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DEPARTMENT OF STATE  
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LORRAINE A. CORTÉS-VÁZQUEZ  
SECRETARY OF STATE

January 25, 2008

Bambi L Hollenbeck  
Town Clerk  
93 East Main Street  
Dryden NY 13053

RE: Town of Dryden, Local Law No. 1, 2008, filed on January 4,  
2008

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated.  
Additional local law filing forms can be obtained from our website:  
[www.dos.state.ny.us/corp/misc.html](http://www.dos.state.ny.us/corp/misc.html) .

Effective 1/22/08, the Department of State, State Records and Law Bureau's  
new address is: NYS Department of State, State Records and Law Bureau, Suite 600,  
99 Washington Avenue (1 Commerce Plaza), Albany, NY 12231.

Sincerely,  
Linda Lasch  
Principal Clerk  
State Records and Law Bureau  
(518) 474-2755

*Local Law Filing*

(Use this form to file a local law with the Secretary of State.)

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

Town of           Dryden          

Local Law No.       1       of the year 2008

A local law to prohibit illicit discharges and connections to the Municipal Separate  
*(Insert Title)*  
Storm Sewer System (MS4)

Be it enacted by the Town Board of the Town of Dryden as follows:  
*(Name of Legislative Body)*

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## SECTION 1. PURPOSE/INTENT.

The purpose of this law is to protect the health, safety, and general welfare of the citizens of the Town of Dryden through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) and surface waters to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The intent of this law is:

- 1.1 To meet the requirements of the SPDES General Permit for Stormwater Discharges from the MS4 (Permit No. GP-02-02);
- 1.2 To regulate the introduction of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- 1.3 To prohibit illicit discharges, activities and connections to the MS4 and surface waters;
- 1.4 To establish legal authority to carry out inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and
- 1.5 To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4 and surface waters.

## SECTION 2. DEFINITIONS.

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings set forth below:

- 2.1 Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- 2.2 Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq)..
- 2.3 Construction Activity. Activities requiring authorization under the SPDES Permit GP-02-01 for stormwater discharges from construction activity. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing, grubbing, grading, excavating, and demolition.
- 2.4 Department. The New York State Department of Environmental Conservation.
- 2.5 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 improperly managed.

2.6 Illicit Connections. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 or surface water, including but not limited to:

2.6.1. Conveyances which allow any non-stormwater discharge including treated or untreated

sewage, process wastewater, and wash water to enter the MS4 or surface water and any connections

to the storm drain system or surface water from indoor drains and sinks, regardless of whether said

drain or connection had been previously allowed, permitted, or approved; or

2.6.2. Drains or conveyances connected from a commercial or industrial use to the MS4 or surface water which have not been shown on Town-approved plans, maps, or equivalent records.

2.7 Illicit Discharge. Any direct or indirect non-stormwater discharge to the MS4 or surface water, except those exempted in Section 6 of this law.

2.8 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 those for which a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

2.9 Industrial Activity. Activities requiring the SPDES Permit GP-90-03 for discharges from industrial activities except construction.

2.10 MS4. Municipal Separate Storm Sewer System.

2.11 Municipal Separate Storm Sewer System. A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

2.11.1 Owned or operated by the Town of Dryden;

2.11.2 Designed or used for collecting or conveying stormwater;

2.11.3 Which is not a combined sewer; and

2.11.4 Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CFR 122.2

2.12 Town. The Town of Dryden, Tompkins County, New York.

2.13 Non-Stormwater Discharge. Any discharge to the MS4 or surface water that is not composed entirely of stormwater.

2.14 Person shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description, and acting as either the owner or the owner's agent.

- 2.15 Pollutant. Any material which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards, including but not limited to: dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, detergents, automotive fluid or residue, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, industrial waste, municipal waste, agricultural waste, or ballast discharged into water.
- 2.16 Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking areas.
- 2.17 Special Conditions.
- 2.17.1 *Discharge Compliance with Water Quality Standards*. The condition that applies where the town has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the town must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- 2.17.2 *303(d) Listed Waters*. The condition in the town's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
- 2.17.3 *Total Maximum Daily Load (TMDL) Strategy*. The condition in the town's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- 2.17.4 The condition in the town's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the town must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- 2.18 State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit. A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.
- 2.19 Stormwater. Rainwater, surface runoff, snowmelt and drainage.
- 2.20 Stormwater Management Officer (SMO). An employee of the town or town officer designated by the Town Board to enforce this local law. The SMO is also designated by the town to accept and review stormwater pollution prevention plans, forward the plans to the applicable board and inspect stormwater management practices.
- 2.21 Surface Waters. Surface Waters of the State of New York.
- 2.22 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.

2.23 303(d) List. A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants. The list is prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

2.24 TMDL. Total Maximum Daily Load.

2.25 Total Maximum Daily Load. The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

2.26 Wastewater. Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

2.27 Wetland. Any area which meets one or more of the following criteria:

2.26.1 Lands and waters that meet the definition provided in New York State Environmental Conservation Law, Article 24, "Freshwater Wetlands Act." The approximate boundaries of such lands and waters are indicated on the official wetlands map promulgated by the Commissioner of the New York State Department of Environmental Conservation, or as amended and updated.

