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

Village of Minoa

Local Law No. Seven (7) of the year 2007.

Be it enacted by the Village Board of Trustees of the Village of Minoa as follows:

A local law enacting Chapter 134 for the regulation of non-stormwater discharges to the municipal separate storm sewer system of the Village of Minoa.

Section 1. A new Chapter 134, entitled "Prohibition of Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems of the Village of Minoa" is hereby added, reading in its entirety as follows:

CHAPTER 134

§134-1. TITLE.

This Chapter 134 shall be known as the "Prohibition of Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems of the Village of Minoa".

§134- 2. PURPOSE AND INTENT.

The purpose of this Local Law is to provide for the health, safety, and general welfare of the citizens of the Village of Minoa 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 local law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPEDES General Permit for Municipal Separate Storm Sewer Systems. The objects of this local law are as follows:

- 1) To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02 or as amended or revised;
- 2) To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;

- 3) To prohibit Illicit Connections, Activities and Discharges to the MS4; To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law;
- 4) 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.

§134-3. DEFINITIONS.

In this local law:

“Best Management Practices (BMPs)” shall mean schedules of activities, prohibitions of practices, general good house keeping 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” shall mean the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.), and any subsequent amendments thereto.

“Code Enforcement Officer” shall mean the designated Code Enforcement Officer of the Village of Minoa or any other officer of the Village of Minoa duly appointed for the purpose of enforcement of these provisions.

“Construction Activity” shall mean activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-02, 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” shall mean the New York State Department of Environmental Conservation.

“Design Professional” shall mean a New York State licensed professional engineer or licensed architect.

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

“Illicit Connections” shall mean 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;

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” shall mean any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 7 of this law.

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

“Industrial Activity” shall mean activities requiring the SPDES permit for discharge from industrial activities except construction, GP-98-03, as amended or revised.

“MS4” shall mean Municipal Separate Storm Sewer System, a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- 1) Owned or operated by the Village of Minoa;
- 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.

“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit” shall mean a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC Section 1342(b) – SPDES) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“Non-Stormwater Discharge” shall mean any discharged to the MS4 that is not composed entirely of stormwater.

“Person” shall mean any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner’s agent.

“Pollutant” shall mean 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” shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Special Conditions” shall mean:

- 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 waterbody 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 waterbody 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, with 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” shall mean a permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

“Stormwater” shall mean rainwater, surface runoff, snowmelt and drainage.

“303(d) List” shall mean 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.

“TMDL” shall mean total maximum daily load, the maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

“Wastewater” shall mean water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§134-4. APPLICABILITY.

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

§134-5. RESPONSIBILITY FOR ADMINISTRATION.

The Code Enforcement Officer of the Village of Minoa shall administer, implement, and enforce the provisions of this local law. Such powers or duties imposed upon the authorized enforcement official may be delegated in writing by the Code Enforcement Officer as may be authorized by the municipality.

§134-6. COMPATIBILITY WITH OTHER REGULATIONS.

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Local Law are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

§134-7 RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

§134-8. SEVERABILITY.

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

§134-9. 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 §134-9(A)(1) 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 Village of Minoa has determined them to be substantial contributors of pollutants:
 - a) Water line flushing or other potable water sources
 - b) Landscape irrigation or lawn watering
 - c) Existing diverted stream flows
 - d) Rising ground water
 - e) Uncontaminated ground water infiltration to storm drains
 - f) Uncontaminated pumped ground water
 - g) Foundation or footing drains
 - h) Craw space or basement sump pumps
 - i) Air conditioning condensate
 - j) Irrigation water
 - k) Springs
 - l) Water from individual residential car washing

- m) Natural riparian habitat or wetland flows
- n) Dechlorinated swimming pool discharges
- o) Residential street wash water
- p) Water from firefighting activities
- q) 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 Code Enforcement Officer to protect life or property or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the Code Enforcement Officer 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 Code Enforcement Officer 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 Village of Minoa's MS4, or allows such a connection to continue.
- 4) Improper connections in violation of this ordinance must be connected and redirected, if necessary, to an approved onsite waste water management system or the sanitary sewer system upon approval of the Code Enforcement Officer of the Village of Minoa.
- 5) Any drain or conveyance that has not been documented in plans, maps or equivalent and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Code Enforcement Officer of the Village of Minoa requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or

conveyance be identified as storm sewer, sanitary sewer or other and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Code Enforcement Officer of the Village of Minoa.

§134-10. PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

No persons shall operate a failing individual sewage treatment system in areas tributary to the Village of Minoa'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; and (6) contamination of off-site groundwater.

§134-11. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER.

- A. Upon notification to a person that he or she is engaged in one or more of activities listed in subsection B, which cause or contribute to violations of the Village of Minoa's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the Village of Minoa's MS4 SPDES permit authorization.
- B. The following activities are subject to the requirements of Section 9.1:
 - 1) Activities that cause or contribute to a violation of the Village of Minoa's MS4 SPDES permit;
 - 2) Activities that cause or contribute to the Village of Minoa being subject to the Special Conditions as defined in Section 134-3 (Definitions) of this local law.
 - 3) Such other activities that include failing individual sewage treatment systems as defined in Section 134-10, improper management of pet waste, or any other activity that causes or contributes to violations of the Village of Minoa's MS4 SPDES permit authorization.

