TOWN OF WALLKILL

LOCAL LAW NO. ___2012

A LOCAL LAW AMENDING CHAPTER 203 THE TOWN CODE OF THE TOWN OF WALLKILL, NEW YORK RELATING TO STORMWATER MANAGEMENT

Be it enacted by the Town Board of the Town of Wallkill, County of Orange, State of New York, as follows:

Section 1.

The Town of Wallkill Code Chapter 203 entitled: Stormwater Management Towing, be and hereby is repealed in its entirety and replaced with the following:

"ARTICLE I. GENERAL PROVISIONS

§ 203-1 Findings of fact.

It is hereby determined that:

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

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

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

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

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

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

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

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

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

§ 203-2 Purpose.

The purpose of this chapter, and related stormwater management provisions in Chapter 209, Subdivision of Land, and Chapter 249, Zoning (see Article XI, § 249-40, Site and development plan approval, and Article XVIIA, Stormwater Control), is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 203-1 hereof. This chapter, and related stormwater management provisions in Chapter 209, Subdivision of Land, and Chapter 249, Zoning (see Article XI, § 249-40, Site and development plan approval, and Article XVIIA, Stormwater Control), seeks to meet those purposes by achieving the following objectives:

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

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

C. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No.GP-0-08-02 or as amended or revised.

D. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-08-001 or as amended or revised;

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

F. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;

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

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

§ 203-3 Statutory authority.

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

§ 203-4 Definitions.

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

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

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

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

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

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

Clearing – any activity that removes the vegetative surface cover.

Dedication – the deliberate appropriation of property by its owner for general public use.

Department – the New York State Department of Environmental Conservation.

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

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

Developer – any person who engages in development either as the owner or the agent of the owner of property.

Development or Development Activity –

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

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

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

Drainage Facility – any component of the drainage system.

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

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

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

First Flush – the first one-half (1/2) inch of runoff or the runoff generated from a one-year storm event, whichever is greater, from all land areas that have been made more impervious than predevelopment conditions through land clearing, grading, construction and/or development activities.

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

Grading – excavation or fill of material, including the resulting conditions thereof.

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

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

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

Infiltration – the process of percolating stormwater into the subsoil.

Infiltration Basin – a permanent structure designed to recharge stormwater runoff to groundwater.

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

Land Development Activity – construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one

acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

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

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

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

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

Person – any and all persons, natural or artificial, and includes any individual, firm, corporation, government agency, business trust, partnership, association, two (2) or more persons having a joint or common interest or any other legal entity.

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

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

Project – land development activity.

Recharge – the replenishment of underground water reserves.

Receiving Bodies of Water – any water bodies, watercourses or wetlands into which surface waters flow either naturally, in man-made ditches or in closed conduit systems.

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

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

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

Sediment Facility – any structure or area which is designed to hold runoff water until suspended particles have settled.

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

Site – any tract, lot or parcel of land, or combination of tracts, lots or parcels of land, which are in one (1) ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision or project.

SPDES General Permit for construction Activities GP-0-08-01, as amended or revised– A permit under the New York State Pollutant Discharge Elimination system (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-0-08-02, as amended or revised– a permit under the New York State Pollutant discharge Elimination system (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

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

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

Stormwater – rainwater, surface runoff, snowmelt and drainage.

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

Stormwater Management – the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Facility – one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

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

Stormwater Management Practices (SMP) – measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or monopoint source pollution inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP) – a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

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

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

Surface Waters of the State of New York – lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to 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.

Vegetation – all plant growth, including trees, shrubs, herbs, vines, ferns, mosses and grasses.

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

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

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

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

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

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

§ 203-5 Objectives.

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

A. To protect, maintain and enhance both, the immediate and long-term health, safety and general welfare of the citizens of the Town of Wallkill.

B. To prevent damage from flooding.

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

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

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

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

§ 203-6 Applicability; Stormwater Management Officer.

A. This chapter, and related stormwater management provisions in Chapter 209, Subdivision of Land, and Chapter 249, Zoning (see Article XI, § 249-40, Site and development plan approval, and Article XVIIA, Stormwater Control), shall be applicable to all land development activities as defined in this Chapter 249, Zoning, § 249-3.

