

(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 of PLATTSBURGH
~~Town~~
~~Village~~

Local Law No. 1 of the year 19 97

A local law ENACTING NEW PROVISIONS AND AMENDING CHAPTER 219 OF THE CODE OF THE CITY OF PLATTSBURGH AND LOCAL LAW NO 1 OF 1984 (Insert Title) RELATING TO: SEWERS; ENFORCEMENT OF CITY SEWAGE LAWS AND REGULATIONS; PROTECTION OF THE PUBLIC'S HEALTH, SAFETY AND WELFARE; AND ESTABLISHMENT OF PENALTIES.

Be it enacted by the Common Council of the (Name of Legislative Body)

~~County~~
City of PLATTSBURGH as follows:
~~Town~~
~~Village~~

Section 1. Section 219-2 of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law No.1 of 1984, is amended as follows:

NATIONAL CATEGORICAL PRE TREATMENT STANDARD - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. Sec 1347) which applies to a specific category of industrial users.

PASS THROUGH- A discharge which exits the City WPCP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes, contributes to the cause of, or increases the magnitude or duration of, a violation of any requirement of the City WPCP's SPDES permit.

SIGNIFICANT INDUSTRIAL USER - Any industrial user of the City's waste water disposal system who is subject to promulgated categorical pre treatment standards (NRDC Consent Decree Industries); or is found by the City, State, or the United States Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the waste water treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system; or is a manufacturing industry annually using over ten thousand (10,000) pounds or one thousand (1,000) gallons of raw materials containing priority pollutants/substances of concern and discharging a measurable amount of these pollutants to the sewer system; discharges an average of 25,000 gallons per day or more of process waste water to the City WPCP (excluding sanitary non contact cooling and boiler blowdown waste water); or has a process discharge flow more than five percent (5%) of the flow or load carried by the City WPCP.

PRE TREATMENT STANDARDS - Prohibited discharge standards, categorical pre treatment standards, and local limits.

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

PROHIBITED DISCHARGE STANDARDS - Absolute prohibitions against the discharge of certain substances as set forth in Section 219-25.

SIGNIFICANT NON-COMPLIANCE - An Industrial User is in Significant Non-Compliance if the Industrial User:

A. is in chronic violation of waste water discharge limits. Chronic violation of waste water discharge limits occurs when sixty-six percent (66%) or more of all to the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

B. is in violation of the Technical Review Criteria (TRC). A TRC violation occurs when thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC. The TRC equals: 1.4 for BOD, TSS, fats, oil, and grease; and 1.2 for all other pollutants except pH;

C. is in violation of a pre-treatment effluent limit (daily maximum or longer-term average) that the Control Authority determines to have caused, alone or in combination with other discharged, interference or pass through (including endangering the health of WPCP personnel or the general public);

D. discharges a pollutant that causes imminent danger to human health, welfare or to the environment or has results in the WPCP's exercise of its emergency authority under Article 9 of this Chapter to halt or prevent such a discharge;

E. fails to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

F. fails to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. fails to accurately report non-compliance;

H. Commits any other violation or group of violations which the Control Authority determines will adversely affect the operation or the implementation of the local pre treatment program.

Section 2. Section 219-25 of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law No.1 of 1984, is amended to read as follows:

Section 219-25 General Discharge Prohibitions

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or waste water which will cause Interference or Pass Through. These general prohibitions apply to all users whether or not the user is subject to national categorical pre treatment standards or any other national, state or local pre treatment standards or requirements. A user may not contribute the following substances to the City POTW:

A. Any liquids, solids or gases which by reason of their nature and quantity are, or may be, sufficient either alone or by

interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the WPCP. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, State or EPA has notified the user is a fire hazard or a hazard to the system.

B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the waste water treatment facilities, such as but not limited to grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass-grinding or -polishing wastes.

