

**Introductory Local Law No. 1 of the year 2025**

**Construction, Stormwater Pollution Prevention and Erosion  
and Sediment Control**

Title: A Local Law for Construction, Stormwater Pollution Prevention and Erosion and Sediment Control

Be it enacted by the Town Board of the Town of Clarkson as follows:

Local Law for Construction, Stormwater Pollution Prevention and Erosion  
and Sediment Control

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**Section I: Introduction; purpose and objectives.**

- A. 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 waterborne pollutants. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

- B. During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates maintenance and/or repair of sewers and ditches and the dredging of waterways. In addition, clearing and/or grading during construction tends to increase soil erosion and causes the loss of native vegetation necessary for terrestrial and aquatic habitat and to provide a healthy living environment for citizens of the Town of Clarkson. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing streambank 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.
- C. 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 the Town of Clarkson. It seeks to meet those purposes by achieving the following objectives:
- (1) 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 or as amended or revised;
  - (2) Require land disturbance activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) general permit for construction activities or as amended or revised;
  - (3) 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;
  - (4) Minimize increases in pollution caused by stormwater runoff from land disturbance activities which would otherwise degrade local water quality;
  - (5) Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and

- (6) 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.**

As used in this local law, the following terms shall have the meanings indicated:

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

**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 Clarkson 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 one acre, or activities disturbing less than 25,000 square feet 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 STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL**--The most recent version of this publication, which is commonly known as the "Blue Book."

**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.

**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; installation of accessory buildings such as garages; and excavation for utilities.

**STORMWATER MANAGEMENT**--The use of structural or nonstructural 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 man-made 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.

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

### **Section III: Applicability.**

This local law shall be applicable to all land disturbance activities that will disturb greater than or equal to one acre of land unless exempted under Section VII C of this local law. The law also applies to land disturbance activities that are less than 25,000 square feet disturbance if such activities are part of a larger common plan of development or sale that will disturb greater than or equal to one acre, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

**Section IV: Compliance with other permits and ordinance requirements.**

- A. Compliance with this local law 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 acres or greater of land at one time (if applicable), a copy of the NYSDEC's acknowledgment letter stating that the NYSDEC has received the applicant's notice of intent (NOI) and any related documents to the Building Inspector and/or Superintendent of Highways for review and approval.
- B. The requirements of this law should be considered minimum requirements, and where any provision of this law imposes restrictions different from those imposed by any other federal, state, or local law, rule or regulation, or other provision of law, the provisions that are more restrictive or impose more stringent requirements shall take precedence.
- C. Construction activities that involve land disturbance may also require additional compliance measures detailed in other regulations and/or laws such as the Local Law for Design and Management of Post-Construction Stormwater Pollution Prevention Measures.

**Section V: Legislative authority.**

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

**Section VI: Standards for construction activities.**

- A. The Town of Clarkson requires the use of technical standards for erosion and sediment controls. These are detailed in the Town of Clarkson 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.
- B. 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; exemptions.**

A. Requirements of application.

- (1) Any applicant requesting site plan approval or a permit for land disturbance activity which would require the disturbance of greater than or equal to one acre of land shall also include with a submission an SWPPP that shall be reviewed and approved by the Town of Clarkson 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 greater than or equal to one acre of land without the review and approval of a SWPPP by the Town of Clarkson.
- (3) Furthermore, prior to the issuance of a permit or site plan approval all projects that would result in the disturbance of greater than or equal to one acre of land will be required to comply with all applicable provisions of the Local Law 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 Local Law for Design and Management of Post-Construction Stormwater Pollution Prevention Measures, have been met to the satisfaction of the Town of Clarkson.
- (4) Each application shall bear the name(s), address(es) and phone number(s) 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 XIII.
- (5) Each application shall include a comprehensive and complete SWPPP that shall be prepared in accordance with Section IX of this local law.
- (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 local law not subject to site plan or permit approval shall be required to submit a SWPPP to the Stormwater Management Officer designated by the Town of Clarkson, who shall approve the SWPPP if it complies with the requirements of this local law.

