Hilton Land Development Regulations.

20A-46 Legislative Authority

In accordance with Article 2, Section 10 of the Municipal Home Rule of the State of New York, the Village Board of Trustees has the authority to enact laws for the purpose of promoting the health, safety, or general welfare of the Village, including the protection and preservation of its environment and the property of its inhabitants. By the same authority, the Village may include in any such law provisions for the appointment of any municipal employees to effectuate and administer such law.

20A-47 Compliance

No person(s) shall receive any of the building, grading or other land disturbance approvals or permits required for land disturbance activities without first meeting the requirements of this Article to the satisfaction of the Village.

Unless specifically excluded by this Article, any landowner or operator desiring approval or a permit for a land disturbance activity shall comply with all applicable provisions of this Article and shall submit all required plans, documentation and information as required under this Article to the Village for review and approval.

Unless otherwise accepted by this Article, the following items shall be submitted prior to the issuance of a permit or site plan approval:

- Stormwater Pollution Prevention Plan (SWPPP) (See Section 20A-51)
- Maintenance Easement(s) (See Section 20A-52)
- Maintenance Agreement(s) (See Section 20A-52)
- Any Applicable Fees (See Section 20A-58)

The SWPPP shall be prepared to meet the requirements of Sections 20A-50 through 20A-52 of this Article. The Maintenance Agreement shall be prepared to meet the requirements of Section 20A-52 of this Article, and applicable fees shall be those as set forth in Section 20A-58 of this Article.

The SWPPP and all other documents required by this Article must be reviewed by the Village to ensure that established water quality standards will be maintained after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans. Information shall be submitted as a single, logical package, with all information bound together.

20A-48 Waivers and Mitigation Requirements

- A. All person(s) shall comply with the requirements of this Article, unless a written request is filed to waive the requirements in part or whole for land disturbance activities that disturb less than one acre of land. Requests to waive any requirements of this Article shall be submitted to the Village for approval.

The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this Article.
2. Alternative minimum requirements for on-site management of stormwater discharges have been established in a Stormwater Pollution Prevention Plan that has been approved by the Village and the implementation of the plan is required by Article. These practices are encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of non-structural practices that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the manual, Better Site Design: A Handbook for Changing Development Rules in Your Community. Applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.
3. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
4. The Village of Hilton finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
5. Non-structural practices will be used on the site that reduce: a) the generation of stormwater from the site, b) the size and cost of stormwater storage and c) the pollutants generated at the site.

In instances where one of the conditions above applies, the Village may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the Village that the variance will not result in the following impacts to downstream waterways:

- Deterioration of existing culverts, bridges, dams, and other structures;
- Degradation of biological functions or habitat;
- Accelerated streambank or streambed erosion or siltation;

- Increased threat of flood damage to public health, life, or property. Furthermore, where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the Village. Mitigation measures may include, but are not limited to, the following:
 - The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation (Dedication or Easement of Land, see Section 20A-49.2 below). These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat,
 - The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this Article,
 - Monetary contributions (Fee in Lieu-Of, see Section 20A-49.1 below) to a dedicated fund for stormwater management activities.

No waivers or mitigation plans will be considered for land disturbance activity that disturbs one (1) acre or greater of land.

20A-49 Fee in Lieu-Of and Dedication or Easement of Land

1. Fee in Lieu-Of

Where the Village waives all or part of the minimum stormwater management requirements, or where the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount as determined by the Village. All monetary contributions shall be made to a dedicated fund for stormwater management activities. The fee structure shall be based on the cubic feet of storage required for stormwater management of the development in question. All of the monetary contributions shall be made by the applicant prior to the issuance of any permit or approval for the development.

2. Dedication or Easement of Land

In lieu of a monetary contribution, an applicant may obtain a waiver of the required stormwater management fee by entering into an agreement with the Village for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be

entered into by the applicant and the Village of Hilton prior to the recording of plats or, if no record plat is required, prior to the issuance of the permit.

20A-50 General Design and Performance Criteria for Stormwater Management

The applicant shall consult the Village of Hilton Land Development Regulations and Design Criteria, the New York State Stormwater Management Design Manual and the New York Standards and Specifications for Erosion and Sediment Control for standards and specifications related to stormwater management design criteria. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this Law. If there is a conflict between any of the standards, the more stringent standard shall apply. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in this section (20A-50 and Section 20A-51 of this Article and the SWPPP shall be prepared by a licensed/certified professional.