C. Any waste water having a pH less than five point five (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.

D. Any waste water containing toxic pollutants in sufficient quantity, whether singly or by interaction with other pollutants, to injure or interfere with any waste water treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the WPCP or to exceed the limitation set forth in a categorical pre treatment standard. A "toxic pollutant" shall include but shall not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

E. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

F. Any substance which may cause the WPCP effluent or any other product of the WPCP, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with any reclamation process. In no case shall a substance discharged to the POTW cause the WPCP to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.

G. Any substance which will cause the WPCP to violate its SPDES permit or the receiving water quality standards.

H. Any waste water with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.

I. Heat in amounts which will inhibit biological activity in the WPCP resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 degrees C (104 degrees F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

J. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause Interference to the WPCP. In no case shall a slug load have a flow rate or contain a concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration, quantities or flow during normal operation.

K. Any waste water containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable State or federal regulations.

L. Any waste water which causes a hazard to human life or creates a public nuisance.

M. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

N. Pollutants which result in the presence of toxic gases, vapors or fumes within the WPCP in a quantity that may cause acute worker health and safety problems.

O. Any trucked or hauled pollutants, except at discharge points designated by the WPCP.

P. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

Section 3. The title of Article VIII of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law No.1 of 1984 is amended to read as follows:

ARTICLE 8
INSPECTION

Section 4. The title of Article IX of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law 1 of 1984, is amended to read as follows:

ARTICLE 9
ENFORCEMENT

Section 5. A new Section 219-52 of Article 9 of Chapter 219 of the Code of the City of Plattsburgh is enacted to read as follows:

Section 219-52. Enforcement.

As provided in this Article, the provisions and requirements of this Chapter, or any order, permit, license or approval issued hereunder shall be enforced by any or all of the following enforcement remedies:

- A. Notice of violation;
- B. Show cause hearing;
- C. Compliance order;
- D. Consent order;
- E. Cease and desist order;
- F. Suspension of treatment services or waste water permit, or both;
- G. Revocation of a permit, license, or approval;
- H. Administrative fine;
- I. Civil penalties;
- J. Injunctive relief; and
- K. Criminal penalties.

Section 6. Section 219-55 of Article X of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law 1 of 1984, is renumbered as Section 219-53 of Article IX of Chapter 219, and is amended to read as follows:

Section 219-53 Notification of violation.

Whenever the Superintendent finds that any User has violated or is violating or contributes to the violation of this Chapter, the User's waste water discharge permit, or any prohibition, limitation or requirements contained herein, the Superintendent may serve upon such User a written notice stating the nature of the violation. Within ten days of the receipt of the notice by or on behalf of the User, a plan for the satisfactory correction and prevention thereof, to include specific required action, shall be submitted to the Superintendent by the User. Submission of such a plan does not relieve the User of liability under this Chapter for any violations occurring before or after receipt of the notice of violation.

Section 7. Section 219-56 of Article X of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law 1 of 1984, is renumbered as Section 219-54 of Article IX of Chapter 219, and is amended to read as follows:

Section 219-54. Show cause hearing.

A. The Superintendent may order any User who has violated or is violating or contributing to the violation of this Chapter, the User's waste water discharge permit, any order issued hereunder, or any prohibition or limitation of requirements contained herein, to show cause before the Superintendent why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Superintendent regarding the violation, the reasons why the action is to be taken, the proposed enforcement

action, and directing the User to show cause before the Superintendent why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. Even if a User is ordered to show cause, the City may concurrently pursue other enforcement remedies.

B. The Superintendent shall conduct the hearing, take evidence and issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings. The Superintendent shall decide which testimony, documents and other exhibits are to be admitted into evidence. The Superintendent shall admit all evidence which is relevant, material or of probative value, but the rules of evidence shall not be applicable to a hearing conducted by the Superintendent.