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

1. Review the plans;

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

3. Accept the certification of a licensed professional that the plans conform to the requirements of this chapter, and related stormwater management provisions in Chapter 209, Subdivision of Land, and Chapter 249, Zoning (see Article XI, § 249-40, Site and development plan approval, and Article XVIIA, Stormwater Control).

C. All land development activities subject to review and approval by the Planning Board of the Town of Wallkill under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter, and related stormwater management provisions in Chapter 209, Subdivision of Land, and Chapter 249, Zoning (see Article XI, § 249-40, Site and development plan approval, and Article XVIIA, Stormwater Control).

D. All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this chapter, and related stormwater management provisions in Chapter 209, Subdivision of Land, and Chapter 249, Zoning (see Article XI, § 249-40, Site and development plan approval, and Article XVIIA, Stormwater Control).

E. Unless exempted pursuant to Section 203-7, Soil Erosion and Sediment Control flow and/or a SWPPP must be submitted and approved before:

1. A plat is recorded or land is subdivided;
2. An existing drainage system is altered, rerouted, deepened, widened, enlarged, decreased or obstructed; or
3. The issuance of a building permit;
4. Site plan or special use permit granted by Planning Board;
5. Approval of a plan which proposes construction of a Town or private road.

§ 203-7 Exemptions.

The following activities shall be exempt from review under this chapter, and related stormwater management provisions in Chapter 209, Subdivision of Land, and Chapter 249, Zoning (see Article XI, § 249-40, Site and development plan approval, and Article XVIIA, Stormwater Control).

A. Developments which do not disturb more than then one acre (43,560 sq. ft.). For projects which disturb between 10,000 sq. ft. and 43,560 sq. ft., and Erosion and Sediment Control plan shall be implemented and maintained as directed by the Stormwater Management Officer.

B. Agricultural land-management activities as defined in Chapter 249, Zoning §249-3. For projects involving agricultural structures disturbing between 10,000 sq. ft. and 43,560 sq ft., a Soil Erosion and Sediment Control plan shall be implemented and maintained as directed by the Stormwater Management Officer

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

D. Silvicultural activity.

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

F. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer or Town's Consultant.

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

H. Cemetery graves.

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

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

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

L. Landscaping and horticultural activities in connection with an existing structure.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

§ 203-8 Contents of the SWPPP.

A. It is the responsibility of an applicant to include in the SWPPP sufficient information for the Town Engineer or his designee to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on public waters and adjacent lands and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The SWPPP shall contain all material necessary to communicate the information required by this section.

1. All calculations, assumptions, criteria and references used in the design of new facilities, examination of existing facilities and comparison of pre-to post development discharges shall be included with the plan.
2. All stormwater management data must be prepared and sealed by individuals registered in New York State to perform such duties.

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

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

1. A plan showing the predevelopment conditions of the site at a scale of at least one (1) inch equals fifty (50) feet and a map at a scale of at least one (1) inch equals five hundred (500) feet which shows all contributory drainage areas to the study point.
2. The flow rate of stormwater runoff under existing conditions.
3. A description of all watercourses, water bodies and wetlands on or adjacent to the site or into which the stormwater flows. Information regarding the existing water quality, if any, and the receiving water quality classification as determined by the NYSDEC shall be included.
4. Groundwater levels from readily available data sources.
5. The location of floodplains.
6. Land cover.
7. Topography at two-foot contour intervals.
8. Soils, including erodibility, percolation rate, depth to groundwater and depth to bedrock, etc.

D. Proposed alterations of the site shall be described in detail and shown on plans at a scale of at least one (1) inch equals fifty (50) feet, including:

1. Changes in topography, with all grading shown with two-foot contour intervals or less.
2. Limits of proposed disturbed area.
3. Proposed ground coverage, i.e. pavement, gravel, houses, buildings, lawns, etc. and their areas.
4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

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

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

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

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

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

10. Temporary practices that will be converted to permanent control measures;

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

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

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

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

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

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

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

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

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

3. A tabulation of water quality volumes and storage, discharge curves with corresponding water surface elevations, inflow hydrographs, outflow hydrographs and dewatering/infiltration times will be required to be submitted with all detention, retention and infiltration facilities.
4. All plans, with defined sub-catchment areas, and profiles of the proposed drainage facilities, including the size and type of material.
5. Erosion control plans for all development activities.
6. All calculations and design information in accordance with the design section of these regulations.
7. General specifications for the construction of all components of the drainage system.
8. Any other information which the Town Engineer or his designated representative believes is reasonably necessary for evaluation of the plans.

