

NEW YORK STATE DEPARTMENT OF STATE

*Local Law Filing* 162 WASHINGTON AVENUE, ALBANY, NY 12231

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

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

County  
City  
Town of New Paltz  
Village

FILED  
STATE RECORDS  
JAN 09 2017  
DEPARTMENT OF STATE

Local Law No. 2 of the year 2017

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

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

**Section 1.**

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

**§136-1: PURPOSE**

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

- A. To meet the requirements of the current SPDES General Permit for Stormwater Discharges from MS4s, as that General Permit may hereafter be amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit Illicit Connections, Activities and Discharges to the MS4;

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

47 **§136-2: DEFINITIONS**

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

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

77 G. Illicit Connections. Any drain or conveyance, whether on the surface or subsurface,  
78 which allows an illegal discharge to enter the MS4, including but not limited to:  
79 1. Any conveyances which allow any non-stormwater discharge, including treated or  
80 untreated sewage, process wastewater, and wash water, to enter the MS4, and any  
81 connections to the storm drain system from indoor drains and sinks, regardless of whether  
82 said drain or connection had been previously allowed, permitted, or approved by an  
83 authorized enforcement agency; or  
84 2. Any drain or conveyance connected from a commercial or industrial land use to the  
85 MS4 which has not been documented in plans, maps, or equivalent records and approved  
86 by an authorized enforcement agency.

87 H. Illicit Discharge. Any direct or indirect non-stormwater discharge to the MS4,  
88 except as exempted in Section 6 of this law.

89 I. Individual Sewage Treatment System. A facility serving one or more parcels of  
90 land or residential households, or a private, commercial or institutional facility, that treats  
91 sewage or other liquid wastes for discharge into the groundwaters of New York State,  
92 except where a permit for such a facility is required under the applicable provisions of  
93 Article 17 of the Environmental Conservation Law.

94 J. Industrial Activity. Activities requiring the current SPDES General Permit for  
95 stormwater discharges from industrial activities except construction, as that General  
96 Permit may be amended or revised.

97 K. MS4. Municipal Separate Storm Sewer System.

98  
99 L. Municipal Separate Storm Sewer System. A conveyance or system of  
100 conveyances (including roads with drainage systems, municipal streets, catch basins,  
101 curbs, gutters, ditches, man-made channels, or storm drains):

- 102 (1) Owned or operated by the Town of New Paltz;  
103 (2) Designed or used for collecting or conveying stormwater;  
104 (3) Which is not a combined sewer; and  
105 (4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at  
106 40CFR 122.2

107 M. Municipality. The Town of New Paltz

108 N. Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of  
109 stormwater.

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

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

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

122 R. Special Conditions.

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

130 (2) 303(d) Listed Waters. The condition in the municipality's MS4 permit that  
131 applies where the MS4 discharges to a 303(d) listed water. Under this condition  
132 the stormwater management program must ensure no increase of the listed  
133 pollutant of concern to the 303(d) listed water.  
134

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

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

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

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

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

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

162 W. TMDL. Total Maximum Daily Load.

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

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

168 **§136-3: APPLICABILITY**

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

171 **§136-4: RESPONSIBILITY FOR ADMINISTRATION**

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

175 **§136-5: SEVERABILITY**

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

180 **§136-6: DISCHARGE PROHIBITIONS**

181 **A. Prohibition of Illegal Discharges.**

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

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

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

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

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

213 **B. Prohibition of Illicit Connections.**

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

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

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

222 **§136-7: PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS**

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

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

234 **§136-8: PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER**

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

249 **§136-9: REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER**  
250 **POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

- 251 A. Best Management Practices  
252 Where the SMO has identified illicit discharges as defined in Section 136-2 or activities

253           contaminating stormwater as defined in Section 136-8 the municipality may require  
254           implementation of Best Management Practices (BMPs) to control those illicit  
255           discharges and activities.

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

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

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

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

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

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

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

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

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

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

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

286           (a)     The repaired or replaced system shall be designed and installed in  
287           accordance with 10NYCRR Appendix 75A to the maximum extent  
288           practicable.

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

302 **§136-10: SUSPENSION OF ACCESS TO MS4. ILLICIT DISCHARGES IN EMERGENCY**  
303 **SITUATIONS.**

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

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

327 **§136-11: INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

328 Any person subject to an industrial or construction activity SPDES stormwater discharge permit

329 shall comply with all provisions of such permit. The municipality may require acceptable proof  
330 from the permittee that discharges from the regulated industrial or construction activities will be  
331 in compliance with said permit prior to allowing discharges to the MS4.

332 **§136-12: ACCESS AND MONITORING OF DISCHARGES**

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

337 B. Access to Facilities

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

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

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

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

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

362  
363 (6) If the SMO is refused access to any part of the premises from which stormwater is  
364 discharged, and he/she has probable cause to believe that there may be a violation

365 of this law on the premises, or that there is a need to inspect and/or sample as part of a  
366 routine inspection and sampling program designed to verify compliance with this Chapter  
367 or any order issued hereunder, then the SMO may apply to any court of competent  
368 jurisdiction for a search warrant.

369 **§136-13: NOTIFICATION OF SPILLS**

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

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

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

389 **§136-14: ENFORCEMENT**

390 A. Notice of Violation

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

- 394 (1) The elimination of illicit connections or discharges;
- 395 (2) That violating discharges, practices, or operations shall cease and desist;
- 396 (3) The abatement or remediation of stormwater pollution or contamination hazards  
397 and the restoration of any affected property;
- 398 (4) Submission of a plan to avoid recurrence of the violation(s);

- 399 (5) The performance of monitoring, analyses, and reporting;
- 400 (6) Payment of fine; and
- 401 (7) The implementation of source control or treatment BMPs.

402 B. Abatement of Violation.

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

408 C. Penalties

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

424 **§136-15: CORRECTIVE MEASURES**

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

429 B. If refused access to the subject private property, the SMO may seek a warrant or order in  
430 a court of competent jurisdiction to be authorized to enter upon the property. Upon  
431 determination that a violation is continuing, the SMO may request authorization from the  
432 Town Board to seek a court order to require the discharger to take any and all other  
433 measures reasonably necessary to abate the violation and/or restore the property, or to  
434 collect the fines and penalties set forth above. The cost of implementing and maintaining  
435 such measures shall be the sole responsibility of the discharger.

436 **§136-16: INJUNCTIVE RELIEF**

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

444 **§136-17: ALTERNATIVE REMEDIES**

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

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

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

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

458 **§136-18: VIOLATIONS DEEMED A PUBLIC NUISANCE**

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

465

466 **§136-19: REMEDIES NOT EXCLUSIVE**

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

470

471 **§136-20: APPEAL**

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

478 **Section 2. Effective date.**

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 17 of the (County)(City)(Town)(Village) of New Paltz was duly passed by the Town Board on December 22, 20 16, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20  in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

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

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

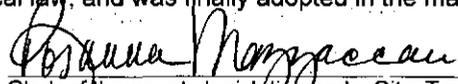
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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



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

Date: December 27, 2016

(Seal)