C. At any hearing held pursuant to this Chapter, testimony taken will be under oath and recorded steno graphically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

D. After the Superintendent has reviewed the evidence, the Superintendent may refer the matter to the Corporation Counsel for judicial enforcement, revocation of the permit, license or approval, or for issuance of a compliance order to the User or quash the enforcement proceedings. Further orders and directives as are necessary and appropriate may be issued.

Section 8. A new Section 219-55 of Article IX of Chapter 219 of the Code of the City of Plattsburgh is enacted to read as follows:

Section 219-55. Compliance order.

When the Superintendent finds that any User has violated or is violating or contributes to the violation of this Chapter, the User's waste water discharge permit, or any prohibition, limitation or requirement contained herein, the Superintendent may issue an order to the User directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as are reasonably necessary and appropriate to address the noncompliance, including but not limited to the installation of pre treatment technology, additional self-monitoring, and revised management practices.

Section 9. A new Section 219-56 of Article IX of Chapter 219 of the Code of the City of Plattsburgh is amended to read as follows:

Section 219-56 Consent orders.

The Superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a User responsible for the noncompliance. Consent orders shall state the specific

action to be taken by the User to correct the noncompliance within a time period specified therein. Consent orders shall have the same force and effect as compliance orders issued pursuant to Section 219-55.

Section 10. A new Section 219-57 of Article IX of Chapter 219 of the Code of the City of Plattsburgh is enacted to read as follows:

Section 219-57. Cease and desist orders.

When the Superintendent finds that any User has violated or is violating or contributes to the violation of this Chapter, the User's waste water discharge permit, or any prohibition, limitation, or requirement contained herein, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

A. Comply forthwith; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including but not limited to halting operations and terminating the discharge.

Section 11. Section 219-52 of Article IX of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law 1 of 1984, is renumbered as Section 219-58 of Article IX of Chapter 219, and amended to read as follows:

Section 219-58. Suspensions.

The Superintendent may suspend waste water treatment service or a waste water discharge permit, or both, or any other permit, license, or approvals when such suspension is necessary, as determined by the Superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, or the POTW, or which causes the City to violate any condition of its SPDES permit. The User shall be notified of the suspension in writing by the Superintendent and the suspension shall be effective immediately upon the User's receipt of such notice.

Section 12. Section 219-53 of Article IX of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law 1 of 1984, is renumbered as Section 219-59 of Article IX of Chapter 219, and amended to read as follows:

Section 219-59. Suspension compliance.

A. Any User notified of a suspension of waste water treatment service, a waste water discharge permit, or both, or any other permit, license, or approval, shall, upon receipt of notification of suspension, immediately stop or eliminate the contribution or discharge. In the event of a failure of a User to immediately comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary including but not limited to immediate severance of the sewer connection, to prevent or minimize damage to the WPCP or sewer system or endangerment to any individuals or the environment. The Superintendent shall reinstate the waste water discharge

permit, the waste water treatment service, or both, or any other suspended permit, license or approval, upon proof of the elimination of the non complying discharge and upon proof that the endangerment has passed. However, notwithstanding the provisions of this Section, no suspension shall be lifted if revocation proceedings have been commenced against the User.

B. A detailed written statement describing the causes of the harmful contribution or discharge and the measures taken to prevent any future occurrence shall be submitted by the User to the Superintendent within 15 days after the date of the commencement of the occurrence.

Section 13. Section 219-54 of Article X of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law 1 of 1984, is renumbered as Section 219-60 of Article IX of Chapter 219, and amended to read as follows:

Section 219-60. Revocation of permit, license or approval.

A.. The permit, license, or approval of any User may be revoked in accordance with the procedures of this Article of this Chapter for any of the following violations:

1. Failure of a User to factually report the waste water constituents and characteristics of the User's discharge;
2. Failure of the User to report significant changes in operations, or waste water constituents and characteristics;
3. Refusal of reasonable access to the User's premises for the purposes of inspection or monitoring; or
4. Violation of an order, waste water discharge permit, any other City-issued permit, license or approval, or applicable State or federal regulations.