§ 203-9 Design standards.

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

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

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

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

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

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

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

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

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

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

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

1. The maximum water depth shall not exceed ten (10) feet unless approved by waiver of the Town Board.
2. The minimum top width of dams shall be eight (8) feet.
3. The side slopes of earth fill dams shall not be steeper than three (3) feet horizontal to one (1) foot vertical on the downstream side of the embankment.
4. Basins without restricted access shall have impoundment areas with side slopes no greater than five (5) feet horizontal on one (1) foot vertical.

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

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

7. A minimum of one (1) foot freeboard, computed from the maximum water surface elevation during the one-hundred-year storm event, shall be provided in all basins.

8. The minimum floor elevation of all structures that would be affected by a basin or other water impoundments or open conveyance systems where ponding may occur shall be two (2) feet above the one-hundred-year water surface elevation.

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

1. SCS – TR-20 (latest revision) is the recommended and preferred method for the study of watersheds with a drainage area greater than one hundred (100) acres. SCS – TR20 or SCS – TR-55 Tabular Hydrograph Method (latest revision) may be used for the study of watersheds with a drainage area greater than two hundred (200) acres.

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

3. Other standard engineering models with approval of the Town Engineer.

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

Storm Event	Inches of Rainfall
1-year	2.9
10-year	5.5
100-year	8.0

Source: SCS Technical Release 55 (Year of Latest Revision)

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

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

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

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

1. The watersheds are sub-watersheds of a common watershed which join together within the perimeter of the property.
2. The effect of the transfer does not alter the peak discharge onto adjacent lands, watercourse or water bodies at any point.
3. Easements from the affected landowners are provided.

O. Technical References

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

1. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual).
2. New York Standards and specifications for Erosion and Sediment control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

P. Technical Standards

1. For all swales and gutters, the mannings roughness coefficient "n" factors used to determine capacity and velocity shall be based on accepted engineering practices.
2. Corrugated metal pipe will not be allowed to be used in any drainage system or facility without the approval of the Town Superintendent of Highways and the Town Engineer. If allowed, corrugated metal pipe shall be fully asphalt coated with paved inverts and the "n" factor shall be twenty-two thousandths (0.022) for annular pipe and seventeen thousandths (0.017) for helical pipe.
3. The "n" factor for concrete pipe shall be thirteen thousandths (0.013).
4. The "n" factor for polyethylene pipe shall be ten thousandths (0.010) for smooth interior pipe and nineteen thousandths (0.019) for corrugated interior pipe.

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

6. Catch basins shall be designed with a sump of sixteen (16) inches.

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

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

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

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

11. All culverts having diameters of twenty-four (24) inches to forty-eight (48) inches shall have a removable inlet grating of five-eighths (5/8) inch diameter (minimum) reinforcing bars spaced approximately six (6) inches on center. All design calculations are to reflect this inlet control condition.

Q. Catch basins shall be located in the swale along open section roadways. The calculated depth of flow in the swale shall not exceed one-half (1/2) of the total depth of the swale before placing a catch basin. The catch basin shall be capable of accepting one hundred percent (100%) of the flow in the swale, Based on a 25 year return frequency storm event. On closed section roadways, catch basins shall be located along the curb line and are not permitted along the curb radius at intersections. For the purpose of catch basin placement, the depth of flow along the curb and across intersections shall not exceed two (2) inches.

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

S. Stormwater collection systems shall have a minimum diameter of fifteen (15) inches and shall be designed to have a minimum velocity of three (2) feet per second. However, at the terminus of the system, the flow velocity at the discharge point shall not exceed four (4) feet per second prior to the flow entering a natural watercourse, water body or adjacent property.

T. The maximum swale, gutter or curb velocity of stormwater runoff shall be maintained at levels which result in a stable condition both during and after construction. Swales shall be designed and stabilized in accordance with New York Standards and Specifications for

Erosion Control, Year of latest revision. Swales shall be designed to allow for infiltration of stormwater runoff and removal of pollutants from the runoff whenever possible. This can be accomplished by keeping the swale at as flat a slope as possible, stabilizing the swale with a water-tolerant erosion-resistant grass that will not be mowed close to the ground, increasing the percolation ability of the swale by tilling the soil before establishing vegetative cover and installing check dams with rip rap on the downstream side to prevent scouring.