- B. Review and approval of application. Review and approval of the completed application shall be reviewed by the Planning Board of the Town of Clarkson pursuant to Chapter 116 of the Town of Clarkson Code.
- C. Exemptions. The following activities are exempt from review under this local law:
  - (1) Any emergency activity which is immediately necessary for the protection of public health, property or natural resources.
  - (2) Agricultural activity as defined in this local law.
  - (3) Silvicultural activity, except that landing areas and log haul roads are subject to this local law.
  - (4) 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.
  - (5) Repairs to any stormwater treatment practice deemed necessary by the Town of Clarkson.

**Section VIII: Financial guarantees.**

The Town of Clarkson may, at its discretion, require the applicant to submit a financial guarantee in a form acceptable to the Town of Clarkson 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 amount of the financial guarantee shall be the total estimated construction cost of the stormwater pollution prevention and erosion and sediment control practices and inspection 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 local law. At its discretion, the Town of Clarkson 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.**

- A. The Town of Clarkson 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 local law.
- B. 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 of Clarkson and submitted to the Stormwater Management Officer designated by the Town of Clarkson 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 local law. 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 of Clarkson 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 the Town of Clarkson.
- C. The requirements to have an 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 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 water body or must not be located in a total maximum daily load (TMDL) watershed.
- D. 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 one inch equals 100 feet topographic base map of the site which extends a minimum of 200 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, soil types, forest cover, and significant natural and man-made features not otherwise shown; locations of off-site material, waste, borrow or equipment storage areas, proposed concrete cleanout basin(s) and construction entrance; and location(s) of the stormwater discharges(s); and resources protected under other chapters of this Code or by easements.

- (3) Description of the soil(s) present at the site.
- (4) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation, final grading and landscaping, and any other activity at the site that results in soil disturbance. Sequencing shall identify the expected date on which clearing will begin and the estimated duration of exposure of cleared areas. Consistent with the New York State Standards and Specifications for Erosion and Sediment Control, not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP and a letter of permission from the NYSDEC.
- (5) A description of the pollution prevention measures that will be used to control litter and prevent construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges; a description of construction and waste materials expected to be stored on site with updates as appropriate; a description of controls that will be implemented to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater; and a description of spill prevention and response measures.
- (6) A description of the temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land disturbance to project closeout, including who will be responsible for the maintenance and implementation of said features at the site and what practices will be employed to ensure that adequate vegetative cover is established and preserved. For temporary and permanent vegetative control measures, the seeding mixtures and rates, types of sod, method of seedbed preparation, depth of topsoil, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching shall be provided.
- (7) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
- (8) Illustration of all necessary erosion and sediment control measures, including the siting and sizing of any temporary sediment basins, and provide the dimensions, material specifications and installation details for each throughout all phases of

construction and completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

- (9) Identification of all temporary practices that will be converted to permanent control measures.
- (10) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.
- (11) Identification of the parts or components of the SWPPP that require maintenance. Furthermore, it shall also provide a schedule of required maintenance and identify the party responsible for such work.
- (12) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
- (13) Any existing data that describes the stormwater runoff at the site.
- (14) Assurance that all other applicable environmental permits have been acquired for the site prior to initial land disturbance. Copies of the applicable environmental permits shall be provided to the Town of Clarkson.
- (15) Assurance that the applicant or its "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) Certification.
  - (a) 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."
  - (b) 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.

