

Chapter 254: STORMWATER MANAGEMENT

[HISTORY: Adopted by the Board of Trustees of the Village of Scarsdale 3-25-2003 by L.L. No. 8-2003; amended in its entirety 3-13-2007 by L.L. No. 6-2007. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building code and fire prevention — See Ch. 132.

Environmental quality review — See Ch. 152.

Fences, walls and plantings — See Ch. 158.

Flood damage prevention — See Ch. 167.

Freshwater wetlands — See Ch. 171.

Site plan review — See Ch. 251.

Removal of topsoil — See Ch. 277.

Diversion of watercourses — See Ch. 302.

Zoning — See Ch. 310.

Subdivision of land — See Ch. A319.

ARTICLE I General Provisions

§ 254-1. Background and findings.

A. Background.

- (1) In 1972, amendments to the federal Water Pollution Control Act prohibited the discharge of pollutants into navigable waters from a point source unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Improving water quality under this program focused on industrial wastewater and municipal sewage discharges. Once the United States Environmental Protection Agency (EPA) found an improvement in pollution control of these point source discharges, it shifted its regulatory focus to nonpoint source pollution, namely, urban stormwater runoff. A series of studies in the 1980s identified many pollutants in stormwater discharges from a variety of sources, including streets, parking lots, lawns, construction sites, highway yards and other urban commercial and industrial uses. As a result, in 1990, the EPA established Phase I stormwater regulations for large communities with populations greater than 100,000 which required National/State Pollution Discharge Elimination System permits for certain municipal and industrial stormwater discharges. In 1991, Phase II of these regulations was finalized requiring smaller communities within urbanized areas to develop plans for the control of stormwater within their jurisdictions by March 2003 and implemented by 2008.
- (2) The Village of Scarsdale, as an operator of a municipal separate storm sewer system (MS4), is subject to these permitting requirements as its population is greater than 10,000 and its population density is greater than 1,000 per square

mile. The initial step toward providing a stormwater pollution prevention plan under Phase II is to develop and implement six minimum measures, including public education, public involvement, detection and elimination of illicit connections, construction site runoff, postconstruction stormwater controls, pollution prevention and good housekeeping. This legislation is intended to address a number of these measures.

- (3) The various provisions of this chapter attempt to meet these objectives by regulating the impacts of construction activity in the Village on soil erosion and stormwater runoff. Stormwater runoff for single-family residences is typically managed with the installation of dry wells, detention basins, catch basins, driveway and/or curtain drains, or piping to the nearby existing municipal storm sewer system. Erosion control measures include the installation of silt fences and hay bales around the property during construction.
- (4) This chapter acknowledges the difference between large construction projects typically requiring Planning Board site plan or subdivision approval and more modest additions or improvements by requiring more detailed information for the large projects and basic information for the smaller projects. This chapter also establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the New York State Pollution Discharge Elimination System (SPDES) permit process.

B. Findings. The New York State Department of Environmental Conservation has found that uncontrolled drainage and runoff associated with land development have a significant impact upon the health, safety and welfare of the community. Specifically:

- (1) Stormwater runoff can carry pollutants into receiving water bodies, degrading water quality.
- (2) The increase in nutrients in stormwater runoff such as phosphorus and nitrogen accelerates eutrophication of receiving waters.
- (3) Improper design and construction of drainage facilities can increase the velocity of runoff, thereby increasing streambank erosion and sedimentation.
- (4) Construction involving land clearing and the alteration of natural topography increases erosion.
- (5) Siltation of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation in downstream harbors, and harms flora and fauna.
- (6) Sediment from soil erosion clogs catch basins, storm sewers and ditches and pollutes and silts streams, rivers, lakes, reservoirs and harbors.
- (7) Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- (8) Improperly managed stormwater runoff can increase the incidence of flooding

and the level of floods which occur, endangering property and human life.

- (9) Substantial economic losses can result from these adverse impacts on community waters.
- (10) Many future problems can be avoided if land is developed with sound stormwater runoff management practices.

§ 254-2. Purposes and objectives.

In order to protect, maintain and enhance both the immediate and long-term health, safety and general welfare of the citizens of the Village of Scarsdale, this chapter has the following objectives in accordance with certain measures identified in the SPDES Phase II regulations:

- A. To meet the requirements of the SPDES general permit for stormwater discharges from MS4s, Permit No. GP-02-02, as amended.
- B. To prevent increases in the magnitude and frequency of stormwater runoff so as to prevent an increase in flood flows and in the hazards and costs associated with flooding and to reduce siltation, increases in stream temperature, and stream erosion and maintain the integrity of stream channels, watercourses and waterways.
- C. To prevent decreases in groundwater recharge and stream base flow so as to maintain aquatic life, assimilative capacity, and potential water supplies.
- D. To maintain the integrity of stream geometry so as to sustain the hydrologic functions of streams.
- E. To regulate the discharge of pollutants to the municipal separate storm sewer system.
- F. To prohibit unauthorized illicit connections, activities and discharges to the municipal separate storm sewer system.
- G. To control erosion and sedimentation so as to prevent its deposition in streams and other receiving water bodies.
- H. To regulate and control 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 situated in the Village.
- I. To facilitate the removal of pollutants in stormwater runoff so as to perpetuate the natural biological and recreation functions of streams, water bodies and wetlands.
- J. To secure, to the extent possible, multiple community benefits such as groundwater replenishment, open space protection and increased recreational opportunity through integrated land use— stormwater management planning.
- K. To establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with this chapter.
- L. To promote public awareness of the hazards of the improper discharge of pollutants

into the MS4.

