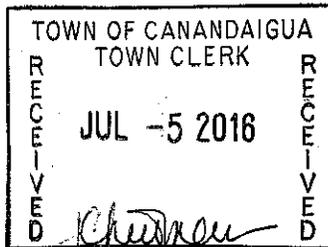


STATE OF NEW YORK  
DEPARTMENT OF STATE  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV



ANDREW M. CUOMO  
GOVERNOR  
ROSSANA ROSADO  
SECRETARY OF STATE

June 29, 2016

Town of Canandaigua  
5440 Routes 5 & 20 West  
Canandaigua, NY 14424

**RE: Town of Canandaigua, Local Law 4,5,6, and 7 2016, filed on June 29, 2016**

**Dear Sir/Madam:**

**The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).**

**Sincerely,  
State Records and Law Bureau  
(518) 473-2492**

LL 4 of 2016 - Amending Ch 220 Section 220-64 and Chapter 165 Section 165-7  
LL 5 of 2015 --Creating Ch 170 Stormwater Mgmt  
LL 6 of 2016 - Creating Ch 172 Illicit Discharge Detection and Elimination  
LL 7 of 2016 - Amending Ch 220 Section 220-18



**Department  
of State**

# *Town of Canandaigua*

5440 Routes 5 & 20 West

Canandaigua, NY 14424

(585) 394-1120

Fax: (585) 394-9476

*Established 1789*

June 24, 2016

NYS Department of State  
Division of Corporations, State Records and  
Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, New York 12231

RE: Filing of LL 4, 5, 6 and 7 of 2016

To Whom It May Concern:

Enclosed is an original copy of Local Law #4, Local Law #5, Local Law #6, and Local Law #7 that was adopted by the Canandaigua Town Board on Monday, June 20, 2016:

- LL 4 of 2016 – Amending Chapter 220 Section 220-64 Site Plan Regulations Authority Approval Required and Chapter 165 Soil Erosion and Sedimentation Control Section 165-7 Activities Requiring A Permit
- LL 5 of 2016 – Creating Chapter 170 Stormwater Management
- LL 6 of 2016 – Creating Chapter 172 Illicit Discharge Detection and Elimination
- LL 7 of 2016 – Amending Chapter 220 Section 220-18 SCR-1 Zoning District

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jean Chrisman  
Town Clerk

Enc.

# 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.

County  City  Town  Village  
(Select one:)

**Exhibit C**

of Canandaigua

Local Law No. 6 of the year 2016

A local law Creating Chapter 172, Illicit Discharge Detection and Elimination  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Canandaigua as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**SECTION ONE.** Legislative Intent. The intent of this Local Law is to regulate and govern non-stormwater discharges to the municipal separate storm sewer system (MS4) by adding a new Chapter 172 to the Town of Canandaigua Town Code.

**SECTION TWO.** There is hereby added a new Chapter 172 to the Town of Canandaigua Town Code, which shall read in its entirety as follows:

## CHAPTER 172 ILLICIT DISCHARGE DETECTION AND ELIMINATION

### Section 172-1. PURPOSE AND INTENT

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

- (1) To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit GP-0-15-003, as amended or revised;
- (2) To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- (3) To prohibit Illicit Connections, Activities and Discharges to the MS4;
- (4) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
- (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.

### Section 172-2. DEFINITIONS

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

- (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) Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. §1251, et seq.), and any subsequent amendments thereto.
  - (3) Construction Activity. Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-0-15-002, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
  - (4) DEC. The New York State Department of Environmental Conservation.
  - (5) Design Professional. New York State licensed professional engineer or licensed architect.
  - (6) 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.
  - (7) Illicit Connections. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:
    - a) Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
    - b) Any drain or conveyance connected to the MS4 which has not been documented in plans, maps, or equivalent records or has not been approved by an authorized enforcement agency.
  - (8) Illicit Discharge. Any direct or indirect non-stormwater discharge to the MS4, except as exempted in section 172-5(A)(2) of this chapter.
  - (9) 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 the State of New York, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