B. Prior to revocation of any permit, license or approval, an order to show cause shall be issued as provided in this Article.

Section 14. A new Section 219-61 of Article IX of Chapter 219 of the Code of the City of Plattsburgh is enacted to read as follows:

Section 219-61. Affirmative defenses, temporary noncompliance, system bypass.

A. Any User which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the Superintendent thereof, by telephone or other means, within one (1) hour of becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the User within five days. The report shall contain:

1. A description of the upset, its cause(s), and the impact on the discharger's compliance status;
2. The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing,

the time by which compliance is reasonably expected to be restored; and

3. All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

B. A User which complies with the notification provisions of this Section in a timely manner shall have an affirmative defense to any enforcement action brought by the Superintendent for any noncompliance with this Chapter, or an order, permit, license, or approval issued hereunder, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

C. A bypass of the treatment system is prohibited unless all of the following conditions are met:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

2. There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the waste water; and

3. The User properly notified the Superintendent as described in Subsection D of this Section

D. Users must provide notice to the Superintendent, by telephone or other means, within one (1) hour of discovery of an unanticipated bypass. If necessary, the Superintendent may require the User to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

E. A User bypass may be approved by the Superintendent which does not cause pre treatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating a bypass must submit notice to the Superintendent at least ten (10) days in advance. The Superintendent may approve the anticipated bypass only if the circumstances satisfy those set forth in Subsection C of this Section.

Section 15. A new Section 219-62 of Article IX of Chapter 219 of the Code of the City of Plattsburgh is enacted to read as follows:

Section 219-62 Appeals.

A. Any final action or decision of the Superintendent, which is an exercise of enforcement powers authorized in this Chapter, may be appealed by the User or person aggrieved by the final enforcement action or decision.

B. For purposes of determining when an appeal is allowed, the following actions or decisions shall be considered final actions or decisions of the Superintendent:

1. issuance of a compliance order;
2. issuance of a cease and desist order;

3. suspension of waste water treatment service, a waste water discharge permit, or any other permit, license or approval, for a period longer than thirty (30) days;

4. revocation of waste water treatment service, a waste water discharge permit, or any other permit, license or approval;

5. severance of a sewer connection for a period longer than thirty (30) days; or

6. levy of an administrative fine.

C. All other actions and decisions of the Superintendent shall not be appealable, including but not limited to:

1. issuance of a notice of violation;

2. issuance of a show cause order;

3. issuance of a notice of hearing;

4. rulings, decisions and actions regarding the admissibility of evidence and any other matter arising in connection with the conduct of an enforcement hearing;

5. enter into or accepting consent orders, assurances of voluntary compliance or similar documents establishing an agreement with a User responsible for noncompliance;

D. All appeals shall be commenced by filing a written notice of appeal with the Superintendent within fifteen (15) days after the final action or decision of the Superintendent. If a notice of appeal is not timely filed, then the final action or decision of the Superintendent shall be binding, non-appealable, and enforceable in subsequent judicial proceedings, civil or criminal, or both.

E. All appeals authorized hereunder shall be heard by the Common Council. Upon the filing of a timely notice of appeal, the Superintendent shall deliver all records, documents, evidence, hearing transcripts, data, and all other relevant information to the Common Council.

F. The Common Council shall conduct a hearing on the appeal, shall issue notices of the hearing, and may request the attendance and testimony of witnesses and the production of evidence relevant to the appeal. The Common Council shall admit all evidence which is relevant, material or of probative value, but the rules of evidence shall not apply to the appeal hearing. The provisions of Subsection C of Section 219-54 shall apply to the appeal hearing.

G. The appeal to the Common Council shall be de novo. The Common Council may affirm, reverse or modify the actions or decisions of the Superintendent which are challenged in the appeal.