The following design and performance criteria shall be addressed for stormwater management at all sites:

1. All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practicable to provide treatment for both water quality and quantity.
2. All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the Village. In no case shall the impact on functional values be any greater than that allowed by the Army Corp of Engineers (C.O.E) or the NYSDEC responsible for natural resources.
3. An attempt shall be made to maintain annual groundwater recharge rates, by promoting infiltration through the use of structural and non-structural methods. At a minimum, an attempt shall be made for annual recharge from the post development site to mimic the annual recharge from pre-development site conditions.

4. In order to protect stream channels from degradation, a specific channel protection criteria shall be provided as prescribed in the New York State Stormwater Management Design Manual.
5. Stormwater discharges to critical areas with sensitive resources may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
6. Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specific structural stormwater treatment practices and pollution prevention practices.
7. Prior to design, applicants are required to consult with the Village to determine if they are subject to additional stormwater design requirements.
8. The calculations for determining peak flows (WQv) as found in the New York State Stormwater Management Design Manual shall be used for sizing all stormwater management practices.

20A-51 Stormwater Pollution Prevention Plan Requirements

A SWPPP is required as part of the compliance with this Article. This plan must be prepared by a qualified professional and must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices and shall also include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The plan must be signed by a New York State licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements outlined in the New York State Stormwater Management Design Manual. No building or grading permit or site plan approval shall be issued until a satisfactory Stormwater Pollution Prevention Plan, or a waiver thereof, has undergone a review and been approved by the Village after determining that the plan or waiver is consistent with the requirements of this Article.

The applicant shall employ a "Responsible Individual" as defined in Section 20A-2 of this Chapter who will oversee the implementation of the SWPPP on a daily basis. The applicant shall also employ the services of a qualified professional in erosion and sediment control who will inspect and document the effectiveness of all erosion and sediment control practices. The documentation will be kept in a site logbook. Inspection

reports will be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. A monthly summary of reports will be copied to the site logbook and delivered to the Village within 5 days after the month's end.

All SWPPPs shall provide the following information:

1. All information listed in Section 20A-50 of the Article for Construction Site Stormwater Pollution Prevention and Erosion and Sediment Control.
2. Description of each post-construction stormwater management practice;
3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses. A written description of the site plan and justification of proposed changes in natural conditions may also be required;
4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms including calculations such as a description of the design storm frequency, intensity and duration; time of concentration; Soil Curve Numbers or runoff coefficients; peak runoff rates and total runoff volumes for each watershed area; infiltration rates, where applicable; culvert capacities; flow velocities; data on the increase in rate and volume of runoff for the design storms referenced in the New York State Stormwater Management Design Manual, and documentation of sources for all computation methods and field test results;
5. Comparison of post-development stormwater runoff conditions with pre-development conditions;
6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
7. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures including a schedule to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
8. The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property. See Section 20A-52 of this Article for additional information.
9. The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by the on-site stormwater management measure(s) in accordance with the specifications of this

Article. See Section 20A-53 of this Article for additional information

10. The SWPPP shall be prepared by a qualified professional and the final plan must be signed by a New York State licensed professional engineer, who shall certify that the design of all stormwater management practices meet the requirements in this Article.
11. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
12. The Village may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.
13. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified professional, registered landscape architect, or by the soil and water conservation district and in compliance with landscaping specifications outlined in the New York State Stormwater Management Design Manual.
14. The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.

20A-52 Maintenance of Stormwater Management Facilities

Maintenance Easement

The applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the Village, or their contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Article and to if necessary implement emergency repairs to protect the health, safety and welfare of the public. The easement dimensions shall be as directed by the Village and the easement agreement shall be recorded in the office of the County Clerk, with a copy provided to the Village.

Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this Article shall ensure they are operated and maintained to achieve the goals of this Article. Proper operation and maintenance also includes as a minimum, the following:

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 Article.

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

Discharges from the stormwater management practices shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Section 20A-2 of this Chapter.

Maintenance Agreements

The maintenance and proper operation of all privately owned stormwater management facilities, including nonstructural practices, shall be ensured through the creation of a formal and enforceable maintenance agreement that must be approved by the Village and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. This agreement will include any and all maintenance easements required to access and inspect the stormwater management practices, and will outline the procedures and schedule to be followed to perform routine maintenance as necessary to ensure proper functioning of the stormwater management practice. In addition, the legally binding agreement shall identify the parties responsible for the proper maintenance of all stormwater treatment practices and include plans for periodic inspections by the owners, or their designated agent, to ensure proper performance of the facility. The maintenance agreement shall be consistent with the terms and conditions of the "Stormwater Control Facility Maintenance Agreement".