§ 254-3. Statutory authority.

In accordance with Articles 4 and 20 of the Village Law of the State of New York, the Village of Scarsdale has the authority to enact local laws for the purpose of the protection and enhancement of its physical environment and to promote the health, safety or general welfare of the Village. The Village may include in any such local law provisions for the appointment of any municipal officer or employee to effectuate and administer such local law.

§ 254-4. Definitions and word usage.

- A. Use of words. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the words "parcel" and "plot"; and the word "building" includes the word "structure."
- B. Definitions. Unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter the most effective application. The word "shall" connotes mandatory and not discretionary; the word "may" is permissive.

ADDITION — Any work on an existing structure that changes the external dimensions of such structure.

ADJOINING PROPERTY — Any property facing a work site across any right-of-way, street or highway shall be deemed "adjoining property," as well as any property contiguous on any side.

AUTHORIZED ENFORCEMENT AGENCY — Employees or designees of the municipal agency designated to enforce this chapter.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BEST MANAGEMENT PRACTICES (BMPs) — Schedule of activities, prohibitions, general housekeeping practices, pollution prevention and educational practices, maintenance procedures and other practices to prevent or reduce the discharge of other pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems; procedures and methods pertaining to construction activities which are intended to minimize water pollution, retain valuable topsoil and prevent erosion and sedimentation and include, but are not limited to, those practices contained in the most recent versions of the New York State Stormwater Management Design Manual and the New York Standards and Specifications for Erosion and Sediment Control.

BEST MANAGEMENT PRACTICES MANUALS — The most recent editions of a series of manuals published by the County of Westchester and the State of New York, consisting of various volumes on best management practices for certain described

activities and, specifically, the publications titled "New York State Stormwater Management Design Manual" and the "New York Standards and Specifications for Erosion and Sediment Control."

CLEAN WATER ACT — The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

CONNECTION PERMIT — An authorization for the connection as well as the discharge permitted under § 254-13 of this chapter, as well as a discharge permitted under an SPDES permit, waiver, or waste discharge order issued by the NYSDEC. This permit is subject to special terms and conditions by the Village Engineer or his/her designee. This permit expires on or before the expiration of the NYDEC SPDES permit. Waiver or order upon changes of ownership or use of the property.

CONSTRUCTION ACTIVITY — Includes activities subject to NYSDEC permits and SPDES permits or activities covered by erosion and sediment control and pollution prevention laws. These activities include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DESIGN MANUALS — The New York State Stormwater Management Design Manual and the New York Standards and Specifications for Erosion and Sediment Control, most recent versions, including applicable updates, that serve as the official guides for stormwater management principles, methods and practices.

DESIGN PROFESSIONAL — A New York State licensed professional engineer, registered architect or a certified professional in erosion and sediment control (CPESC).

DETENTION — A practice to store stormwater runoff by collection as a temporary pool of water and provide for its gradual (attenuated) release over 24 hours or more; a practice which is used to control peak discharge rates and which provides gravity settling of pollutants.

DEVELOPER — A person who undertakes land development activities.

DEVELOPMENT — To make a site or area available for use by physical alteration. Development includes but is not limited to providing access to a site, the clearing of vegetation, grading, earth moving, providing utilities and other services such as parking facilities, stormwater management and erosion control systems, altering landforms or construction of a structure on the land.

DISCHARGER — Any person or entity, permitted by law or not, that is releasing, emptying, conveying or unloading fluids and materials, including but not limited to hazardous materials and illicit discharges, as defined by this chapter, into the municipal storm sewer system.

EMERGENCY RESPONSE AGENCY — Any governmental agencies, including but not limited to the New York State Department of Environmental Conservation, the Westchester County Department of Health and the Village of Scarsdale Police and Fire and other appropriate Village Departments.

EROSION — The removal of soil particles by the action of water, wind, ice or other meteorological or geological agents.

EROSION CONTROL MANUAL — The most recent version of the New York Standards and Specifications for Erosion and Sediment Control, commonly known as the "Blue Book."

EXFILTRATION — The downward movement of runoff through the bottom of an infiltration system into the soil.

EXISTING GRADE — The vertical location of the existing ground surface prior to excavation or filling.

FILL — Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, or transported to a new location and shall include the conditions resulting therefrom.

FINAL GRADE — The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

FIRST FLUSH — The delivery of a disproportionately large load of pollutants during the early part of storms due to rapid runoff of accumulated pollutants. The first flush is defined as the runoff generated from the first 1/2 inch of runoff or runoff resulting from a one-year, twenty-four-hour storm, whichever is greater, from land which has been made more impervious from predevelopment conditions through land grading, a change in vegetative cover, or construction/development activities.