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

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

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

1. The appropriate permits from applicable regulatory agencies have been obtained; or
2. A letter from said agencies has been obtained stating that a permit is not required for the proposed work. Copies of the permits or letters shall be submitted to the Town Planning Board for review by the Town Engineer prior to the final approval of the plan.

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

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

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

§ 203-10 Performance standards.

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

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

B. Maintain the existing hydraulic and characteristics of the watershed.

C. Protect the quality of ground-and surface waters.

D. Protect groundwater levels.

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

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

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

H. Otherwise further the objectives of these regulations.

§ 203-11 Easements.

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

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

B. In the case of streams or open channel drainage, the easement shall encompass the one-hundred-year storm event or the flood of record, plus one (1) foot freeboard above that elevation. Calculations acceptable to the Town Engineer supporting those elevations shall be submitted with the plans.

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

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

§ 203-12 Maintenance.

A. It is the financial responsibility of the owner and subsequent landowners to maintain the proposed stormwater management system as it was designed and constructed. Good maintenance involves periodic cleaning and dredging of pipes and basins and mowing and maintaining proper land cover. A SWPPP cannot be approved by the Town Planning Board unless the applicant can show that a financial mechanism will be established which ensures that the owner and subsequent landowners have the financial ability to maintain the stormwater management system. Should the owner propose to transfer the ownership and management responsibility to a homeowners' association, the subdivision covenants must indicate how the association will bear the financial burden of maintain the stormwater management facilities the Planning Board, at its discretion, may require that a maintenance bond be posted to meet this obligation. The amount of the bond shall be equal to the estimated cost of maintain the system for a period of five (5) years.

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

C. Improvements may become part of a drainage district with approval by the Town Board in accordance with Town Law Articles 12 or 12-A.

§ 203-13 Performance security.

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

1. Storm drainage systems, including but not limited to catch basins, manholes, pipes, swales, basins, infiltration systems.
2. Erosion and sediment control, including grading and stabilization.
3. As-built or record drawings.
4. Any other items which may be deemed to be required by the Town Engineer. The applicant's engineer is to prepare the estimate and submit it to the town Engineer for review and recommendation to the Town Board.

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

1. In an amount set by the Town Board, the applicant shall either file with the Town Clerk, a certified check to cover the full cost of the required improvements or an adequate and acceptable security issued by a bank or surety company approved by the Town Board to cover the full cost of the required improvements, or any combination thereof. Any such security shall comply with the requirements of §277 of the Town Law and, further, shall be satisfactory to the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety. A period f three (3) years shall be set forth in the document of surety within which required improvements must be completed. However, the term of such performance security may be required to be extended and the amount of the security increased by the Town Board if improvements are not completed within the original term of the security.
2. The required improvements shall not be considered to be completed until the installation of the improvements have been accepted by the Town Engineer and any appropriate department head and as-built or record drawings satisfactory to the Town engineer have been submitted. If the applicant elects to provide a security or certified check for all required improvements as specified in subsection B(1) above, such security shall not be released until such as-built plans are submitted. The town shall release the security upon certification of the Town Engineer and the Town Attorney that all requirements of the security have been satisfied.

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

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

§ 203-14 Procedures, Inspections and fees.

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

B. The application fee, in accordance with Section 155-47, Development Fees, of the Code of the Town of Wallkill is to be paid at the time the SWPPP or application for waiver is submitted.

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

D. Within sixty-two (62) days after submission of the completed SWPPP, the Town Planning Board shall approve, with or without specified conditions or modifications, or reject the plan and notify the applicant accordingly. The Town Engineer or designate shall provide a written evaluation of the applicant's submission. If the Planning Board has not rendered a decision within sixty-two (62) days after completed plan submittal, it shall inform the applicant of the status of the review process and the anticipated completion date. If the plan is rejected or modified, the Planning Board shall state the reasons.

