

# Construction Stormwater Pollution Prevention and Erosion and Sediment Control Ordinance

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## **Section I: Introduction / Purpose**

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

During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality, and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates maintenance and/or repair of sewers and ditches, and the dredging of waterways. In addition, clearing and/or grading during construction tends to increase soil erosion and causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for citizens of Town of Parma. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow. Regulation of land disturbance activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the

adverse effects of erosion and sedimentation from development.

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

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

## Section II: Definitions

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

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

**Clearing** - Any activity which removes the vegetative surface cover.

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

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

**Erosion Control** - Measures that minimize erosion.

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

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

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

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

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

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

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

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

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

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

**Silvicultural Activity** - Activities that control the establishment, growth, composition, health and quality of forests and woodlands.

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

**Site Plan Approval** - The examination and subsequent authorization to proceed with a project based upon a drawing prepared to specifications and containing necessary elements, which show the arrangement, layout

and design of the proposed use of a single parcel of land as shown on said plan.

**SPDES General Permit for Construction Activities** - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

**SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems**  
A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

**Stabilization** - The use of practices that prevent exposed soil from eroding.

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

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

**Stormwater Management Officer** - An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices

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

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

**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.

**Town** – Town of Parma

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

**Section III: Applicability**

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

#### Section IV: Compatibility with Other Permits and Ordinance Requirements

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

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

Construction activities that involve land disturbance may also require additional compliance measures detailed in other regulations and/or ordinances such as the Ordinance for Design and Management of Post-Construction Stormwater Pollution Prevention Measures.

#### Section V: Legislative Authority

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

#### Section VI: Standards for Construction Activities Covered Under this Ordinance

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

Where stormwater management practices are not in accordance with the aforementioned technical standards, the applicant or developer must demonstrate equivalence to these technical standards and the

SWPPP shall be prepared by a licensed/certified professional.

## Section VII: Land Disturbance Activity Approval Process

### A. Requirements of Application

1. Any applicant requesting site plan approval or a permit for land disturbance activity which would require the disturbance of  $\geq 1$  acre of land shall also include with a submission a SWPPP that shall be reviewed and approved by the Town prior to issuance of the final site plan approval or a permit.
2. No applicant shall be granted site plan approval or a permit which would require the disturbance of  $\geq 1$  acre of land without the review and approval of a SWPPP by the Town.
3. Furthermore, prior to the issuance of a permit or site plan approval all projects that would result in the disturbance of  $\geq 1$  acre of land will be required to comply with all applicable provisions of the Ordinance for Design and Management of Post-Construction Stormwater Pollution Prevention Measures. As part of the SWPPP the applicant shall include a signed statement that all applicable requirements of the Ordinance for Design and Management of Post-Construction Stormwater Pollution Prevention Measures have been met to the satisfaction of the Town of Parma.
4. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee as set forth in Section XIV.
5. Each application shall include a comprehensive and complete SWPPP that shall be prepared in accordance with Section IX of this ordinance.
6. Each application shall include a statement that any land clearing, construction, or development involving the movement of land shall be in accordance with the submitted SWPPP.
7. All land disturbance activities as defined in Section II of this ordinance not subject to site plan or permit approval shall be required to submit a SWPPP to the Stormwater Management Officer designated by the Town Board who shall approve the SWPPP if it complies with the requirements of this ordinance.

### B. Exemptions from Ordinance

The following activities are exempt from review under this ordinance:

- Any emergency activity which is immediately necessary for the protection of public health, property or natural resources.
- Agricultural activity as defined in this ordinance.
- Silvicultural activity except that landing areas and log haul roads are subject to this ordinance.
- Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

- Repairs to any stormwater treatment practice deemed necessary by Town of Parma

#### Section VIII: Financial Guarantees

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

#### Section IX: Stormwater Pollution Prevention Plan Requirements

The Town shall designate a Stormwater Management Officer who shall accept and review all SWPPPs and forward such plans to the applicable municipal board. A consultant cannot be appointed as a Stormwater Management Officer. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Town Board, engage the services of a New York State licensed professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed/certified professional that the plans conform to the requirements of this ordinance.

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

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

##### A. Minimum Requirements

All SWPPPs shall provide the following background information and erosion and sediment controls:

1. Background information about the scope of the project, including location, type and size of project and contact information that includes the name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the subject property or properties.
2. Site map/construction drawing(s) for the project, including a general location map and a 1" = 50' topographic base map of the site which extends a minimum of 100 feet beyond the limits of the proposed development. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s) including receiving waters (name of the water), streams, ponds, culverts, ditches, and wetlands as well as drainage patterns that could be affected by the construction activity; existing and final slopes; locations of utilities, roads, soils types, forest cover, and significant natural and manmade features not otherwise shown; locations of off-site material, waste, borrow or equipment storage areas, proposed concrete clean out basin(s) and construction entrance; and location(s) of the stormwater discharges(s); and resources protected under other chapters of this ordinance or by easements;
3. Description of the soil(s) present at the site;
4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation, final grading and landscaping, and any other activity at the site that results in soil disturbance. Sequencing shall identify the expected date on which clearing will begin and the estimated duration of exposure of cleared areas. Consistent with the *New York State Standards and Specifications for Erosion and Sediment Control*, not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP and a letter of permission from the NYSDEC.
5. A description of the pollution prevention measures that will be used to control litter and prevent construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges; a description of construction and waste materials expected to be stored on-site with updates as appropriate; a description of controls that will be implemented to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater; and a description of spill prevention and response measures.
6. A description of the temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land disturbance to project closeout, including who will be responsible for the maintenance and implementation of said features at the site and what practices will be employed to ensure that adequate vegetative cover is established and preserved. For temporary and permanent vegetative control measures, the seeding mixtures and rates, types of sod, method of seedbed preparation, depth of topsoil, expected seeding dates,

type and rate of lime and fertilizer application, and kind and quantity of mulching shall be provided.

7. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
8. Illustration of all necessary erosion and sediment control measures, including the siting and sizing of any temporary sediment basins and provide the dimensions, material specifications and installation details for each throughout all phases of construction and completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
9. Identification of all temporary practices that will be converted to permanent control measures.
10. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
11. Identification of the parts or components of the SWPPP that require maintenance. Furthermore it shall also provide a schedule of required maintenance and identify the party responsible for such work.
12. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
13. Any existing data that describes the stormwater runoff at the site.
14. Assurance that all other applicable environmental permits have been acquired for the site prior to initial land disturbance. Copies of the applicable environmental permits shall be provided to the Town.
15. Assurance that the applicant or their "Responsible Individual" shall be on site at all times when earthwork takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
16. Assurance that all contractors and subcontractors involved in soil disturbance and/or stormwater management practice installation and maintenance shall be identified in the SWPPP. All such contractors and subcontractors shall sign a copy of the following certification statement before undertaking any land disturbance activity at the site:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP. I also understand that it is unlawful for any person to cause or contribute to a violation of the water quality standards."

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

B. Modifications to the Plan after Approval

Major amendments of the SWPPP shall be submitted to the Town and shall be approved or disapproved.

The applicant shall amend the SWPPP whenever:

1. (a) There is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP; or  
  
(b) The SWPPP proves to be ineffective in providing the proper stormwater pollution prevention and erosion and sediment control as required by this ordinance. Amendments to the SWPPP may be reviewed by the Town. A copy of the newly amended SWPPP must be provided to the Town within 5 business days.  
  
(c) Site development has not commenced within 18 months from SWPPP approval.
2. Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP. The Town may request copies of signed contractor certification statements from new contractors/subcontractors working on the site.

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

Section X: Inspections

A. Town Inspections

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

1. Start of construction
2. Erosion and sediment control measures have been installed and stabilized

3. Site clearing has been completed
4. Rough grading has been completed
5. Final grading has been completed
6. Close of the construction Season
7. Final landscaping
8. Closeout inspection

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

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further earthwork shall be conducted on the site, except for site stabilization until the violations are corrected and approved by the Town.

B. Property Owner/Developer Inspections

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

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

Section XI: Duration, Maintenance and Closeout

A. Duration

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

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

B. Maintenance

1. The applicant shall at all times properly operate and maintain all stormwater management facilities and erosion and sediment control measures which are installed or used by the applicant to achieve compliance with the conditions of this ordinance. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent. The land disturbance activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.
2. At the end of the construction season when soil disturbance activities will be finalized or suspended until the following spring, it may be desirable to reduce the frequency of the required weekly site inspections to monthly inspections. In order to reduce inspection frequencies, the applicant must complete stabilization activities before proper installation is precluded by snow cover or frozen ground. If vegetation is used as a stabilization method, seeding, planting, and/or sodding must be scheduled to avoid fall frosts and to allow for proper germination/establishment. Installations and maintenance must be done according to the *New York State Standards and Specifications for Erosion and Sediment Control*.

C. Closeout

The applicant must satisfy the following project closeout requirements:

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

Section XII: Enforcement & Penalties

A. Notice of Violation

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

1. The name and address of the owner or applicant;
2. The address (when available) or a description of the building, structure or land on which the violation is occurring;
3. A statement specifying the nature of the violation;

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

5. A statement of the penalty or penalties that may be assessed against the person(s) to whom the notice of violation is directed.

#### B. Stop-Work Order

The Town may issue a stop-work order for violations of this ordinance. Persons receiving a stop-work order shall be required to halt all land disturbance activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town confirms that the land disturbance activity is in compliance, the violation has been satisfactorily addressed and the appropriate fee has been paid to remove the stop-work order. 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 ordinance.

#### C. Violation and Penalties

Failure to comply with any provision or requirement of this ordinance or violation of any statement, plan, application, permit or certification approved under the provisions of this ordinance, shall be considered a violation punishable by a fine and/or imprisonment, as provided for in section 10(4)(b) of the Municipal Home Rule Law of the State of New York. Each day on which any violation of any of the provisions of this ordinance occurs shall constitute one offense and each successive day of violation shall constitute a separate and distinct offense.

*"Any person who violates the provisions of the ordinance shall be subject to a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed fifteen days, or both for conviction of a first offense; a second violation of this ordinance committed within a period of five years, is punishable by a fine not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed thirty days, or both; and a third or subsequent violation all of which were committed within a period of five years, is punishable by a fine not less than seven hundred dollars(\$700) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed thirty days, or both."*

#### D. Withholding of Certificate of Occupancy

Certificates of Occupancy may not be granted until corrections to all stormwater management practices have been made and accepted by the Town.

### Section XIII: Abatement

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

## B. Cost

Within ten days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within 30 days, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any provision of this article shall become liable to the Town of Parma by

### Section XIV: Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Town 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.

### Section XV: 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 ordinance 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 violators expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

### Section XVI: Remedies not exclusive

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

### Section XVII Repeal

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

### Section XVIII: Severability

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

### Section XIX: Fees

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

### Section XX Effective Date

This ordinance shall take effect immediately upon adoption by the Town Board of the Town of Parma Pursuant to Town Law of the State of New York.