The Village, in lieu of a maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Requirements of Maintenance Agreements

All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs to ensure compliance with the requirements of this Article and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be identified in writing, along with the schedule and methods to be employed to complete the maintenance. The maintenance repairs and restoration schedules are to be approved by the Village prior to commencing the work and the Village shall inspect the facility upon completion of the work. The inspection and maintenance requirement may be increased by the Village as deemed necessary to ensure proper functioning of the stormwater management facility.

Records of Installation and Maintenance Activities

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the Village during inspection of the facility and at other reasonable times upon request.

Maintenance Guarantees for Privately Owned Stormwater Facilities

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the applicant or by a corporation that owns or manages a commercial or industrial facility, the applicant, 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 stormwater management and erosion control facilities both during and after construction, and until the Village acknowledges compliance with all details of approved site plan. If the applicant or landowner fails to properly operate and maintain stormwater 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, until the Village acknowledges compliance with all details of approved site plan.

20A-53 Inspection and Right of Entry

The Village or its designated agent shall make inspections at any reasonable time for purposes of inspecting the construction of the stormwater management facilities. Inspections may include but are 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 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. The applicant must notify the Village in advance before the commencement of construction. If any violations are found, the property owner shall be notified of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the Village.

Furthermore, when any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, or combined sewer, the property owner shall grant to the Village of Hilton the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Article.

20A-54 As-Built Plans and Project CloseoutAs Built Plans

All applicants are required to submit actual "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 New York State licensed professional engineer. A final inspection by the Village is required before the release of any performance securities can occur.

20A-55 Landscape Alterations

All applicants are responsible for maintaining the grading of the site so that it is consistent with the certified "as-built" plans. Any post-construction alterations to the landscape shall receive prior approval from the Village. Temporary landscape alterations, such as those associated with utility excavations and landscaping activities must be restored to conditions that are consistent with the certified "as-built" plans.

20A-56 Enforcement & Penalties

Failure to Maintain Practices

If a responsible party fails or refuses to meet the requirements of the maintenance agreement, the Village, shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of the notice, the responsible person shall have 15 days to affect maintenance and repair of the facility in an approved manner. In the event that the stormwater management facility becomes a danger to public safety or public health, the Village may immediately, without notice, correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, The Village may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the Village.

Violations

Any development activity that is commenced or is conducted contrary to this Article may be restrained by injunction or otherwise abated in a manner provided by Law.

Notice of Violation

When the Village determines that an activity is not being carried out in accordance with the requirements of this Article, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- The name and address of the owner or applicant;
- 2. The address when available or a description of the building, structure or land upon which the violation is occurring;

A statement specifying the nature of the violation;

- 4. A description of the remedial measures necessary to bring the development activity into compliance with this Article 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 municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

Stop-Work Orders

Persons receiving a notice of violation will be required to halt all construction and/or maintenance activities. This stop-work order will be in effect until the Village confirms in writing that the activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Article.

Civil Penalties

In addition to or as an alternative to any penalty provided herein or by Law, failure to comply with this Article shall be a violation punishable by a fine not to exceed three hundred fifty dollars (\$350) or imprisonment for a period not to exceed fifteen days, or both for conviction of a first offense; a second violation of this Article committed within a period of five years, is punishable by a fine not less than three hundred fifty dollars (\$350 nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed thirty days, or both; and a third or subsequent violation of this Article within a period of five years, is punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed thirty days, or both. Each day's continued violation shall constitute a separate additional violation.

Holds on Occupation Permits

Occupation permits may not be granted until corrections to all stormwater management practices have been made and accepted by the Village.

20A-57 Severability

The provisions and sections of this Article shall be deemed to be separable and if the provisions of any article, section, subsection, paragraph, subdivision or clause of this Article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Article.

20A-58 Fees

The Village may, at its discretion, require the submittal of a performance security or bond prior to approval in order to insure that the stormwater practices are installed as required by the approved Stormwater Pollution Prevention Plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved by the Village of Hilton, plus 25%. The performance security shall contain forfeiture provisions for failure to complete work specified in the Stormwater Pollution Prevention Plan. The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a New York State licensed professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this Article. The Village will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this Article. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the Village.

20A-59 When effective

This local law shall take effect immediately upon adoption and filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.