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

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

1. Initial inspection prior to approval of the SWPPP (this inspection is at the discretion of the Town Engineer).
2. Construction inspection to be made during construction of underground drainage structures and during construction of any basin dams.
3. As-built inspection to be made when all work has been completed. Although inspections will be made by the Town Engineer or his designate, it is the responsibility of the applicant to provide certification to the town, in writing, with the as-built plans, that all work has been completed in accordance with these regulations. The applicant will be notified, in writing, of any deficiencies noted at the site. These items shall be promptly corrected by the applicant or the applicant will be subject to the penalty provisions of these regulations.

G. Construction inspections.

1. Erosion and sediment control inspection.
   a. The Town of Wallkill Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter, and related stormwater management provisions in Chapter 209, Subdivision of Land, and Chapter 249, Zoning (see Article XI, § 249-40, Site and development plan approval, and Article XVIIA, Stormwater Control) and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter, and related stormwater management provisions in Chapter 209, Subdivision of Land, and Chapter 249, Zoning (see Article XI, § 249-40, Site and development plan approval, and Article XVIIA, Stormwater Control) and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Wallkill enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:
      (i). Start of construction;
      (ii). Installation of sediment and erosion control measures
      (iii). Completion of site clearing;
      (iv). Completion of rough grading;
      (v), Completion of final grading;
      (vi). Close of the construction season;

(vii). Completion of final landscaping;

(viii). Successful establishment of landscaping in public areas.

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

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

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

4. Submission of reports. The Town of Wallkill Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter, and related stormwater management provisions in Chapter 209, Subdivision of Land, and Chapter 249, Zoning (see Article XI, § 249-40, Site and development plan approval, and Article XVIIA, Stormwater Control) as are necessary to determine compliance with said provisions.

5. Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private

property and the public stormwater system, the landowner shall grant to the Town of Wallkill the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection 3.

H. Maintenance during Construction

1. The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
2. The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every 7 days. More frequent inspections (2 per week more than 3 days apart) are required for sites which are approved to disturb greater than 5 acres. The reports shall be delivered to the Stormwater Management Officer and also copied to the site log book.

I. Maintenance after Construction

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

1. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
2. Written procedures for operation and maintenance and training new maintenance personnel.
3. Discharges from the SMP.

J. Maintenance Agreements

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

K. Notice of Violation

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

1. The name and address of the landowner, developer or applicant;
2. The address when available or a description of the building, structure or land upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;
5. A statement of the penalty or penalties that shall be assessed against the person to whom the notice of violation is directed;
6. A statement that the determination of violation may be appealed to the Town Board by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

L. Stop Work Orders

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

M. Violations

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

N. Penalties

In additional to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars ($350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars ($350) nor more than seven hundred dollars ($700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period

of five years, punishable by a fine not less than seven hundred dollars ($700) nor more than one thousand dollars ($1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

O. Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

P. Any violator may be required to restore land to a stabilized condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Wallkill may take necessary corrective action, and the violator and landowner, if different, shall be jointly and severally liable for the cost of such corrective action. If the cost of corrective action is not paid within sixty (60) days from the date upon which the corrective action is complete, the Town Board may, at its sole discretion, charge the costs of corrective action, including engineering and inspection costs, against the real property by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be paid to the Town Comptroller, to be applied in reimbursing the fund from which the costs of corrective action were made. Prior to charging such assessments, the owner of the real property shall be provided written notice by certified mail, return receipt requested, at the last known address of record, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

Q. Fees for Services

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

ARTICLE III. PROHIBITION OF ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEM

§203-15 Purpose.

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of

the Town of Wallkill 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 SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02 or as 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;

D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law and impose penalties and remedies for non-compliance; and

E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4;

§203-16 Definitions.

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

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.

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

Construction Activity- Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Department- The New York State Department of Environmental Conservation.

Design professional- New York State licensed professional engineer or licensed architect.

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 present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Illicit Connections- Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to: (1) Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections 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 an authorized enforcement agency; and/or (2) Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge- Any direct or indirect non stormwater discharge to the MS4, except as exempted in Section 203-20 of this law.

Individual Sewage Treatment 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 ground waters 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.

Industrial Activity- Activities requiring authorization under the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

Municipal Separate Storm Sewer System (MS4)- A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (1) owned or operated by the Town of Wallkill; (2) designed or used for collecting or conveying stormwater; (3) which is not a combined sewer; and (4) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

Municipality- The Town of Wallkill.

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

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

Pollutant- Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water, which may cause or might reasonably be expected to cause pollution of the waters of the State in contravention of the standards.

