

**VILLAGE OF CROTON-ON-HUDSON
BOARD OF TRUSTEES**

LOCAL LAW INTRODUCTORY NO. 7 of 2024

**A LOCAL LAW TO ADD NEW ARTICLE IVB TO CHAPTER 230 ZONING
OF THE CODE OF THE VILLAGE OF CROTON-ON-HUDSON ESTABLISHING
THE INDIAN BROOK-CROTON GORGE INTER-MUNICIPAL WATERSHED
PROTECTION OVERLAY DISTRICT (WPOD)**

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section One. Chapter 230, Zoning, of the Code of the Village of Croton-on-Hudson is hereby amended to add new Article IVB, Indian Brook–Croton Gorge Inter-Municipal Watershed Protection Overlay District (WPOD), to read as follows:

§ 230-20.8 Findings and purpose.

The purpose of the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District is to protect the health and welfare of residents living within the boundaries of the of the Indian Brook–Croton Gorge Watershed by minimizing the potential for groundwater and surface water contamination and taking steps to limit the severity of resource degradation. The Indian Brook-Croton Gorge Watershed encompasses portions of five municipalities including the Towns of Cortlandt, New Castle, and Ossining, and the Villages of Croton-on-Hudson and Ossining. Since the actions of upstream municipalities can have as much of an impact on a downstream municipality’s land and water resources as those actions carried out locally, a commitment from all municipalities within a watershed is critical to protecting the health of its resources. The intent of this ordinance is to create a partnership for the comprehensive management of the Indian Brook–Croton Gorge Watershed by creating provisions for:

1. Protecting and restoring the natural resources, most significantly the Croton River, Indian Brook Reservoir, existing wetlands and groundwater drinking sources; and
2. Developing and implementing stormwater management practices that will improve water quality; and
3. Promoting sustainable development through land use and environmental regulations; and
4. Preserving and protecting fish, wildlife, and significant habitat; and
5. Educating the public.

§ 230-20.9 Definitions.

For purposes of this Article, the following definitions shall apply:

Agricultural Animal Waste: Manure and other animal waste derived from agricultural industries.

Aquifer: A consolidated or unconsolidated geologic formation, group of formations or part of a formation capable of yielding a significant or economically useful amount of groundwater to wells, springs or infiltration galleries.

Chloride Salt: Any bulk quantities of chloride compounds and other deicing compounds intended for application to roads, including mixes of sand and chloride compounds in any proportion where the chloride compounds constitute over 8% of the mixture. A bulk quantity of chloride compounds means a quantity of 1,000 pounds or more but does not include chloride compounds in a solid form, including granules, which are packaged in waterproof bags or containers which do not exceed 100 pounds each.

Discharge: Any intentional or unintentional action or omission in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping into the waters of the Village or onto lands from which the discharged substances or material might flow or drain into said waters, or into waters outside the jurisdiction of the Village, when damage may result to the lands, waters, or natural resources within the jurisdiction of the Village.

Fertilizer: Any commercially produced mixture generally containing phosphorous, nitrogen and potassium which is applied to the ground to increase nutrients to plants.

Generator of Hazardous Waste: Any person or site whose act or process produces hazardous waste.

Groundwater: Water contained in interconnected pores and fractures in the saturated zone in an aquifer.

Hazardous Substance: 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.

Hazardous Waste: See 6 NYCRR Part 371 and amendments thereto for the identification and listing of hazardous wastes.

Herbicide: Any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed, including those substances defined as herbicides pursuant to Environmental Conservation Law § 33-0101, and amendments thereto.

Low Impact Development (LID): refers to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat.

Manure: Animal feces and urine.

Mining: Any operation which involves the breaking of the earth's surface for the purpose of extracting and removing raw natural materials (such as topsoil) from the premises for the purpose of sale or off-premises use in excess of 25 cubic yards.

Municipal Water Supply: Aquifers and watersheds within the Indian Brook-Croton Gorge Watershed that serve as water sources for municipal water systems.

Municipal Water System: A water system which provides piped water to the public for human consumption as defined and regulated by 10 NYCRR Subpart 5-1.

Natural Recharge: The replenishment of underground water reserves.

Non-point Discharge: Discharges of pollutants not subject to SPDES (State Pollutant Discharge Elimination System) permit requirements.

Overlay Map: The overlay map showing the boundaries of the Indian Brook-Croton Gorge Watershed Protection Overlay District within the Village.

Pest: Any insect, rodent, fungus or weed; or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism (except viruses, bacteria or other microorganisms on or in living man or other living animals) which the Commissioner of Environmental Conservation declares to be a pest as provided in Environmental Conservation Law § 33-0101.