FLOODPLAIN — For a given flood event, that area of land temporarily covered by water which adjoins a watercourse. Land within the floodplain is property within the one-hundred-year flood boundary as shown on the Flood Boundary - Floodway Map for the Village of Scarsdale, as issued by the United States Department of Housing and Urban Development.

FOREBAY — An extra storage area or treatment area, such as a sediment pond or created wetland, near an inlet of a stormwater management facility to trap incoming sediments or take up nutrients before they reach a retention or extended detention pond.

GENERAL PERMIT — An authorization for the connection and discharge of stormwater, as permitted under Article III of this chapter and other applicable sections of the Village Code, from properties occupied by a private dwelling.

GRADING — Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

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

ILLICIT ACTIVITY — Any action or condition, active or passive, that results in

nonstormwater entering the Village MS4.

ILLCIT CONNECTION — An illicit connection is defined as any of the following: any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm sewer system, and including but not limited to any conveyances which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater and wash water to enter the storm sewer system; any connections to the storm sewer 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; any drain or conveyance connected from a commercial or industrial land use to the storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLCIT DISCHARGE — Any discharge through an unauthorized connection, including a direct or indirect nonstormwater discharge to the storm sewer system, except as exempted in this chapter.

IMPERVIOUS AREA — Impermeable surfaces, such as, but not limited to, pavement, walks, patios, terraces, decks, rooftops, tennis courts and swimming pools, which prevent the percolation of water into the soil.

INDIVIDUAL SEWAGE TREATMENT SYSTEM — A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is issued under the applicable provisions of Article 17 of the Environmental Conservation Law.

INDUSTRIAL ACTIVITY — Activities subject to SPDES industrial permits as defined in 40 CFR 122.26(b)(14) and GP-98-03, as amended or revised.

INFILTRATION — A practice designed to promote the recharge of groundwater by containment and concentration of stormwater into porous soils.

INFILTRATION BASIN — An impoundment made by excavation or embankment construction to contain and exfiltrate runoff into the soil.

LAND DEVELOPMENT/REDEVELOPMENT ACTIVITY — Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development or redevelopment activities may take place at different times on different schedules.

LAND-DISTURBING ACTIVITY — Any change to land which may result in soil erosion from water or wind and the movement of soil into water or onto lands, alteration of a drainage system, or increased runoff of waters, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

LICENSED, CERTIFIED PROFESSIONAL — A person currently licensed to practice engineering or architecture in New York State or a certified professional in erosion and sediment control (CPESC).

MS4 — Municipal separate storm sewer system. A conveyance or system of conveyances and retention and infiltration facilities (including roads with drainage systems, curbs and gutters on municipal streets, manholes, catch basins, ditches, man-made channels, or storm drains, stormwater basins, drainage reserve areas, dry wells or any other component of a stormwater system) that is owned or operated by the Village or another municipal entity, designed or used for collecting or conveying or storing or infiltrating or managing stormwater, which is not a combined sewer and which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

MUNICIPAL PERMIT — Any permit or license issued by the Village of Scarsdale, including but not limited to building, grading, demolition, clearing, topsoil removal, excavation, tree removal, and special use permits, and subdivision and site plan approval.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the Environmental Protection Agency (EPA) or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.

NONPOINT SOURCE POLLUTION — Pollution from any source other than from any discernible, confined, and discrete conveyances and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NONSTORMWATER DISCHARGE — Any discharge to the storm sewer system that is not composed entirely of stormwater.

NPDES — National Pollutant Discharge Elimination System.

NYSDEC — The New York State Department of Environmental Conservation.

OUTFALL — The terminus of a storm drain where the contents are released.

PEAK FLOW — The maximum rate of flow of water at a given point and time resulting from a storm event.

PEAK FLOW ATTENUATION — The reduction of the peak discharge of stormwater runoff by storage and gradual release of that storage.

PERSON — Any corporation, partnership, association, trust, estate, or any other entity recognized by law and acting as either the owner or the owner's agent, including state and local governments and agencies, authorities, or other political subdivisions thereof, and one or more individuals.

POLLUTANT — Anything which causes or contributes to pollution. Pollutants that may cause or might reasonably be expected to cause pollution of the waters within New York State may include, but are not limited to, dredged soil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hazardous

materials, heat, wrecked or discarded equipment, rock, sand, industrial and agricultural waste, ballast discharged into water, paints, varnishes and solvents, oil and other automotive fluids, nonhazardous liquid, yard waste, refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations so that same may cause or contribute to pollution, floatables, pesticides, herbicides, particulate metals, animal waste, waste and residue resulting from constructing a building or structure and noxious or offensive matter of any kind.

PREMISES — Any building, lot, parcel of land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking areas.

RETENTION — A practice designed to store stormwater runoff by collection as a permanent pool or tank of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds the permanent storage capacity of the permanent pool or tank.

RIPRAP — A combination of large stone, cobbles and boulders used to line channels, stabilize streambanks and reduce runoff velocities.

RISER — A vertical pipe that is used to control the discharge rate from a pond for a specified design storm.

SOIL STABILIZATION — Measures which protect soil from the erosive forces of raindrop impact and flowing water and include, but are not limited to, vegetative establishment, mulching, and the early application of gravel base on areas to be paved.

