

Construction Site Stormwater Pollution Prevention and Erosion and Sediment Control

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Section I: Introduction / Purpose

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

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

As a result, the purpose of this local regulation is to safeguard public health, protect property,

prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land in the Town of Sweden. It seeks to meet those purposes by achieving the following objectives:

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

Section II: Definitions

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

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

Clearing - Any activity that removes the vegetative surface cover.

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

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

Erosion Control - Measures that minimize erosion.

Final Stabilization - All soil-disturbing activities at the site have been completed and a uniform

perennial vegetative cover with density of 80% has been established or equivalent measures such as the use of mulches or geotextiles have been employed on all unpaved areas and areas not covered by permanent structures.

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

Land Disturbance Activity - Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 25,000 square feet, or activities disturbing less than 25,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

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

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

New York Standards and Specifications for Erosion and Sediment Control – the most recent version of this publication, which is commonly known as the “Blue Book”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Surface Waters of the State of New York - Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

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

Section III: Applicability

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

Section IV: Compatibility with Other Permits and Ordinance Requirements

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

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

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

Section V: Legislative Authority

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

Section VI: Standards for Construction Activities Covered Under this Law

The Town of Sweden requires the use of technical standards for erosion and sediment controls. These are detailed in the *Town of Sweden's Land Use Development & Subdivision Regulations and Public Works Requirements and Specifications* and the *New York State Department of Environmental Conservation's Standards and Specifications for Erosion and Sediment Control*. For the design of water quality and water quantity controls (post-construction stormwater runoff control

practices), the NYSDEC's technical standards are detailed in the *New York State Stormwater Management Design Manual*.

Where stormwater management practices are not in accordance with the aforementioned technical standards, the applicant or developer must demonstrate equivalence to these technical standards and the SWPPP shall be prepared by a licensed/certified professional.

Section VII: Land Disturbance Activity Approval Process

A. Requirements of Application

1. Any applicant requesting site plan approval or a permit for land disturbance activity which would require the disturbance of $\geq 25,000$ square feet of land shall also include with a submission a SWPPP that shall be reviewed and approved by the Town of Sweden prior to issuance of the final site plan approval or a permit.
2. No applicant shall be granted site plan approval or a permit which would require the disturbance of $\geq 25,000$ square feet of land without the review and approval of a SWPPP by the Town of Sweden.
3. Furthermore, prior to the issuance of a permit or site plan approval all projects that would result in the disturbance of $\geq 25,000$ square feet of land will be required to comply with all applicable provisions of the Ordinance for Design and Management of Post-Construction Stormwater Pollution Prevention Measures. As part of the SWPPP the applicant shall include a signed statement that all applicable requirements of the Ordinance for Design and Management of Post-Construction Stormwater Pollution Prevention Measures have been met to the satisfaction of the Town of Sweden.
4. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee as set forth in Section XIV.
5. Each application shall include a comprehensive and complete SWPPP that shall be prepared in accordance with Section IX of this ordinance.
6. Each application shall include a statement that any land clearing, construction, or development involving the movement of land shall be in accordance with the submitted SWPPP.
7. All land disturbance activities as defined in Section II of this ordinance not subject to site plan or permit approval shall be required to submit a SWPPP to the Stormwater Management Officer designated by the Town of Sweden who shall approve the SWPPP if it complies with the requirements of this ordinance.

B. Review & Approval of Application

Application should be subject to review and approval procedures as outlined in the *Town of Sweden Lane Use Development & Subdivision Regulations and Public Works Requirements and Specifications Manual*, Article II, Sections A177-13 through A177-20; Article III, Sections A177-24 through A177-26, and A177-38.

C. Exemptions from Ordinance

The following activities are exempt from review under this ordinance:

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

Section VIII: Financial Guarantees

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

Section IX: Stormwater Pollution Prevention Plan Requirements

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

Prior to final approval of a land disturbance activity, a SWPPP shall be prepared by the applicant in accordance with the specifications outlined by the Town of Sweden and submitted to the Stormwater

Management Officer designated by the Town of Sweden for review by the appropriate board. This plan must be prepared in accordance with sound engineering practices by a qualified professional as defined in Section II of this ordinance. The final plan must be signed by a New York State licensed professional engineer (PE), who will certify that the design of all stormwater pollution prevention and erosion and sediment control practices meet the requirements outlined in the *Town of Sweden Land Use Development & Subdivision Regulations and Public Works Requirements and Specifications* and the *New York Standards and Specifications for Erosion and Sediment Control* and shall be adequate to prevent transportation of sediment from the site to the satisfaction of Town of Sweden.

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

A. Minimum Requirements

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

1. Background information about the scope of the project, including location, type and size of project and contact information that includes the name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the subject property or properties.
2. Site map/construction drawing(s) for the project, including a general location map and a 1"= 50' minimum topographic base map of the site which extends a minimum of 100 feet beyond the limits of the proposed development. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s) including receiving waters (name of the water), streams, ponds, culverts, ditches, and wetlands as well as drainage patterns that could be affected by the construction activity; existing and final slopes; locations of utilities, roads, soils types, forest cover, and significant natural and manmade features not otherwise shown; locations of off-site material, waste, borrow or equipment storage areas, proposed concrete clean out basin(s) and construction entrance; and location(s) of the stormwater discharges(s); and resources protected under other chapters of this code or by easements;
3. Description of the soil(s) present at the site;
4. Construction phasing plan describing the intended sequence of construction

activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation, final grading and landscaping, and any other activity at the site that results in soil disturbance. Sequencing shall identify the expected date on which clearing will begin and the estimated duration of exposure of cleared areas. Consistent with the *New York State Standards and Specifications for Erosion and Sediment Control*, not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP and a letter of permission from the NYSDEC.