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

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 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 municipality 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 municipality's MS4 permit that applies where the MS4 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 municipality's MS4 permit where a TMDL, including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality 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 municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality 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.

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

Stormwater- Rainwater, surface runoff, snowmelt and drainage.

Stormwater Management Administrator (SMA). The Building Inspector, engineer, or other person designated by the Town Board to enforce this local law. The SMA may also be 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.

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 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 water body so *as* not to impair uses of the water, allocated among the sources of that pollutant.

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

§203-17 Applicability.

This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 203-18 Responsibility for Administration.

The Stormwater Management Administrator(s) (SMA(s) shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMA as may be authorized by the Town Board.

§203-19 Severability.

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law 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 law.

§ 203-20 Discharge Prohibitions.

A. Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in subsections (1)- (4) below. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except *as* described as follows:

1. The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the Town has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, de-chlorinated swimming pool

discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

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

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

4. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, 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 MS4.

B. Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the MS4 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 local law if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 203-21 Prohibition Against Failing Individual Sewage Treatment Systems.

No person shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

1. The backup of sewage into a structure.
2. Discharges of treated or untreated sewage onto the ground surface.
3. A connection or connections to a separate stormwater sewer system.
4. Liquid level in the septic tank above the outlet invert.
5. Structural failure of any component of the individual sewage treatment system that could

lead to any of the other failure conditions *as* noted in this section.

6. Contamination of off-site groundwater.

§ 203-22 Prohibition Against Activities Contaminating Stormwater; Discharge Prohibitions.

A. Activities that are subject to the requirements of this section are those types of activities that:

1. Cause or contribute to a violation of the municipality's MS4 SPDES permit.
2. Cause or contribute to the municipality being subject to the Special Conditions *as* defined in Section 203-16 (Definitions) of this local law.

B. Such activities include prohibited discharges or connections and failing individual sewage treatment systems as defined in section 203-21, improper management of animal waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions (as determined or approved by the SMA) to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§203-23 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the use of Best Management Practices.

A. Best Management Practices.

Where the SMA has identified illicit discharges *as* defined in Section 147-14 or activities contaminating stormwater as defined in Section 203-22, the Town may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

1. 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 MS4 through the use of structural and non-structural BMPs.

2. Any person responsible for a property or premise, that is, or may be, the source of an illicit discharge as defined in Section 203-14 or an activity contaminating stormwater as defined in Section 203-22 may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutants) to the MS4.

3. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent

practicable, shall be deemed compliance with the provisions of this section.

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

Where individual sewage treatment systems are contributing to the municipality's being subject to the SpecialConditions as defined in Section 203-16 of this local law, the owner or operator of such individual sewage treatment systems shall be required to:

1. Maintain and operate individual sewage treatment systems as follows:

   a. Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee *at* the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee. Inspection of the tank for cracks, leaks and blockages shall be done by the septage hauler at the time of pumping of the tank contents;

   b. Avoid the use of septic tank additives;

   c. Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and

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

2. Repair or replace individual sewage treatment systems as follows:

   a. In accordance with 10 NYCRR Appendix 75A to the maximum extent practicable.

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

      (i) Relocating or extending an absorption area to a location not previously approved for such area;

      (ii) Installation of a new subsurface treatment system at a new or the same location.

      (iii) Use of alternate system or innovative system design or technology.

   c. A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair

or replacement system.

§203-24 Suspension of Access to MS4.

A. The SMA may, without prior notice, suspend MS4 discharge access to a person when such 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, or to the MS4. The SMA shall notify the person of such suspension within a. reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order, issued in an emergency, the SMA may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMA will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefore. The violator may petition the SMA for a reconsideration and hearing. Access may be granted by the SMA if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence, Access may be denied if the SMA determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMA.

§203-25 Industrial or Construction Activity Discharges; Suspension of Access to MS4.

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 municipality prior to the allowing or continuance of discharges to the MS4.

§ 203-26 Access and Monitoring of Discharges.

A. Applicability. This section applies to all facilities that the SMA determines necessary to inspect to enforce any provision of this law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this law.

B. Access to Facilities.

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

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

3. The Municipality shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the SMA to conduct monitoring and/or sampling of the facility's stormwater discharge.