SPDES — State Pollutant Discharge Elimination System. A permit issued by the New York State Department of Environmental Conservation that authorizes the discharge of pollutants to waters of the state.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued for development and construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to register discharges from municipal separate storm sewers for compliance with EPA- and/or NYSDEC-established water quality standards and/or to specify stormwater control standards.

SPECIAL PERMIT — An authorization for the connection as well as the discharge of stormwater or authorized nonstormwater under Article III of this chapter from all properties occupied by other than private dwellers.

STABILIZATION — The use of practices that prevent exposed soil from eroding.

START OF CONSTRUCTION — The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of utilities, streets and walkways; excavation for basements, footings,

piers, or foundations; erection of temporary forms; and the installation of temporary or accessory buildings such as construction sheds or trailers and garages.

STORMWATER — Any surface flow, runoff, and subsurface drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER APPURTENANCES — Structures such as dry wells, catch basins, piping, storm drains and detention/retention basins designed to control and manage the flow of stormwater.

STORMWATER CONVEYANCE SYSTEM (DRAINAGE SYSTEM) — Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other stormwater appurtenances to control and manage the flow of stormwater.

STORMWATER MANAGEMENT, EROSION, SEDIMENT AND POLLUTION CONTROL PLAN — A plan prepared by a professionally qualified person or persons with expertise in stormwater management and erosion and sediment control, including but not limited to a New York State licensed professional engineer or registered landscape architect or a certified professional in erosion and sediment control (CPESC). These plans shall indicate the specific measures and sequencing to be used in controlling erosion, sediment and pollution on a development site during and after construction, showing the proposed use of the site and showing the methods, techniques and improvements that will be employed to control erosion, sedimentation and pollution, which shall employ best management practices. The plan shall contain all surface water calculations, unless set forth in an accompanying document.

STORMWATER MANAGEMENT PRACTICES (SWMPs) — Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF — Flow on the surface of the ground, resulting from precipitation.

STREAM CORRIDOR — The landscape features on both sides of a stream, including soils, slope and vegetation, whose alteration can directly impact the stream's physical characteristics and biological properties.

STRIPPING — Any activity that removes the vegetative surface cover, including tree removal, clearing, and storage or removal of topsoil.

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 undergroundwaters), which are wholly or partially within or bordering the state or within its jurisdiction.

SWALE — A natural depression or a wide shallow ditch used to temporarily route or filter runoff.

TEMPORARY STREAM CROSSING — A temporary structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges or pipes.

303(D) LIST — A list of all surface water 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 NYSDEC as required by Section 303(d) of the Clean Water Act. Section 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 — Total maximum daily load. The maximum amount of a pollutant allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

UNAUTHORIZED CONNECTION — A permanent or temporary unapproved direct or indirect conveyance to the Village's MS4. Any connection, pipe, hose, or other conveyance that is not documented on plans, maps, or equivalent records signed by the Village Engineer or that is not approved by a permit issued by the Village Engineer is considered unauthorized, regardless of whether the discharge is otherwise allowed by this Code.

UNCONTAMINATED — Free of pollutants.

WASTEWATER — Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

WATERCOURSE — Any natural or artificial, intermittent, seasonal or permanent and public or private water body or watercourse. A "water body" is intermittently, seasonally or permanently inundated with water and contains a discernible shoreline and includes ponds and lakes. A "watercourse" includes rivulets, brooks, creeks, streams, rivers and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.

WATERS OF THE UNITED STATES — Water bodies as defined in 33 CFR 328 and supplemental information and subsequent amendments thereto.

ARTICLE II Stormwater Management and Erosion and Sediment Control

§ 254-5. Applicability; activities not requiring permit.

- A. Applicability. This article shall be applicable to all land development and redevelopment activities as defined in § 254-4 of this chapter.

B. Permit not required. For the purposes of this chapter, a stormwater management and erosion and sediment control permit shall not be required for the following activities:

- (1) Lawn maintenance and landscaping of existing cultivated areas, including gardens.
- (2) Alteration to the interior of a building and alteration to the exterior of a building, provided that such exterior alteration does not increase land coverage by the building, pavement, walks, patio, tennis court, swimming pool, etc., and the alteration does not involve the demolition of a part or all of the exterior of an existing building.
- (3) The construction of an addition to an existing structure or any land-disturbing activity that involves less than 500 square feet. However, any land-disturbing activity of any area shall follow the applicable soil erosion BMP provided by the Village.
- (4) Any emergency activity which is immediately necessary for the protection of life, property or natural resources, as determined by the Village Engineer.
- (5) Activities of the Village in regard to the permitting provisions.
- (6) 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.
- (7) Agricultural or silvicultural activity.
- (8) Repairs to any stormwater management practice or facility deemed necessary by the Village Engineer or his/her designee.
- (9) Land development or redevelopment activities for which a building permit has been approved on or before the effective date of this chapter.
- (10) Excavation of burial plots.
- (11) The installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

§ 254-6. Waivers.