5. A description of the pollution prevention measures that will be used to control litter and prevent construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges; a description of construction and waste materials expected to be stored on-site with updates as appropriate; a description of controls that will be implemented to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater; and a description of spill prevention and response measures.
6. A description of the temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land disturbance to project closeout, including who will be responsible for the maintenance and implementation of said features at the site and what practices will be employed to ensure that adequate vegetative cover is established and preserved. For temporary and permanent vegetative control measures, the seeding mixtures and rates, types of sod, method of seedbed preparation, depth of topsoil, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching shall be provided.
7. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
8. Illustration of all necessary erosion and sediment control measures, including the siting and sizing of any temporary sediment basins and provide the dimensions, material specifications and installation details for each throughout all phases of construction and completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
9. Identification of all temporary practices that will be converted to permanent control measures.
10. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.

11. Identification of the parts or components of the SWPPP that require maintenance. Furthermore it shall also provide a schedule of required maintenance and identify the party responsible for such work.
12. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
13. Any existing data that describes the stormwater runoff at the site.
14. Assurance that all other applicable environmental permits have been acquired for the site prior to initial land disturbance. Copies of the applicable environmental permits shall be provided to the Town of Sweden.
15. Assurance that the applicant or their "Responsible Individual" shall be on site at all times when earthwork takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
16. Assurance that all contractors and subcontractors involved in soil disturbance and/or stormwater management practice installation and maintenance shall be identified in the SWPPP. All such contractors and subcontractors shall sign a copy of the following certification statement before undertaking any land disturbance activity at the site:

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

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

B. Modifications to the Plan After Approval

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

The applicant shall amend the SWPPP whenever:

1. (a) There is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP; or

(b) The SWPPP proves to be ineffective in providing the proper stormwater pollution prevention and erosion and sediment control as required by this ordinance. The Town of Sweden may review amendments to the SWPPP. A copy of the newly amended SWPPP must be provided to the Town of Sweden within 5 business days.
2. Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP. The Town of Sweden may request copies of signed contractor certification statements from new contractors/subcontractors working on the site.

The Town of Sweden may authorize Field modifications of a minor nature by written authorization to the applicant.

Approved site development plans have a term limit of 2 years following final approval by the Town of Sweden Planning Board. Following expiration of this 2 year time frame, all applicable site development plans must be resubmitted to all applicable Town of Sweden support boards (i.e., Planning, Environmental, etc.) for an informal review prior to commencement of any development activity.

Section X: Inspections

A. Town of Sweden Inspections

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

1. Start of construction
2. Erosion and sediment control measures have been installed and stabilized
3. Site clearing has been completed
4. Rough grading has been completed
5. Final grading has been completed
6. Close of the construction Season
7. Final landscaping
8. Closeout inspection

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

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

B. Property Owner/Developer Inspections

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

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

Section XI: Duration, Maintenance and Closeout

A. Duration

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

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

B. Maintenance

1. The applicant shall at all times properly operate and maintain all stormwater

management facilities and erosion and sediment control measures which are installed or used by the applicant to achieve compliance with the conditions of this ordinance. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent. The land disturbance activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

2. At the end of the construction season when soil disturbance activities will be finalized or suspended until the following spring, it may be desirable to reduce the frequency of the required weekly site inspections to monthly inspections. In order to reduce inspection frequencies, the applicant must complete stabilization activities before proper installation is precluded by snow cover or frozen ground. If vegetation is used as a stabilization method, seeding, planting, and/or sodding must be scheduled to avoid fall frosts and to allow for proper germination/establishment. Installations and maintenance must be done according to the *New York State Standards and Specifications for Erosion and Sediment Control*.

C. Closeout

The applicant must satisfy the following project closeout requirements:

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

Section XII: Enforcement & Penalties

A. Stop-Work Order

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

If the remediation of the violation requires handwork only then this must be completed in a 24-hour period. However, if the violation involves significant failures such as a slope failure then a remediation plan must be submitted within a 72-hour period and upon acceptance of this plan by the MS4 and/or the NYSDEC, there is a 5-day period to complete the plan. Failure to comply with the remediation time frame will result in a stop work order being placed on the entire site.

The Town of Sweden reserves the right to issue stop-work orders based on the severity of the violation involved. Stop-work orders may be site wide encompassing the entire development for severe violations or site specific for minor violations

B. Notice of Violation

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

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

C. Violation and Penalties

Failure to comply with any provision or requirement of this ordinance, or any statement, plan, application, approval, permit or certification provided pursuant to the provisions of this ordinance, shall be deemed a violation punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed fifteen (15) days, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed fifteen (15) days, or both. Each week's continued violation shall constitute a separate additional violation.

D. Withholding of Certificate of Occupancy

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

Section XIII: Severability

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

To the extent necessary and/or applicable, this ordinance supersedes any inconsistent or conflicting provisions contained elsewhere in the Sweden Town Code.

Section XIV: Fees

In addition to applicable fees adopted by the Town of Sweden “Rules and Regulations for Building Control Fees (Revised January 2, 2008)”, fees for Construction Site Stormwater compliance inspection shall be charged per occurrence on a personnel time basis. Personnel time shall include, but not be limited to, any Town of Sweden personnel and additionally any professional consultants, (including engineering and legal) as designated, or requested by the Town of Sweden. The Town of Sweden reserves the right to require developers to submit and establish financial guarantees for the purpose of Construction Site Stormwater inspection in addition to those financial guarantees as outlined in Section VIII of this ordinance. No issuance of a final Certificate of Occupancy will be generated, nor acceptance of any designated facilities, until such time as the developer has satisfied all fees, including inspection fees.