Pesticide: Any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, including any substances defined as pesticides pursuant to Environmental Conservation Law § 33-0101 et seq. and amendments thereto.

Petroleum: Oil or petroleum of any kind and in any form including but not limited to oil, petroleum fuel oil, oil sludge, oil refuse, oil mixed with other waste, crude oil, gasoline, and kerosene, as defined in 6 NYCRR Part 597.1(7) and amendments thereto.

Point Source Discharge: Pollutants discharged from a point source as defined in Environmental Conservation Law §17-0105 and amendments thereto.

Pollutant: Any material or byproduct determined or suspected to be hazardous to human health or the environment as defined in Environmental Conservation Law §17-0105.

Solid Waste: Includes all manner of useless or unwanted or discharged solid or semisolid nontoxic, domestic, commercial, industrial, institutional, construction and demolition waste materials, except hazardous, toxic, chemical, human or rendering wastes.

State Pollutant Discharge Elimination System (“SPDES”): The system established pursuant to Article 17 Title 8 of Environmental Conservation Law for issuance of permits authorizing

discharges to the waters of the state of New York.

Steep Slopes: Any slope greater than 15 percent and as defined in Chapter 195, Steep Slope Protection, in the Village of Croton-on-Hudson Village Code.

Stormwater Hotspots: a land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff, based on monitoring studies. For purposes of the Indian Brook Croton Gorge Watershed Protection Overlay District, the following land uses, and activities are deemed stormwater hotspots:

- Vehicle salvage yards and recycling facilities
- Vehicle fueling stations
- Vehicle service and maintenance facilities
- Vehicle and equipment cleaning facilities
- Fleet storage areas (bus, truck, etc.)
- Industrial sites
- Marinas (service and maintenance)
- Outdoor liquid container storage
- Outdoor loading/unloading facilities
- Public works storage areas
- Facilities that generate or store hazardous materials
- Commercial container nursery
- Other land uses and activities as designated by an appropriate review authority

Stormwater Pollution Prevention Plan (SWPPP): A plan for controlling stormwater runoff and pollutants from a site during and after construction activities as regulated in Chapter 196, Stormwater, Drainage, Erosion and Water Pollution Control, of the Village of Croton-on-Hudson Village Code.

Surface Waters of the State of New York: Lakes, bays, sounds, ponds, impounding reservoirs, springs, 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 man-made 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.

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

Wastewater Treatment System: Any treatment plant, sewer, disposal field, lagoon, pumping station, septic system, collection and distribution pipes, on-site disposal systems and seepage units, or other system not specifically mentioned in this definition, installed for the purpose of transport, treatment, neutralization, stabilization, storage, or disposal of wastewater.

Water body: Any body of water which exists at least three months of the year as defined in Chapter 227, Wetlands, of the Village of Croton-on-Hudson Village Code.

Watercourse. Any identifiable channel through which water flows continuously or intermittently as defined in Chapter 227, Wetlands, of the Village of Croton-on-Hudson Village Code.

Watershed. The geographic region within which water drains to a particular wetland, water body, or watercourse.

Watershed Protection Overlay District: Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District. The Watershed for specific municipal water supplies, as designated on the official Watershed Protection Overlay District Map[1] and described in § 230-20.9 of this chapter.

Water Supply: The groundwater resources of the watershed, or the groundwater resources used for a particular well or community water system in the Indian Brook-Croton Gorge watershed.

Well: Any present or future artificial excavation used as a source of public or private water supply which derives water from the interstices of the rocks or soils which it penetrates including bored wells, drilled wells, driven wells, but excluding ditches or tunnels, used to convey groundwater to the surface.

Wellhead Buffer: An area surrounding a municipal water system well, designated as a critical area for protecting the well, created by a two hundred foot radius around each protected well.

Wetland Buffer Areas: An area surrounding a wetland, watercourse or water body that is subject to the regulations specified herein. Within the Indian-Brook Croton Gorge Watershed Protection Overlay District it is defined as the land area within 150 linear feet along the surface, away from, and around the perimeter of the outermost boundary of a wetland or watercourse or water body. A buffer is intended to provide protection from human activity and other encroachment associated with development.

§ 230-20.10 Applicability.

1. The provisions of this section shall be applicable to all new land use, construction, or subdivision. Existing land use, construction, improvements and subdivisions within the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District initiated or completed prior to the effective date of adoption of this chapter are not subject to the requirements herein.
2. These prohibitions, restrictions, and principles shall be applied within the Watershed Protection Overlay District through the existing building and other land use permit, site plan review, and code enforcement procedures of each municipality in the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District by its officers and

boards. Additionally, all development in the watershed shall be in accordance with New York State Department of Environmental Conservation regulations related to environmental protection and stormwater management.