2.26.2 Areas which meet the definition used by the US Army Corps of Engineers and US Environmental Protection Agency: "Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas."

### **SECTION 3. APPLICABILITY.**

This law shall apply to all stormwater and wastewater entering the MS4 or surface waters generated on any lands within the town unless explicitly exempted.

### **SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.**

The Stormwater Management Officer shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the SMO may be delegated in writing by the SMO as authorized by the town.

## **SECTION 5. SEVERABILITY.**

The provisions of this law are hereby declared to be severable. If any section, provision, clause, sentence, or paragraph of this law or the application thereof to any person premises or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

## **SECTION 6. DISCHARGE PROHIBITIONS.**

### **6.1 Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the MS4 or surface waters any materials other than stormwater except as exempted in Section 6.1.1. The commencement, conduct or continuance of any illegal discharge to the MS4 or surface water is prohibited, except as exempted in Section 6.1.1.:

6.1.1 The following discharges are exempt from the discharge prohibitions established by this local law, unless the Department or the town has determined them to be substantial contributors of pollutants: public water line flushing or flushing of other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants.

6.1.2 Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.

6.1.3 Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the commencement of the test.

6.1.4 The prohibition shall not apply to any discharge permitted under a SPDES Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

### **6.2 Prohibition of Illicit Connections.**

6.2.1 The construction, use, maintenance or continued existence of illicit connections to the MS4 or to surface water is prohibited.

6.2.2 This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- 6.2.3 A person is considered to be in violation of this local law if the person connects a line conveying sewage to the municipality's MS4 or to surface water, or allows such a connection to continue.

## **SECTION 7. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER**

- 7.1 Activities that are subject to the requirements of this section are those types of activities that:
- 7.1.1 Cause or contribute to a violation of the town's MS4 SPDES Permit.
  - 7.1.2 Cause or contribute to the town being subject to the Special Conditions as defined herein.
- 7.2 Such activities may include failing individual sewage treatment systems as defined herein, improper management of animal waste, excessive application of fertilizer or pesticides not in accordance with label directions, storage of such materials where they are exposed to stormwater, or any other activity that causes or contributes to violations of the town's MS4 SPDES Permit.
- 7.3 Agricultural activities are exempt from regulation under this section if they:
- a) meet the requirements of any applicable agricultural regulations; and
  - b) are participating in the Agricultural Environmental Management program or otherwise applying current agricultural best management practices; or
  - c) are determined to be sound agricultural practices, as described in the New York Agriculture and Markets Law.
- 7.4 Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the town's MS4 SPDES Permit, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the town's MS4 SPDES Permit.

## **SECTION 8. PREVENTION, CONTROL, AND REDUCTION OF STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

- 8.1 Best Management Practices. Where the SMO has identified illicit discharges or activities contaminating stormwater the town may require implementation of Best Management Practices (BMPs) to control such illicit discharges and activities.
- 8.1.1 The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or into surface waters through the use of BMPs.
  - 8.1.2 Any person responsible for a premises or operations, which are, or may be, the source of an illicit discharge or an activity contaminating stormwater, may be required to implement, at said person's expense, additional BMPs to reduce or eliminate the source of pollutant(s) to the MS4 or to surface waters.
  - 8.1.3 Compliance with all terms and conditions of a valid SPDES Permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.



## **SECTION 9. SUSPENSION OF ACCESS TO MS4.**

- 9.1 The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing and the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- 9.2 Suspension due to the detection of illicit discharge. Any person discharging to the town's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO shall notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for reconsideration and a hearing. Suspension of the termination to MS4 access may be lifted by the SMO if the SMO finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines that the illicit discharge has not ceased or is likely to reoccur. Such determination shall be in writing. It is a violation of this local law if a person discharges to the town's MS4 after termination pursuant to this Section, without the prior written approval of the SMO.

## **SECTION 10. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

Any person subject to an industrial or construction activity 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 town prior to the allowing of discharges or as a condition of continuing discharges to the MS4.

## **SECTION 11. ACCESS AND MONITORING OF DISCHARGES.**

- 11.1 Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this law, or whenever the SMO has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this law.
- 11.2 Access to Facilities.
- 11.2.1 The SMO shall be permitted to enter and inspect premises subject to regulation under this law as often as may be reasonably necessary to determine compliance with this law. 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 the SMO.
- 11.2.2 Facility operators shall allow the SMO reasonable access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be reasonably required to enforce this law.
- 11.2.3 The town shall have the right to install or establish on any premises subject to this law, such devices as are reasonably necessary in the opinion of the SMO to conduct monitoring and/or sampling of the premises' stormwater discharge. All expenses in

connection with the installation, monitoring and maintenance of such equipment shall be the responsibility of and paid for by the discharger.

11.2.4 The town may require premises subject to this law to install monitoring equipment as may be reasonably necessary to determine compliance with this law. The premises' sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy. All expenses in connection with the installation, monitoring and maintenance of such equipment shall be the responsibility of and paid for by the discharger.