- (10) Industrial Activity. Activities requiring the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities, GP-0-12-001, as amended or revised.
- (11) MS4. Municipal Separate Storm Sewer System.
- (12) Municipal Separate Storm Sewer System. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
- a) Owned or operated by the Town;
  - b) Designed or used for collecting or conveying stormwater;
  - c) Which is not a combined sewer; and
  - d) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2
- (13) Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of stormwater.
- (14) Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- (15) Pollutant. Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the State in contravention of the State standards.
- (16) Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (17) Special Conditions.
- a) Discharge Compliance with Water Quality Standards. The condition that applies if the Town is 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.
  - b) Discharge to 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.~~

- c) 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 the 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 Town was required to modify its Stormwater Management Program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
  - d) Future TMDL. The condition in the Town's MS4 permit that applies if a TMDL is approved in the future by the EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the Town 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.
- (18) State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit. A permit issued by the DEC that authorizes the discharge of pollutants to waters of the State.
  - (19) Stormwater. Rainwater, surface runoff, snowmelt and drainage.
  - (20) Stormwater Management Officer (SMO). Any Code Enforcement Officer or other official designated by, and serving at the pleasure of, the Town Board to enforce this chapter.
  - (21) 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, prepared periodically by the DEC 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.
  - (22) TMDL. Total Maximum Daily Load.
  - (23) 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.
  - (24) Town. The Town of Canandaigua.
  - (25) Wastewater. Water that is not stormwater; is contaminated with pollutants; and is or will be discarded.

### Section 172-3. APPLICABILITY.

This chapter shall apply to all water entering the MS4 generated on any developed and/or undeveloped lands.

### Section 172-4. RESPONSIBILITY FOR ADMINISTRATION.

The Stormwater Management Officer (SMO) shall administer, implement, and enforce the provisions of this chapter. Such powers granted or duties imposed upon the authorized enforcement official shall be authorized by the Town Board.

### Section 172-5. DISCHARGE PROHIBITIONS.

#### A. Prohibition of Illegal Discharges.

- (1) No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater, except as provided in section 172-5(A) (2) of this chapter. The commencement, conduct or continuance of any discharge to the MS4 not authorized or exempted by this chapter is prohibited.
- (2) The following discharges are exempt from discharge prohibitions established by this chapter:
  - a) Flushing of water lines or 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, authorized discharges from fire hydrants, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
  - b) 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 chapter.
  - c) 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 time of the test.

- d) A discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the DEC, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

**B. Prohibition of Illicit Connections.**

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the Town's MS4, or allows such a connection to continue.

**Section 172-6. FAILING WASTEWATER TREATMENT SYSTEMS PROHIBITED.**

- A. No persons shall operate a failing individual wastewater treatment system in areas tributary to the Town's MS4. A failing individual wastewater treatment system is one which meets the criteria of Chapter 202 of this code, and will require corrective measures in accordance with same.

**Section 172-7. ACTIVITIES CONTAMINATING STORMWATER PROHIBITED.**

- A. The following activities are prohibited as activities contaminating stormwater:
  - (1) Activities that cause or contribute to a violation of the Town's MS4 SPDES permit.
  - (2) Activities that cause or contribute to the Town being subject to the Special Conditions as defined in section 172-2 of this chapter.
- B. Such activities include a failing Individual Sewage Treatment System, improper management of pet waste or any other activity that causes or contributes to violations of the Town's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaged in activities contaminating stormwater, 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 authorization or the Special Conditions as defined in section 172-2 of this chapter.

Section 172-8. REQUIREMENTS TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS.

- A. Where the SMO has identified an Illicit Discharge, as defined in section 172-2 of this chapter, or activities contaminating stormwater, as defined in section 172-7 of this chapter, the SMO may require implementation of Best Management Practices (BMPs) to control such Illicit Discharge and/or activities.
- B. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.
- C. Any person responsible for a property or premise, which is, or may be, the source of an Illicit Discharge or an activity contaminating stormwater may be required to implement, at such person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollution to the MS4.
- D. 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.
- E. Where an Individual Sewage Treatment Systems is contributing to the Town being subject to the Special Conditions, as defined in section 172-2 of this chapter, the owner or operator of such Individual Sewage Treatment System shall be required to:
  - (1) Maintain and operate individual sewage treatment systems as follows:
    - a) Have the septic tank inspected annually by a design professional to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee.
    - b) Avoid the use of septic tank additives.
    - c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
    - d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
  - (2) Repair or replace individual sewage treatment systems as follows:
    - a) In accordance with 10 NYCRR Appendix 75A, to the maximum extent practicable.

b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:

(i) Relocating or extending an absorption area to a location not previously approved for such.