§134-12. WATERCOURSE PROTECTIONS

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

§134-13. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

A. Submission of NOI to Village of Minoa.

- 1) Any person subject to an industrial or construction activity NPDES or 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 Code Enforcement Officer prior to the allowing of discharges to the MS4.
- 2) The operator of a facility, including construction sites, required to have an NPDES or SPDES permit to discharge stormwater associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the Code Enforcement Officer at the same time the operator submits the original NOI to the EPA or State DEC as applicable.
- 3) The copy of the NOI may be delivered to the Code Enforcement Officer either in person or by mailing it to:

Notice of Intent to Discharge Stormwater
Code Enforcement Officer
Village of Minoa
240 North Main Street
Minoa, New York 13116

- 4) A person commits an offense if the person operates a facility that is discharging stormwater associated with industrial activity without having submitted a copy of the NOI to do so to the Code Enforcement Officer.

§134-14. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

A. Best Management Practices. Where the Code Enforcement Officer has identified illicit discharges as defined in Section 134-3 (Definitions) or activities contaminating stormwater as defined Section 134-11, the Village of Minoa 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, which is, or may be, the source of an illicit discharge as defined in Section 134-3 (Definitions) or an activity contaminating stormwater as defined in Section 134-8, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) 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. Where individual sewage treatment systems are contributing to the Village of Minoa being subject to the Special Conditions as defined in Section 134-3 (Definitions) 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 or the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee;
- 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, disposal diapers, sanitary napkins, trash and other such items.

- 2) Repair or replace individual sewage treatment system 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.
 - ii. Installation of a new subsurface treatment system at 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 Village of Minoa at the completion of construction of the repair or replacement system.

§134-15. ACCESS AND MONITORING OF DISCHARGES.

A. Right of Entry. Inspection and Sampling. The Village Code Enforcement Officer or his designee shall be permitted to enter and inspect facilities subject to regulation under this Local Law as often as may be necessary to determine with this ordinance.

- 1) 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 representatives of the Village Code Enforcement Officer.
- 2) Facility operators shall allow the Code Enforcement Officer ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must

be kept under the conditions of an NPDES or SPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

- 3) The Code Enforcement Officer or his designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Code Enforcement Officer to conduct monitoring and/or sampling of the facility's stormwater discharge.
- 4) The Code Enforcement Officer or his designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- 5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Code Enforcement Officer or his designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- 6) Unreasonable delays in allowing the Code Enforcement Officer or his designee access to a permitted facility is in violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with an NPDES or SPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Village Code Enforcement Officer or his designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this local law.

B. Search Warrants.

- 1) If the Code Enforcement Officer or his designee 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 ordinance, or that there is a need to inspect and/or sample as part of a routine inspect and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Code Enforcement Officer may seek issuance of a search warrant from any court of competent jurisdiction.

§134-16. 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 discharge 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 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 non-hazardous materials, said person shall notify the Village of Minoa 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 Village of Minoa within three business days 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.

§134-17. VIOLATIONS, ENFORCEMENT, AND PENALTIES.

A. Violations.

- 1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
- 2) In the event the violation constitutes an immediate danger to public health or public safety, the Code Enforcement Officer or his designee is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Code Enforcement Officer is authorized to see costs of the abatement as outlined Section 134-20.

B. Warning Notice.

- 1) When the Code Enforcement Officer or his designee finds that any person has violated, or continues to violate, any provisions of this local law, or any order issued hereunder, the Code Enforcement Officer or his designee may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Village Code Enforcement Officer or his designee to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

C. Notice of Violation.

- 1) Whenever the Code Enforcement Officer or his designee finds that a person has violated a prohibition or failed to meet a requirement of this local law, the Code Enforcement Officer or his designee may order compliance by written notice of violation to the responsible person. The Notice Shall contain:
 - a. The name and address of the alleged violator;

- b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- f. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Such Notice may require without limitation:

- a. The performance of monitoring, analysis, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- e. Payment of a fine to cover administrative and remediation costs; and
- f. The implementation of source control or treatment BMPs.

D. Compensatory Action.

- 1) In lieu of enforcement proceedings, penalties, and remedies authorized by this local law, the Code Enforcement Officer or his designee may impose upon a violator alternative compensatory actions, such as (without limitation) storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

E. Suspension of MS4 Access.

- 1) Emergency Cease and Desist Orders. When the Code Enforcement Officer or his designee finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Code Enforcement

Officer or his designee may issue an order to the violator directing them immediately to cease and desist all such violations and directing the violator to:

- a. Immediately comply with all Law requirements; and
- b. Take such appropriate preventative action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Code Enforcement Officer or his designee may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Code Enforcement Officer or his designee may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Code Enforcement Officer that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Code Enforcement Officer or his designee with ten (10) days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

2) Suspension Due to Illicit Discharges in Emergency Situations. The Code Enforcement Officer or his designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge with presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Code Enforcement Officer or his designee may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

3) Suspension Due to the Detection of Illicit Discharge.