4. The Municipality has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary (and subject to approval by the SMA) to determine compliance with this law. 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 to ensure their accuracy.

5. Unreasonable delays in allowing the Municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized, or required by this law.

6. If the SMA has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the SMA may seek issuance of a search warrant of any court competent jurisdiction.

§ 203-27 Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or 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 illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Town in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Town within three business clays of the telephone 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 three years.

§ 203-28 Enforcement.

A. Notice of Violation.

When the Town's SMA finds that a person has violated a prohibition or failed to meet a requirement of this Chapter or failed to comply with a permit or approval condition related to the subject matter of this Chapter (all deemed a "violation" of this Chapter), he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The elimination of illicit connections or discharges;

2. That violating discharges, practices, or operations shall cease and desist;

3. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property and the environment;

4. The performance of monitoring, analyses, and reporting;

5. Payment of a fine and/or civil monetary penalty; and

6. The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property or the environment 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 a designated governmental agency or a contractor and the expense thereof shall be charged to the violator, and, if unpaid, said amount may be assessed and levied as a lien against the violator's premises and collected. in the same manner as a real property tax.

B. Penalties.

1. In addition to or *as* an alternative to any penalty provided herein or by law, any person who violates this Chapter shall be guilty of a violation punishable by 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; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars ($700) or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars ($1000) or imprisonment for a period not to exceed six months, or both. Each day's continued violation shall constitute a separate additional violation.

2. Civil Penalties.
   a. In addition to and not in lieu of the above, any person who violates this Chapter

shall be liable to the Town for a civil penalty in an amount not to exceed $350.00 for a first violation; in. an amount not less than $350.00 nor more than $700.00 for a second violation committed within a period of five years of the first violation; and in an amount of not less than $700.00 nor more than $1,000.00 for a third and each subsequent violation committed within a period of five years of the first violation. Each day's continued violation shall constitute a separate additional violation.

b. Civil penalties may be ordered in any action or proceeding by and any court of competent jurisdiction, including but not limited to state and federal courts. All penalties shall be paid to the Town.

c. The judgment amount of any civil penalty ordered pursuant to this section, if not paid, may be assessed and levied against the real property which is the subject of the penalty and collected in the same manner as a real property tax.

3. In addition to and not in lieu of the remedies authorized above, the SMA or the Town Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate any violation or threatened violation or to enforce any provision of this Chapter.

§203-29 Appeal of Notice of Violation.

A. Any person receiving a Notice of Violation may appeal the determination of the SMA to the Town Board within 15 days its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the Town Clerk and mail a copy of its decision by certified mail to the appellant. Any person aggrieved by the decision of the Town Board may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules. Such proceeding must he commenced within thirty (30) days after the decision is filed in the Town Clerk's office or shall be time-barred.

B. The appeal of a Notice of Violation shall stay an order contained in the Notice of Violation issued by the SMA, unless the SMA determines in writing that a stay of the order, or portion thereof cause by undue harm to a person, property, equipment, the environment or the Town's storm sewer system. In such case, an appeal shall not stay the SMA's order.

§203-30 Corrective Measures After Appeal.

A. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMA, then the SMA shall have authority to request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the

property.

B. If refused access to the subject private property, the SMA may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMA may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property.

C. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger and may be collected in the same manner as set forth in Section 203-28A(6).

§ 203-31 Injunctive Relief.

It shall be a violation of this law for any person to violate any provision or fail to comply with any of the requirements of this law or fail to comply with a permit or approval condition related to the subject matter of this law. If a person has violated or continues to violate the provisions of this law, the SMA, 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.

§203-32 Alternative Remedies.

A. Where a person has violated a provision of this law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Town Attorney and concurrence of the SMA, where:

1. The violation was unintentional;
2. The violator has no history of pervious violations of this law;
3. Environmental damage was minimal;
4. The violator acted quickly to remedy violation;
5. Violator cooperated in investigation and resolution.

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

1. Attendance at compliance workshops;
2. Storm drain stenciling or storm drain marking;
3. River, steam or creek cleanup activities.

§203-33 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 law 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.

§203-34 Remedies Not Exclusive.

The remedies listed in this law are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies."

Section 2. Separability

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

Section 3. Repeal

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

Section 4. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with §27 of the Municipal Home Rule Law and will apply to all new applications submitted on or after that date.