(ii) Installation of a new subsurface treatment system at the same location.

(iii) Use of alternate system or innovative system design or technology.

c) A written certificate of compliance shall be submitted by the design professional to the SMO at the completion of construction of the repair or replacement system.

#### Section 172-9. SUSPENSION OF ACCESS TO MS4.

A. Any person discharging to the Town MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an Illicit Discharge. Prior to access termination, the SMO shall notify the violator, in writing, of the proposed termination of its MS4 access and the reasons for such termination. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the SMO.

B. 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 of 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.

#### Section 172-10. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of that permit. Proof of compliance with that permit may be required in a form acceptable to the SMO prior to the allowing of discharges to the MS4.

#### Section 172-11. ACCESS TO FACILITIES AND MONITORING OF DISCHARGES.

A. The SMO 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 the SMO.~~

- B. Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.
- C. The SMO shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
- D. The SMO has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- E. A person who is the operator of a facility subject to this chapter shall not unreasonably delay or deny reasonable access to the facility by the SMO for the purpose of conducting any activity authorized or required by this chapter.
- F. 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 chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, then the SMO, upon approval by the Town Board, may seek issuance of a search warrant from any court of competent jurisdiction.

#### Section 172-12. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, such 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, such person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In addition to the reporting and record requirements of the emergency response agency, such person shall also 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 the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years and made available to the SMO upon request.

Section 172-13. ENFORCEMENT.

A. When the SMO finds that a person has violated any provisions of this chapter, the SMO may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (4) The performance of monitoring, analyses, and reporting; and
- (5) 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. Such notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense of that work shall be charged to the violator.

B. Penalties.

- (1) In addition to or as an alternative to any penalty provided in this chapter or by law, any person who violates the provisions of this chapter shall be guilty of a violation
  - a) Punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a period not to exceed six months, or both for conviction of a first offense;
  - b) For conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than one thousand dollars nor more than five thousand dollars (\$5,000) or imprisonment for a period not to exceed six months, or both; and,
  - c) 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 five thousand dollars nor more than one thousand dollars (\$10,000) or imprisonment for a period not to exceed six months, or both.
- (2) For the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

C. The SMO may issue appearance tickets for violations of this chapter.

Section 172-14. CORRECTIVE MEASURES AFTER NOTICE OF VIOLATION.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the SMO, upon approval by the Town Board, shall request the owner's permission or seek a warrant from a court of competent jurisdiction for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property. The costs of implementing and maintaining such measures shall be recoverable, upon appropriate proceedings, from the violator.

Section 172-15. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the Town Board may authorize an action for injunctive relief in State Supreme Court restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 172-16. ALTERNATIVE REMEDIES.

A. Where a person has violated a provision of this chapter, the SMO may, in his or her discretion, find the violator eligible for alternative remedies, in lieu of enforcement proceedings provided for in this chapter, where:

- 1) The violation was unintentional;
- 2) The violator has no history of pervious violations of this Chapter;
- 3) Environmental damage was minimal;
- 4) The violator acted quickly to remedy violation; and
- 5) The violator cooperated in investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops;
- (2) Storm drain stenciling or storm drain marking;
- (3) River, stream or creek cleanup activities.

Section 172-17. VIOLATIONS DEEMED A PUBLIC NUISANCE.

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

Section 172-18. REMEDIES NOT EXCLUSIVE.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local chapter and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION THREE. Title. Chapter 172 of the Town of Canandaigua Town Code shall hereby be titled as "ILLCIT DISCHARGE DETECTION AND ELIMINATION."

Severability Clause. The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

SECTION FOUR. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York; and

**(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. 6 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Canandaigua was duly passed by the Town Board on June 20 2016, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

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

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

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 (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* 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 20\_\_\_\_ 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 \_\_\_\_\_ above.

*Jean E. Chidman*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 6/24/16

(Seal)