3. Site plan review by the Planning Board is required for all new activities or property uses in the Watershed Protection Overlay District, as required by §230-67, and shall take into consideration the requirements and principles outlined in this chapter.
4. Within the Watershed Protection Overlay District, all major subdivisions shall be designed as a conservation/cluster subdivision with a minimum of 30% of the parcel permanently preserved.

§ 230-20.11 Boundaries.

1. The boundaries Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District is established on a map entitled “Indian Brook–Croton Gorge Inter-Municipal Watershed Protection Overlay District, Westchester County, NY 2023” (watershed map), which is adopted simultaneously herein. The particular municipal water supplies protected under this chapter include:
 - i. **Indian Brook Reservoir/Indian Brook Basin** - serves as a drinking water source for portions of the Town and Village of Ossining, and portions of the Town of New Castle
 - ii. **Croton Gorge Basin and Croton River Aquifer** - a water source for the Village of Croton-on-Hudson water system and a water source for individual wells within portions of the Town of Cortlandt and the Town of New Castle.
2. Where uncertainty exists as to the boundaries shown on the Watershed Map, the following shall apply:
 - i. Where area boundaries are indicated as approximately following a street, railroad, or highway line or centerlines thereof, such lines shall be construed as said boundaries.
 - ii. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a survey plat prepared by a registered land surveyor may be submitted to the municipality as evidence that one or more properties along these boundaries do not lie within the protected area.
 - iii. Where the boundaries lie at a scaled distance of more than 25 feet from any parallel lot line, the boundaries shall be determined by use of the scale appearing on the watershed map.
 - iv. Where the boundaries lie at a scaled distance of less than 25 feet from any parallel lot line, the boundaries shall be construed to be the lot line.
 - v. When a large parcel is bisected by the boundary, the applicant may submit a detailed topographical map of the property as documentation of those portions of the property that are within as well as outside the boundary.
 - vi. Where other uncertainty exists, the authorized approval agency shall interpret the Watershed Map as to location of such boundaries. The municipality may, at the

applicant's expense, consult with agencies or others in determination of a project's location within a protected area and applicability of these standards.

3. A list of the specific parcels all or partially included in the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District within the Village is set forth in Attachment F of this Chapter and the Zoning Map is hereby amended to include the parcels described in the Attachment F of this Chapter in the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District.

§ 230-20.12 Effect of district.

Within the WPOD, all underlying land use district rules remain in effect, except as they are specifically modified by this Article. In case of a conflict between this Article and the underlying use regulations, the more restrictive shall control. Nothing in this Article shall be construed to allow uses that are not permitted by the underlying land use district.

§ 230-20.13 Prohibited uses and practices.

The following uses shall be prohibited in the WPOD District:

1. Disposal of hazardous material or solid waste.
2. Treatment of hazardous material, except remediation programs authorized by a government agency for treating hazardous material that existed on the site prior to the adoption of this land use law
3. The creation or manufacturing of any hazardous materials
4. Dry cleaning, dyeing, printing, photo processing, and any other business that stores, uses, or disposes of hazardous material, unless all facilities and equipment are designed and operated to prevent the release or discharge of hazardous material.
5. Disposal of septage or septic sludge
6. Automobile service and gas filling stations
7. New underground storage of petroleum
8. Petroleum product pipelines
9. Vehicle Storage Yards/Truck terminals
10. Contractor's Yards
11. The bulk storage of deicing salt, except in municipally-approved impervious structures
12. Installation of dams, water diversions, and stream channelization except undertaken directly in relationship to drinking water resources.
13. Clearing of more than 30,000 square feet of vegetation without a site plan approval.
14. Landfill of domestic, industrial, construction and demolition, or hazardous materials.
15. Junkyards
16. Land spreading of sludge or ash, including domestic wastewater or waste industrial process material, except for ash from individual residential heating equipment.
17. New dry wells directly connected to any floor drain, garage drain, wash basin or sink.
18. New fuel storage facilities in any amount greater than 660 gallons.
19. Commercial trash containers and dumpsters which are not under a roof or which are located so that leachate from the receptacle could escape unfiltered and untreated.

20. Any mining activities including consolidated and solution mining activities, unless permitted by the New York State Department of Environmental Conservation
21. Point source discharges, other than discharges authorized by permits issued by the New York State Department of Environmental Conservation.

§ 230-20.14 Performance criteria.