Upon written request from the applicant, the Village Engineer may grant a waiver, in writing, from any requirement of this chapter, specifically identifying the reasons therefor, using the following criteria:

- A. Special circumstances applicable to the subject property, its intended use, or the scope of the project.
- B. Said waiver will not:
 - (1) Result in an increase or decrease in the rate or volume of surface water runoff;
 - (2) Result in an adverse impact on a wetland, watercourse or water body;

- (3) Result in degradation of water quality; or
- (4) Otherwise impair the attainment of the objectives of this chapter.

§ 254-7. Permit required.

No person shall commence or carry out any development or land-disturbing activity in the Village of Scarsdale that involves more than 500 square feet without first obtaining the proper stormwater management and erosion and sediment control permit from the Village Engineer and all other necessary local, state and federal permits and thereafter complying with the requirements of this chapter.

§ 254-8. Application for permit for land-disturbing activities involving greater than 500 square feet and up to 15,000 square feet.

- A. It is the responsibility of an applicant to include sufficient information in the stormwater management, erosion, sediment and pollution control plan for the Village to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on watercourses, and the effectiveness and acceptability of those measures proposed by the applicant for reducing or mitigating adverse impacts.
- B. An application for a stormwater management and erosion and sediment control permit shall be made on forms provided by the Village and shall include the name(s) and address(es) of the owner, contract vendee, or developer of the site and of any consulting firm retained by the applicant, together with the name and telephone number of the applicant's principal contact at such firm. Each application shall include a certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved and the permit issued. The permit shall be valid for the same period as the associated building or other municipal permit or as may be specified by the Village Engineer. Where a building or other municipal permit is not issued, the stormwater management and erosion and sediment control permit shall expire within 180 days unless renewed by the Village Engineer.
- C. Each application shall be accompanied by the following, unless specifically waived by the Village Engineer based on the scope of the project:
 - (1) A vicinity map.
 - (2) A stormwater management, erosion, sediment and pollution control plan for the site showing drainage patterns, on-site stormwater appurtenances, wetlands, the one-hundred-year floodplain, and the proposed use of the site, including areas of excavation, grading and filling.
 - (3) Stormwater management improvements, including calculations, designs and special measures regarding safety and maintenance operations.
 - (4) Stormwater conveyance system, including plans, designs and materials to be

used for improvements and erosion control in channel sections of stormwater conveyance systems and erosion control measures at culvert inlets and outfalls.

- (5) The above plans shall comply with the guidelines and specifications of the most recent editions of New York State Stormwater Management Design Manual and the New York Standards and Specifications for Erosion and Sediment Control and include:
 - (a) Temporary erosion and sediment control measures with an implementation and maintenance schedule.
 - (b) Permanent erosion and sediment control improvements showing the location of improvements and an implementation and maintenance schedule.

§ 254-9. Application for permit for land-disturbing activities involving greater than 15,000 square feet.

- A. It is the responsibility of an applicant to include sufficient information in the stormwater management, erosion, sediment and pollution control plan for the Village to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on watercourses, and the effectiveness and acceptability of those measures proposed by the applicant for reducing or mitigating adverse impacts.
- B. An application for a stormwater management and erosion and sediment control permit shall be made on forms provided by the Village and shall include the name(s) and address(es) of the owner, contract vendee, or developer of the site and of any consulting firm retained by the applicant, together with the name and telephone number of the applicant's principal contact at such firm. Each application shall include a certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit. The permit shall be valid for the same period as the associated building or other municipal permit or as may be specified by the Village Engineer.
- C. Each application shall be accompanied by the following, unless specifically waived by the Village Engineer based on the scope of the project:
 - (1) A vicinity map in sufficient detail to easily locate the site for which the permit is sought, including the boundary lines and approximate acreage for the site, the existing zoning, the date of the plan (to include the date of any revisions), North point, scale and legend.
 - (2) A stormwater management, erosion, sediment and pollution control plan for the site, including:
 - (a) Existing topography of the site and adjacent land clearly portraying the drainage patterns of the area, including ditches, culverts, permanent or intermittent streams, wetlands or other water bodies, existing roads and sizes of existing culverts.

- (b) The location of existing buildings, structures, utilities, water bodies, floodplains, drainage facilities, vegetative cover, the size and species of trees with a trunk diameter of four inches or more at a point 4 1/2 feet above ground level, paved areas, watershed divides, and other significant natural or man-made features on the site, and adjacent land within approximately 50 feet of the boundary.
 - (c) An analysis of site limitations and development constraints, including such factors as slope, soil type and erodibility, depth to bedrock, depth to seasonal high water, soil percolation, etc., in order to determine site suitability for proposed stormwater and erosion control facilities regarding the proposed development.
 - (d) Wetlands boundaries and designated one-hundred-year floodplain boundaries, including one-hundred-year flood elevations and floodways where applicable. Such elevations should be based on the National Geodetic Vertical Datum of 1929. The plan shall also indicate the size of culverts downstream of the project, and existing easements for storm drains, sewers and other utilities.
 - (e) The proposed use of the site, illustrating existing conditions and proposed development; areas of excavation, grading and filling; proposed contours, finished grades and street profiles; provisions for stormwater management, including control of accelerated runoff, with a drainage area map and computations; kinds and locations of utilities; and areas and square feet proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed.
- (3) Comparison of predevelopment with postdevelopment runoff, including:
- (a) A description of the methodology used to compare and evaluate predevelopment with postdevelopment runoff conditions in terms of volumes, peak rates of runoff, routing and hydrographs.
 - (b) Calculation of peak discharge rates and total runoff volumes from the project area for existing site conditions and postdevelopment conditions. The relevant variables used in this determination, such as the curve number and time of concentration, should be included. Downstream analysis, including peak discharge rates, total runoff volumes and evaluation of impacts to receiving water and/or wetlands, should be evaluated. Storage volume and surface area requirements should be calculated. Discharge provisions for the proposed control measures, including peak discharge rates, outlet design, discharge capacity for each stage, outlet channel design and a description of the point of discharge, should be provided.
 - [1] For sites of two acres or more, stormwater management practice(s) shall be adequate to provide for storm intensities of 100, 50, 25, 10 and two years.
 - [2] For sites of less than two acres, stormwater management practice(s)