11.2.5 If the SMO has been refused access to any part of the premises from which stormwater is discharged, and the SMO is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample discharges to verify compliance with this law or any order issued hereunder, then the SMO may seek a search warrant from any court of competent jurisdiction.

## **SECTION 12. NOTIFICATION OF SPILLS.**

Notwithstanding other requirements of law, as soon as any person responsible for premises or operations, or responsible for emergency response for premises or operations has information of any known or suspected release of materials which results or may result in illegal discharges or pollutants discharged into the MS4 or a surface water, said person shall take all necessary steps to ensure the containment and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify the relevant emergency response agencies of the occurrence, and then notify the SMO as soon as possible. In the event of a release of non-hazardous materials, said person shall notify the SMO in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the SMO within three business days of telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **SECTION 13. ENFORCEMENT.**

### **13.1 Notice of Violation.**

When the SMO finds that a person has violated a provision of this law, the SMO may order compliance by written notice of violation to such person. Such notice may require, without limitation:

13.1.1 The elimination of illicit connections or discharges;

13.1.2 That violating discharges, practices, or operations cease and desist;

13.1.3 The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

13.1.4 The performance of monitoring, analyses, and reporting. (All expenses in connection with the installation, monitoring and maintenance of such equipment shall be the responsibility of and paid by the discharger);

13.1.5 Payment of a fine; and

13.1.6 The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further provide that, should the violator fail to remediate or restore the affected property within the established deadline, the work may be done by the town or other governmental agency, or by a contractor and the expense thereof shall be charged to and payable by the violator.

### 13.2 Penalties.

In addition to or as an alternative to any other penalty or remedy provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. For the purposes of conferring jurisdiction upon courts and judicial officers generally, a third violation of this local law shall be deemed an unclassified misdemeanor and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

## **SECTION 14. APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the SMO to the Town Board within 15 days of the receipt of such Notice. The Town Board shall hear the appeal within 30 days after the filing of the appeal. Within five days of making its decision, the decision shall be filed in the office of the town clerk and a copy of such decision shall be mailed by certified mail to the discharger.

## **SECTION 15. CORRECTIVE MEASURES AFTER APPEAL.**

15.1 If a violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within five (5) business days of the filing of the decision of the Town Board upholding the decision of the SMO, then the SMO may enter the subject premises, and take any and all measures reasonably necessary to abate the violation and/or restore the affected property.

15.2 If the SMO is refused access to the subject premises, the SMO may seek an injunction in a court of competent jurisdiction authorizing entry upon the premises to determine whether the violation continues. Upon determination that a violation is continuing, the SMO may seek further injunctive relief in order to take any and all measures reasonably necessary to abate the violation

and/or restore the affected property. The cost of implementing and maintaining such measures shall be the sole responsibility of the violator.

#### **SECTION 16. INJUNCTIVE RELIEF.**

It shall be unlawful for any person to violate any provisions of this law or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMO may petition a court of competent jurisdiction for a preliminary or permanent injunction restraining the person further violations or compelling the person to perform abatement or remediation of violations.

#### **SECTION 17. ALTERNATIVE REMEDIES.**

17.1 Where a person has violated a provision of this law, they may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Town Attorney and concurrence of the SMO, where:

- 17.1.1 The violation was unintentional
- 17.1.2 The violator has no history of previous violations of this law.
- 17.1.3 Environmental damage was minimal.
- 17.1.4 Violator acted promptly to remedy the violation.
- 17.1.5 Violator cooperated in investigation, abatement and remediation.

17.2 Alternative remedies may consist of one or more of the following:

- 17.2.1 Attendance at a compliance workshop(s);
- 17.2.2 Storm drain stenciling or storm drain marking;
- 17.2.3 River, stream or creek cleanup.

#### **SECTION 18. VIOLATIONS DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and deemed to be a nuisance, and may be abated or restored at the violator's expense, by a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance.

#### **SECTION 19. REMEDIES NOT EXCLUSIVE.**

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

#### **SECTION 20. EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2008 of the Town of Dryden was duly passed by the Town Board on January 2, 2008, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

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

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was *(Name of Legislative Body)* (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was *(Elective Chief Executive Officer\*)* deemed duly adopted on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.~~

**3. (Final adoption by referendum.)**

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was *(Name of Legislative Body)* (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.~~

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

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was *(Name of Legislative Body)* (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.~~

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

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

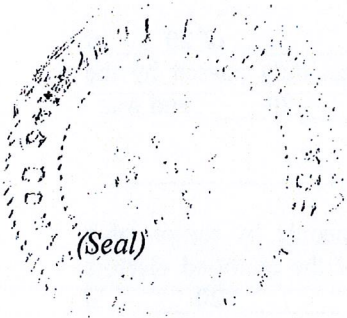
~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_ , became operative.~~

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

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 200\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_, 20\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

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

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



Bambi L. Hollenbeck

Bambi L. Hollenbeck, Town Clerk

Date: January 3, 2008

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

STATE OF NEW YORK  
COUNTY OF TOMPKINS

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

Mahlon R. Perkins  
Signature

Mahlon R. Perkins, Esq.  
Town Attorney

Town of Dryden

Date: January 3, 2008