1. All construction activities (as defined by the agency having approving jurisdiction) that involve soil disturbances greater than 5,000 sf shall comply with the latest edition of the New York State Department of Environmental Conservation (NYSDEC) Stormwater Manual. All construction activities shall be required to meet the standards set forth in the SPDES General Permit for construction activities that involve soil disturbances greater than 5,000 sf and all stormwater pollution prevention plans shall meet water quantity and quality controls for all new impervious surfaces as outlined below.
2. Any new construction activity which creates new impervious surfaces greater than 5,000 sf shall be treated for water quality volume (WQv), peak flows (cfs) and volume (cf) as outlined in the New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual, latest edition, and Chapter 196, Stormwater, Drainage, Erosion and Water Pollution Control, and include enhanced requirements for pollutants of concern as outlined and incorporated in the Stormwater Management Design Manual, latest edition.
3. Low Impact Development (LID) Practices - shall be provided to the extent feasible for all new or redevelopment within the watershed including the use of bioretention facilities, rain gardens, vegetated rooftops, rainwater harvesting, and permeable pavements.
4. Pollutant loadings will not damage any wetland, waterbody or watercourse.
5. Grading and removal of vegetation is minimized for all construction.
6. Septic systems must be pumped at least once during every 3-year period.
7. The storage and stockpiling of manure and other animal waste for use in agricultural operations, agricultural use of fertilizers and land application of manure, and pesticide (including herbicide) storage and use shall comply, to the maximum extent possible, with the practices detailed in the most current versions of "Controlling Agricultural Nonpoint Source Water Pollution in New York State - A Guide to the Selection of Best Management Practices to Protect Water Quality," published by the Bureau of Technical Services and Research, Division of Water, or "Agricultural Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State.
8. Fertilizers, pesticides, and herbicides shall not be applied in a manner or at a rate which contributes to or causes a contravention of the water quality standards set forth in 6 NYCRR 700 to 705.
9. Pesticide storage and use (including herbicides) are subject to the approval of, and shall comply with the regulations of, the New York State Department of Environmental Conservation.
10. Disposal of pesticide, including herbicides, is prohibited unless authorized by a permit issued by the New York State Department of Environmental Conservation.
11. Disposal of water used for pesticide makeup water or for washing of pesticide equipment is prohibited unless authorized by a permit issued by the New York State Department of Environmental Conservation.

12. Use of streams as sources of water for the washing of equipment used in conjunction with pesticide or herbicide application is prohibited.
13. Lawn chemicals (pesticides and herbicides) shall not be applied within 25 linear feet of any watercourse, or within a wellhead buffer area.
14. Storage of chloride salts and coal shall be in structures designed to minimize contact with precipitation and constructed on low-permeability pads designed to control seepage and run-off.
15. Chloride salt application. Deicing chloride salt use is restricted to the minimum amount needed for public safety as determined by the Superintendent of Public Works.
16. Any petroleum storage tank(s) installed or replaced after the effective date of this chapter must be aboveground or fully visible for inspection within the basement or other interior space, and secondary containment is required for all new tanks.

§ 230-20.15 General Provisions for Wetlands, Watercourses, Water Bodies, Wetland Buffers Areas and Steep Slopes.

These regulations apply to all wetlands, watercourses, water bodies and buffer areas as defined in Chapter 227, Wetlands of the Village of Croton-on-Hudson Village Code and located within the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District (regardless of size).

1. Development of wetlands, watercourses, water bodies and buffer areas are to be avoided except where no reasonable alternative exists or where the applicant would otherwise suffer undue hardship if a permit is not issued. In the event such development is approved, impacts shall be minimized to the greatest extent practicable, and a mitigation plan shall be prepared.
2. All applications for permits to disturb wetlands, watercourses, water bodies and buffer areas in the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District shall follow the requirements contained in Chapter 227, Wetlands, of the Village of Croton-on-Hudson Village Code unless a more stringent or restrictive requirement is listed in this section.
3. As a condition of the granting of any wetland permit within the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District, the approving authority shall require that the applicant submit a mitigation plan per the requirements listed in Chapter 227, Wetlands, of the Village of Croton-on-Hudson Village Code.
4. Within the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District, the applicant shall be required to create replacement wetlands or restore, recreate or enhance existing wetlands equal to twice the area of wetland directly impacted.
5. Within the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District, buffers shall be regulated as follows:

Buffers

- i. Buffers along wetlands and waterbodies (as defined in Chapter 227, Wetlands, of the Village of Croton-on-Hudson Village Code) must extend a minimum of 150 feet horizontally away from and paralleling the delineated wetland boundary.