shall be adequate to provide for storm intensities of 25, 10, five and two years.

- (c) A description of the methodology used to compare and evaluate predevelopment with postdevelopment pollutant loading. Contaminants to be compared include, when applicable, total suspended solids, total phosphorus, total nitrogen and biological oxygen demand. Pollutant loading coefficients may be used. Water quality treatment improvements should be designed to meet the above specified stormwater management practice(s). Compare pollutant loading between before and after conditions, with computations.
 - (d) Calculation of the necessary storage volumes and the proposed stormwater management measure(s) described in detail, providing sufficient detail of the water quality control measures to ensure that the relevant design criteria will be met. Such detail may include surface area dimensions, depths, inlet designs, planting specifications for use of aquatic vegetation, percent solids removal expected, discharge rates and outlet design.
 - (e) Assumptions used in making the calculations.
 - (f) Assumptions and coefficient values used in the hydrologic calculations for making the above comparisons. Evaluate the postdevelopment effect of stormwater runoff on identified floodplains or designated flood hazard areas in the community.
- (4) A stormwater management improvement plan, including:
- (a) A narrative of all proposed stormwater management improvements. A soil profile to at least five feet below the stormwater management improvements shall be provided.
 - (b) Designs of proposed stormwater management improvements for peak flow attenuation and water quality management and an indication of which improvements will be used to attenuate peak flows, which will be used to enhance stormwater runoff quality and which improvements will serve a dual role; identification of the materials to be used in constructing these improvements.
 - (c) Calculations for sizing stormwater improvements shall be provided.
 - (d) Designs and calculations for siting and sizing such specialized measures and devices as filter strips, water quality inlets (oil/grit separator), forebays, etc., which will be used to remove sediment, oil-based products and other contaminants found in urban runoff.
 - (e) Evaluation of the amount of treatment or level of pollutant reduction that can be expected from the proposed stormwater management improvement(s). Contaminants to be considered in this evaluation, when determined appropriate by the Village Engineer, include total suspended

solids (TSS), total phosphorus (P), total nitrogen (N), biological oxygen demand (BOD) and thermal pollution. Evaluation of the effectiveness of stormwater management practices can be based on reports on the effectiveness of comparable stormwater improvements on similar sites.

- (f) Information on the design provisions that address safety considerations (e.g., gentle slopes and benches in ponds or streambanks) and accommodate maintenance needs (including access to conduct maintenance operations).
- (5) A stormwater conveyance system plan, including:
- (a) A narrative of the stormwater conveyance (drainage) system indicating which segments of the drainage system are open channels and which segments are piped (culverts) and which provide a rationale and justification for installing piped segments.
 - (b) Plan view and cross-sectional designs of stormwater conveyance systems with hydrologic calculations for siting and sizing the stormwater conveyance system. The plan shall also identify materials to be used.
 - (c) Plans and designs identifying materials to be used for preventing erosion in channel sections of stormwater conveyance systems and erosion control measures at culvert inlets and outfalls.
- (6) The above plans shall comply with the guidelines and specifications of the most recent editions of the New York State Stormwater Management Design Manual and the New York Standards and Specifications for Erosion and Sediment Control and include:
- (a) Temporary erosion and sediment control measures to be used during land clearing, land grading and the construction phases, including:
 - [1] Temporary structural and vegetative measures to be used to control erosion and sedimentation.
 - [2] Plans showing the location of temporary vegetative and structural erosion and sediment control measures.
 - [3] Dimensional details of proposed erosion and sediment control measures identifying materials to be used in developing these measures with calculations used in siting and sizing sediment basins.
 - [4] Temporary erosion and sediment control measures to be converted to permanent stormwater management measures.
 - [5] An implementation schedule for the staging of temporary erosion and sediment control measures.
 - [6] A maintenance schedule for soil erosion and sediment control measures.
 - (b) Permanent erosion and sediment control improvements, including:

- [1] Permanent structural and vegetative practices to be used to provide long-term control of erosion and sedimentation when construction activities are completed and the project site is restored.
 - [2] A plan showing the location of permanent erosion control improvements, including both structural and vegetative.
 - [3] An implementation schedule for restoring the project site with permanent erosion and sediment control improvements.
- (c) An implementation schedule and maintenance, including:
- [1] An implementation schedule for the staging of all stormwater management improvements, coordinating the staging of erosion and sediment control facilities and construction activities.
 - [2] A description of the arrangements, including deed restrictions, if applicable, that will be made for ensuring long-term maintenance of stormwater management and erosion control improvements with contingency plans identifying responsible parties for performing maintenance and the frequency of maintenance.