- a. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce and illicit discharge. The Code Enforcement Officer or his designee will notify a violator of the proposed termination of its MS4 access.
- b. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Code Enforcement Officer or his designee.

F. Civil Penalties.

- 1) In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within twenty (20) days, or such greater period as the Code Enforcement Officer or his designee shall deem appropriate, after the Code Enforcement Officer or his designee may impose a penalty not to exceed Five Hundred and 00/100 Dollars (\$500.00) (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

G. Criminal Prosecution.

- 1) Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of Five Hundred and 00/100 Dollars (\$500.00) per violation per day and/or imprisonment for a period of time not to exceed sixty (60) days. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

§134-18. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the Code Enforcement Officer or his designee to the Village of Minoa within 15 days of 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 Village Clerk and mail a copy of its decision by certified mail to the discharger.

§134-19. ENFORCEMENT 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 Village of Minoa authority upholding the decision of the Code Enforcement Officer or his designee, then the Code Enforcement Officer or his designee may authorize 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 Code Enforcement Officer 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 Code Enforcement Officer or his designee may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§134-20. COST OF ABATEMENT OF THE VIOLATION.

- A. Upon review by and a finding of the Village Board that the provisions of this Chapter 134, including in particular §§134-17(C) and 134-19 hereof, have been complied with or satisfied,

and in the case of §134-17(E) that a bona-fide emergency or exigent condition existed, the Village Board may adopt a resolution authorizing that the costs incurred by the Village in performance of the work be paid for out of general Village funds appropriated by the Village Board for such purpose. The Village shall be reimbursed for the cost of the work performed by direction of the Village Board, plus a service charge of 30% thereof to cover the cost of supervision and administration, and for any penalties assessed under Section 134-17(F) and (G) hereof by assessment and levy upon the lots or parcels of land wherein such work was performed and supervised/administered, and the expenses so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges.

- B. Any person violating any of the provisions of this article shall become liable to the Village of Minoa by reason of such violation.

§134-21. 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 local 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.

§134-22. REMEDIES NOT EXCLUSIVE.

The remedies listed in this local 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.

§134-23 EFFECTIVE DATE.

This local law shall take effect upon its filing in the office of the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 7 of 2007 of the ~~(County)~~(City)(Town)(Village) of Minoa was duly passed by the Village Board of Trustees of the Village of Minoa on October 1, 2007 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was ~~(approved)~~(not approved)(repassed

(Name of legislative Body)
 disapproval) by the _____ and was deemed duly adopted on _____, 199_
(Elective Chief Executive Officer)*

in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No _____ of 199__ of the (County)(City)(Town)(Village) of _____ was duly passed by the on _____, 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19__. Such local law was _____ (Elective

Chief Executive Officer*)

to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19__, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, and was (approved)(not approved)(repassed after

(Name of Legislative Body)

disapproval) by the _____ on _____ 19__. Such local law was subject to (Elective Chief Executive Officer*)

permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__, in accordance with the applicable provisions of law.

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

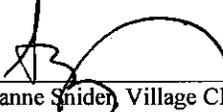
I hereby certify that the local law annexed hereto, designated as local law No _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19__, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No _____ of 19__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one (1) above.



Suzanne Snider, Village Clerk

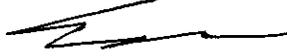
(Seal)

Date: October 4, 2007

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Steven J. Primo

Attorney for the Village

Title

County

City of Minoa

~~Town~~ Village

Date: 10/3 _____, 2007

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

MAYOR
Richard J. Donovan
TRUSTEES
William F. Brazill
John H. Champagne
Ronald L. Cronk
Edmond J. Theobald
CLERK-TREASURER
Suzanne M. Snider
LEGAL COUNSEL
Primo, Primo & Kirwan, LLP



VILLAGE OF MINOA
240 N. MAIN STREET
MINOA, NEW YORK 13116
PHONE 315-656-3100
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www.villageofminoa.com

October 4, 2007

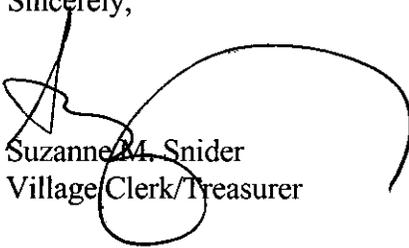
Secretary of State
Miscellaneous Records Unit
Department of State
41 State Street
Albany, NY 12231

Dear Secretary of State:

Enclosed is one (1) original copy of Local Law #7 for 2007 for the Village of Minoa.

If there are any questions on this law, please do not hesitate to contact me at (315) 656-3100.

Sincerely,


Suzanne M. Snider
Village Clerk/Treasurer

Enclosure

CC: Attorney Steven J. Primo w/attachment