- ii. Buffers along watercourses (Chapter 227, Wetlands, of the Village of Croton-on-Hudson Village Code) extend a minimum of 150 feet horizontally away from and paralleling the highwater mark or level of bank full discharge. In undeveloped areas, the buffer shall also be extended to include the 100 year floodplain.
- iii. Buffers along steep slopes adjacent to wetlands shall extend 150 feet horizontally.

Buffer vegetation

- i. Planting within buffers shall be based on a site-specific planting plan designed to maximize the buffer's capacity to intercept stormwater runoff, stabilize banks, improve water quality, and provide habitat. Planting shall incorporate:
 - a. a diverse mix of perennial native species
 - b. trees and shrubs with dense ground cover to protect soil
 - c. salt tolerant plants in areas where road salt is used
 - d. steep slopes: native perennial grasses; trees and woody shrubs along the water's edge
 - e. bank erosion control: plants with fibrous root systems; deep-rooted woody species

Allowable buffer uses

- i. unpaved foot paths, recreational access, revegetation planting and mitigation planting per the requirements listed above, manual removal of invasive species, removal of trees that pose a safety hazard.

Restricted buffer uses

- i. new impervious surfaces, construction of roads, structures or pipelines
- ii. removal of vegetation or trees (except for safety purposes)
- iii. excavation and grading
- iv. additional lawn
- v. mining
- vi. septic tank drain fields
- vii. agriculture and livestock
- viii. de-icing application of road salt
- ix. waste disposal or dumping of trash, yard waste and debris
- x. application of lawn-based pesticides, herbicides and fertilizers
- xi. dams, water diversions, stream channelization
- xii. All other activities not specifically listed above are subject to Federal, State and local permit procedures

6. Special provisions.

These special provisions apply to new development in previously developed areas:

- i. The protected buffer shall be as wide as the site allows, subject to the above-listed conditions where possible, and maintaining as much vegetated cover as possible within 150 feet of wetland or watercourse, especially in areas where bank erosion is evident.

- ii. Alternative or additional conservation practices (including low impact development (LID)) to reduce runoff load into a wetland or watercourse shall be applied.

§ 230-20.16 Wellhead Buffers and Stormwater Hotspots.

Within the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District, no disturbance within 200 feet of any wellhead or stormwater hotspot shall be permitted. Wellhead buffer areas and stormwater hotspots shall be protected as follows:

1. Construction activities within 200 feet of a wellhead is prohibited except those used for municipal water system purposes such as pumping, treatment, and control facilities and equipment. Wellhead buffer areas shall not be used for any purpose other than municipal water supply, except when a permit has been issued by the Village Board for nonintrusive recreation uses such as picnicking, nature study, fishing, or hiking. The wellhead buffer shall be posted prohibiting trespass for any purpose except as permitted in this subsection.
2. Construction activities within 200 feet of a stormwater hotspot is prohibited.

§ 230-20.17 Enforcement.

1. Compliance orders. The Building Inspector or Village Engineer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of this chapter. Upon finding that any such condition or activity exists, the Building Inspector or Village Engineer shall issue a compliance order.
 - i. The compliance order shall:
 - a. Be in writing;
 - b. Be dated and signed by the Building Inspector or Village Engineer;
 - c. Specify the condition or activity that violates this chapter;
 - d. Specify the provision or provisions which is/are violated by the specified condition or activity;
 - e. Specify the period of time which the Building Inspector or Village Engineer deems to be reasonably necessary for achieving compliance;
 - f. Direct that compliance be achieved within the specified period of time; and
 - g. State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.
2. The Engineering Department shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail. The Engineering Department shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

§ 230-20.18 Penalties for offenses.

1. Any person who shall violate any provision of this chapter shall be subject to the applicable penalties under this chapter, and any other applicable code or ordinance, without limitation. The chapter penalties are:
 - i. Fines. The person who violates any provision of this chapter shall be liable for a civil penalty of not more than \$250 for each day or part thereof during which such violation shall be continued.
 - ii. Alternatively, or in addition to any action to recover civil penalties provided by Subsection **i**, the Village Attorney may institute any appropriate action or proceedings to prevent, restrain, enjoin, correct or abate any violation of or to enforce any provision of this chapter.

Section 2. Severability.

Should any section or provision of this article be declared, adjudged or ordered null, void, voidable, or invalid by a court of competent jurisdiction, such finding of invalidity shall not affect the validity of the remaining portions of this article.

Section 3. When effective.

This chapter shall take effect upon filing with the New York Secretary of State.