§ 254-10. Plan review and inspections.

- A. The Village Engineer or his/her designee shall review the plan for compliance with the requirements of this chapter. The applicant shall promptly correct any portion of the plan that does not comply. The Village Engineer or his/her designees may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction.
- B. Compliance required; site inspections.
- (1) The applicant, the developer of the land development or redevelopment activity, or his or her representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this Code. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
 - (2) For land development or redevelopment activities as defined in § 254-4 of this chapter and meeting the conditions set forth in § 254-9 of this chapter or as determined by the Village Engineer, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site logbook.
 - (3) The applicant, developer or his or her representative(s) 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.

C. Maintenance easement agreement; dedication to Village.

- (1) Prior to the issuance of any stormwater permit that has a stormwater management facility as one of the requirements, the Village may require the applicant or developer to execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Code. The easement shall be recorded by the grantor in the office of the Village Clerk and office of the Westchester County Clerk after approval by resolution of the Board of Trustees.
- (2) The owner or operator of permanent stormwater management facilities installed in accordance with this Code shall ensure they are operated and maintained to achieve the goals of this chapter. The Village, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided that such facility meets all the requirements of this Code and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

D. Erosion and sediment control inspection. The Village may require such inspections as necessary to determine compliance with this Code and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this Code and the stormwater management, erosion, sediment and pollution control plan as approved. If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted, except for site stabilization, until all violations are corrected and all work previously completed has received approval.

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

- (1) An initial inspection prior to plan approval.
 - (2) An erosion and sediment control inspection to ensure that erosion and sediment control practices are in accord with the approved plan.
 - (3) An inspection prior to backfilling any underground drainage or stormwater conveyance structures.
 - (4) A final inspection when all work, including construction of stormwater management facilities and permanent soil stabilization, has been completed.
- F. When a new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm sewer system, the landowner shall grant to the Village the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified above.
- G. No building permit may be issued until a stormwater management and erosion and sediment control permit has been issued for those activities controlled under this chapter.
- H. Activities that involve the disturbance of an area of one acre or more shall comply with all applicable New York State Department of Environmental Conservation (NYSDEC) requirements.

§ 254-11. Cash deposit for compliance; maintenance bond or other surety.

- A. In order to ensure full and faithful completion of all construction activities related to compliance with all conditions of the approved stormwater management, erosion, sediment and pollution control plan, a cash deposit shall be required from the applicant prior to issuance of a permit. Said cash deposit shall be sufficient to cover the full cost, as estimated by the Village Engineer, of construction of all improvements specified in the stormwater management, erosion, sediment and pollution control plan and the permit. Such deposits shall be refunded upon the completion of the project and the final inspection and approval by the Village Engineer or his/her designee.
- B. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by a developer/owner or responsible legal entity, the Village may require a maintenance bond or other surety prior to the issuance of a permit. Such maintenance bond or other surety, as approved by the Village Attorney, shall be sufficient to cover the costs, as estimated by the Village Engineer, of proper maintenance of the facilities for five years after completion of a final inspection in accordance with § 254-10, Plan review and inspections, of this chapter. After this five-year period, the developer/owner or responsible legal entity shall file an affidavit with the Village Engineer attesting to maintenance in perpetuity.

ARTICLE III Illicit Discharges and Connections

§ 254-12. Applicability.

This article shall apply to discharges and connections to the Village MS4. This includes activities that result in discharge, seepage or deposition into the Village's MS4 and all water entering the MS4 generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency and allowed by a discharge or connection permit or other document approved by the Superintendent of Public Works or Village Engineer. This article shall also apply to discharges and connections, within the jurisdiction of the Village, entering another MS4 that is tributary to the Village MS4.

§ 254-13. Prohibition; exceptions.

No person shall discharge or cause to be discharged into the Village MS4 or watercourses any material, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, except as provided in Subsection A of this section.

- A. The commencement, conduct or continuance of any illicit discharge to the Village MS4 is prohibited, except as described as follows:
- (1) The following discharges are exempt from discharge prohibitions established by this chapter, unless they are subsequently determined to be substantial contributors of pollution or otherwise regulated by any other provision of law: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm sewer, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), uncontaminated crawl space pumps or basement sump pump discharges, air conditioning condensation, natural springs, water from individual residential car washing, natural riparian habitat or wetland flows, swimming pools (if dechlorinated, typically less than one ppm chlorine, and approved by the authorized enforcement agency), residential street wash water, fire fighting activities, and any other water source not containing pollutants. Exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
 - (2) Discharges specified in writing by an authorized enforcement agency necessary to protect public health, safety and welfare.
 - (3) Any testing may be allowed for the described period of time subsequent to a verbal notification to an authorized enforcement agency prior to the time and date of the test.
 - (4) The prohibition shall not apply to any nonstormwater discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the NYSDEC, 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 untreated discharge to the stormwater conveyance system by an authorized enforcement agency.

