

# Chapter 183

## STORMWATER MANAGEMENT

### ARTICLE I Erosion and Sediment Control

### § 183-2. Performance guarantee.

### § 183-1. Construction inspection.

[HISTORY: Adopted by the Board of Trustees of the Village of Pelham Manor as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Storm Sewers — See Ch. 182.

Zoning — See Ch. 210.

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### ARTICLE I Erosion and Sediment Control [Adopted 11-27-2006 by Section 5 of L.L. No. 4-2006<sup>1</sup>]

### § 183-1. Construction inspection.

#### A. Erosion and sediment control inspection.

- (1) The Village of Pelham Manor Stormwater Management Officer may require such inspections as necessary to determine compliance with this article and Article XIX of Chapter 210 and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this article and Article XIX of chapter 210 and the stormwater pollution prevention plan (SWPPP) as approved. The Stormwater Management Officer may conduct the inspection; or, upon approval of the Board of Trustees of the Village of Pelham Manor, engage the services of a registered engineer to conduct the inspection at a cost not to exceed a fee schedule established by said governing board. To obtain inspections, the applicant shall notify the Village of Pelham Manor enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:
  - (a) Start of construction.
  - (b) Installation of sediment and erosion control measures.
  - (c) Completion of site clearing.
  - (d) Completion of rough grading.
  - (e) Completion of final grading.

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<sup>1</sup> Editor's Note: Section 5 of L.L. No. 4-2006 was originally adopted as Ch. 21 but was renumbered to maintain the organizational structure of the Code.

- (f) Close of the construction season.
  - (g) Completion of final landscaping.
  - (h) Successful establishment of landscaping in public areas.
- (2) If any violations are found, the applicant and developer shall be notified, in writing, of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.
- B. Stormwater management practice inspections. The Village of Pelham Manor Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
- C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.
- D. Submission of reports. The Village of Pelham Manor Stormwater Management Officer may require monitoring and reporting from entities subject to this article and Article XIX of chapter 210 as are necessary to determine compliance with this article and Article XIX of chapter 210.
- E. Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, prior to issuance of approval to install or connect a stormwater management facility, the landowner shall grant to the Village of Pelham Manor the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in § 183-1C in writing on a form approved by the Village Manager.

#### **§ 183-2. Performance guarantee.**

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Pelham Manor in its approval of the stormwater pollution prevention plan, the

Village of Pelham Manor may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Pelham Manor as the beneficiary. The security shall be in an amount to be determined by the Village of Pelham Manor based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Pelham Manor, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Village of Pelham Manor. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Pelham Manor with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Pelham Manor may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- C. Recordkeeping. The Village of Pelham Manor may require applicants subject to this article and Article XIX of chapter 210 to maintain records demonstrating compliance with this article and Article XIX of chapter 210.