H. The Common Council shall issue written findings of fact and conclusions of law in its resolution of the appeal.

Section 16. A new Section 219-63 of Article IX of Chapter 219 of the Code of the City of Plattsburgh is enacted to read as follows:

Section 219-63. Injunctive relief.

The Superintendent, through the Corporation Counsel, may petition a court of competent jurisdiction for a preliminary or permanent injunction, or both, restraining or compelling activities of a User who has violated this Chapter, or any permit, license, approval or order issued hereunder.

Section 17. A new Section 219-64 of Article IX of Chapter 219 of the Code of the City of Plattsburgh is enacted to read as follows:

Section 219-64. Judicial remedies.

If a User violated this Chapter or any permit, license, approval or order issued hereunder, the Superintendent, through the Corporation Counsel, may commence an action for appropriate legal or equitable relief, or both, including but not limited to enforcement of any orders issued hereunder, in a court of competent jurisdiction.

Section 18: A new Section 219-65 of Article IX of Chapter 219 of the Code of the City of Plattsburgh is enacted to read as follows:

Section 219-65. Annual publication of significant violations.

The Superintendent shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those Users who are found to be in significant violation of this Chapter or any permit, license, approval or order issued hereunder during the period since the previous publication.

Section 19. The title of Article X of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law 1 of 1984, is amended to read as follows:

ARTICLE X
FINES, PENALTIES, AND CRIMINAL OFFENSES

Section 20. A new Section 219-66 of Article X of Chapter 219 of the Code of the City of Plattsburgh is enacted to read as follows:

Section 219-66. Administrative fines.

Notwithstanding any other section of this Chapter, any User who is found to have violated any provision of this Chapter, or any permit, license, approval, or order issued hereunder, shall be fined by the Superintendent in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled sewer service charge and the Superintendent shall have such other collection remedies as are available to collect other service charges. Unpaid charges, fines, and penalties, after final action by the Superintendent or after

final action by the Common Council after an appeal from a decision of the Superintendent, shall constitute a lien against the User's property.

Section 21. Section 219-57 of Article X of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law 1 of 1984, and amended by Local Law No.3 of 1989, is renumbered as Section 219-67 and amended to read as follows:

Section 219-67. Civil penalties.

Any User who is found to have violated an order issued hereunder or who willfully or negligently failed to comply with any provision, prohibition, limitation or requirement of this Chapter, or any permit, license or approval issued hereunder shall be fined not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) per day of each offense or violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover as a civil penalty actual damages incurred by the City to its sewage system, as well as reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the User.

Section 22. A new 219-68 of Article X of Chapter 219 of the Code of the City of Plattsburgh is enacted to read as follows:

Section 219-68. Criminal Offense.

Any User who willfully or negligently violates any provision, limitation, prohibition, or requirement of this Chapter or any order, permit, license, or approval issued hereunder, shall upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) per violation per day, or imprisonment for not less than sixteen (16) days nor more than one (1) year, or both.

Section 23. Section 219-58 of Article X of Chapter 219 of the Code of the City of Plattsburgh, enacted by Local Law 1 of 1984, is hereby renumbered as Section 219-69 and amended to read as follows:

Section 219-69 Falsifying Information.

Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or waste water contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both.

(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. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, 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. 1 of 1997 of the ~~(County)(City)(Town)(Village)~~ of PLATTSBURGH was duly passed by the COMMON COUNCIL on 17 APRIL 1997, and was (approved)~~(not disapproved)(repassed after disapproval)~~ by the MAYOR and was deemed duly adopted on 22 APRIL 1997, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19__. 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 _____ 19__, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

*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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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 2, above.

KEITH A. HERKALO, CITY CLERK
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 28 APRIL 1997

(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 Clinton

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.

Signature _____
John E. Clute,
Corporation Counsel
Title _____

~~COUNTY~~
City of Plattsburgh
~~TOWN~~
~~VILLAGE~~

Date: 28 April 1997