B. Prohibition of illicit or unauthorized connections.

- (1) The construction, use, maintenance or continued existence of illicit or unauthorized connections to the storm sewer system is prohibited.
- (2) Connections made prior to the enactment of this chapter shall be prohibited if the discharged material violates the provisions of this chapter.
- (3) A person is considered to be in violation of this chapter if the person connects or conveys sewage or other pollutants to the MS4 or allows such a connection or conveyance to continue.

§ 254-14. Applicability; right of entry; monitoring of discharges; watercourse protection; notification of spills; compliance.

This section applies to all facilities that have stormwater discharges associated with industrial activity, construction activity and all other facilities that must be inspected to enforce any provisions of this chapter.

A. Access to facilities.

- (1) The Village Engineer or his/her designee shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. 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 an authorized enforcement agency.
- (2) Facility operators shall allow the Village Engineer or his/her designee 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 SPDES permit or any additional duties required by state and federal law.
- (3) The Village Engineer or his/her designee shall have the right to cause to be established on any permitted facility such devices necessary in the opinion of an authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The Village Engineer or his/her designee shall have the right to require the discharger to install monitoring equipment as necessary. The sampling and monitoring equipment of the facility 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 obstruction to safe and easy access to the facility to be inspected and/or sample shall be promptly removed by the operator at the written or verbal

request of the Village Engineer or his/her designee and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator of the facility.

- (6) Unreasonable delay in allowing the Village Engineer or his/her designee access to a permitted facility is a violation of a stormwater discharge permit and this chapter. A person who is the owner or operator of a facility, subject to this chapter, violates the requirements of this chapter if the person denies an authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.
 - (7) If the Village Engineer or his/her designee has been denied access to any part of the premises from which stormwater is discharged and he/she has determined that it is necessary to inspect and/or obtain a sample for the purposes of protecting the public health, safety, and welfare of the community, then he/she may seek a search warrant from any court of competent jurisdiction.
- B. Watercourse protection. Pursuant to Chapter 302, Diversion of Watercourses, of this Code, every person owning property, and/or lessee, through which a watercourse passes shall keep and maintain that part of the watercourse within his or her 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 or function or affect the physical integrity of the watercourse.
- C. Notification of spills. Notwithstanding any other requirement of law, as soon as any person responsible for a facility or operation has information of any known or suspected release of material which is or may result in illicit discharges or pollutants discharged into stormwater, the stormwater conveyance system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence. In the event of a release of nonhazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village Engineer within three business days of the phone 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 reoccurrence. Such records shall be retained for at least three years.
- D. Industrial or construction activity discharges. Any person required to obtain an 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 Village Engineer prior to the allowing of discharges to the MS4.

ARTICLE IV Enforcement

§ 254-15. Enforcement; penalties for offenses.

It shall be the duty of the Village Engineer or his/her designee to enforce the provisions of this chapter in accordance with the following:

- A. When the Village Engineer or his/her designee determines that development activity is not being carried out in accordance with the requirements of this chapter, he/she may issue a written notice of violation and order to correct to the owner or agent of the property or issue a court appearance ticket, or both. The notice of violation and order to correct shall contain:
 - (1) The name and address of the owner or applicant.
 - (2) The street address 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 corrective actions necessary to bring the development activity into compliance with this chapter and the permit, and a time schedule necessary for completion of such corrective action.
- B. In the event that correction is not completed within the time specified by the notice of violation and order to correct, a court appearance ticket shall be issued.
- C. Any notice of violation, served upon the person(s) to whom it is directed either personally or by mailing a copy of the notice of violation by certified mail, return receipt requested, to such person at his or her last known address.
- D. In an emergency situation, as determined by the Village Engineer, the Village may enter the premises and make necessary corrections utilizing a portion or all of the cash deposit required in § 254-11, Cash deposits for compliance; maintenance bond or other surety, of this chapter. The Village shall have the authority to assess the costs of the emergency correction in the same manner as real estate taxes.
- E. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be subject to a fine of not less than \$100 or more than \$250 for each day during which the violation occurs or continues.
- F. If a person has violated or continues to violate the provisions of this chapter, the Village Engineer may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compel the person to perform abatement or remediation of the violation.

ARTICLE V Fees

§ 254-16. Fees.

- A. All applications for a stormwater management and erosion and sediment control permit shall be accompanied by a fee, payable to the Village of Scarsdale, as

established by resolution of the Village Board and identified in the Annual Village Fees and Charges Schedule.

- B. Where deemed appropriate, the Planning Board may require establishment of an escrow account from which withdrawals shall be made to reimburse the Village for the costs of retaining qualified professionals to review plans and conduct inspections to ensure compliance with the requirements of the approved stormwater management and erosion and sediment control permit. The applicant shall be provided with copies of invoices for such professional inspections when they are available. After all pertinent charges have been paid, the Village shall refund to the applicant all remaining fund balances.

ARTICLE VI Severability

§ 254-17. Severability.

Each separate provision of this chapter is deemed independent of all other provisions herein so that if any provision or provisions of this chapter be declared invalid, all other provisions thereof shall remain valid and enforceable.