E. Modifications to plan after approval.

- (1) Major amendments of the SWPPP shall be submitted to the Town of Clarkson and shall be approved or disapproved.
- (2) The applicant shall amend the SWPPP whenever:
  - (a) Change in design; ineffectiveness.
    - [1] 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
    - [2] The SWPPP proves to be ineffective in providing the proper stormwater pollution prevention and erosion and sediment control as required by this local law. Amendments to the SWPPP may be reviewed by the Town of Clarkson. A copy of the newly amended SWPPP must be provided to the Town of Clarkson within five business days.
  - (b) Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP. The Town of Clarkson may request copies of signed contractor certification statements from new contractors/subcontractors working on the site.
- (3) Field modifications of a minor nature may be authorized by the Town of Clarkson by written authorization to the applicant. SWPPP approval shall expire two years from approval if no activity has commenced. Under such approved plan within such two-year period, expired plans shall be subject to further informal review prior to commencement of any development activity.

**Section X: Inspections.**

A. Town of Clarkson Inspections.

- (1) The Town of Clarkson 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 of Clarkson reserves the right to enter the work site at any time for purposes of inspection. The SWPPP and the records of any inspections completed by the owner or its 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 of Clarkson at least 48 hours before the following activities occur:

- (a) Start of construction.
  - (b) Erosion and sediment control measures have been installed and stabilized.
  - (c) Site clearing has been completed.
  - (d) Rough grading has been completed.
  - (e) Final grading has been completed.
  - (f) Close of the construction season.
  - (g) Final landscaping.
  - (h) Closeout inspection.
- (2) 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.
- (3) 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 of Clarkson.

B. Property owner/developer inspections.

- (1) The applicant shall employ a "responsible individual" as defined in Section 11 of this local law 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 seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. A monthly summary of reports will be copied to the site logbook and delivered to the Town of Clarkson within five days after the month's end.

- (2) 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 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 water body or must not be located in a total maximum daily load (TMDL) watershed.

**Section XI: Duration, maintenance and closeout.**

**A. Duration.**

- (1) For a project that requires an NYSDEC SPDES permit, the SWPPP approved by the Town of Clarkson shall be in effect until:
  - (a) The site has been finally stabilized;
  - (b) A notice of termination (NOT) is submitted to the NYSDEC in accordance with the general permit; and
  - (c) A final inspection has been completed by the Town of Clarkson.
- (2) For projects that do not require an NYSDEC NOT, the SWPPP is in effect until a final inspection is conducted and the Town of Clarkson 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 local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%. 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 of Clarkson.
  - (3) Establish perennial vegetative cover to a density of 80% over 100% 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 of Clarkson to stabilize the project site.

**Section XII: Enforcement; penalties for offenses.**

- A. Stop-work order. The Town of Clarkson may issue a stop-work order for violations of this local law. 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 of Clarkson confirms that the land disturbance activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.
- B. Notice of violation. When the Town of Clarkson determines that an activity is not being carried out in accordance with the requirements of this local law, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

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

C. Violation and penalties.

- (1) No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this local law. Violations of any provision or requirement of this local law or violation of any statement, plan, application, permit or certification approved under the provisions of this local law shall be considered an offense punishable by a fine and/or imprisonment, as provided for in §135 of the Town Law of the State of New York. Each day on which any violation of any of the provisions of this local law occurs shall constitute one offense, and each successive day of violation shall constitute a separate and distinct offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine for each offense as hereinafter provided for. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this local law shall be required to bear the expense of such restoration.
- (2) Any person who violates the provisions of the local law shall be subject to a fine not exceeding \$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 \$350 nor more than \$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 \$700 nor more than \$1,000 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.

- D. Withholding of certificate of occupancy. Occupation permits may not be granted until corrections to all stormwater management practices have been made and accepted by the Town of Clarkson.

**Section XIII: Fees.**

Fees payable to the Town of Clarkson for application, review, approval and implementation of this local law shall be paid by the applicant as such fees are established by the Town Board annually.

**Section XIV: Severability.**

The provisions and sections of this local law shall be deemed to be separable and if the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law 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 local law.

**Section XV: Repealer.**

Local Law No. 7-2007 is hereby repealed.

**Section XVI: Effective Date.**

This local law shall be effective immediately upon filing with the Secretary of State.