

CHAPTER 66

DRAINAGE CONTROL

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[HISTORY: Adopted by the Board of Trustees of the Village of Wilson 6-17-1993 by L.L. No. 1-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Flood Damage Prevention – See Ch. 83.

Freshwater Wetlands – See Ch. 87.

Sewers – See Ch. 130.

Water – See Ch. 163.

§ 66-1. Purpose and Intent

A. It is the intention of the Village Board to protect the Village of Wilson and its residents from:

- (1) The adverse effects of stormwater runoff caused by the modification of existing drainage systems.
- (2) The adverse effects of stormwater runoff caused by the construction, reconstruction or development of one (1) or more parcels of land.
- (3) The adverse effects of stormwater runoff or groundwater caused by the improper discharge of sump pumps and roof drainage systems.

B. The adverse effects include by are not limited to the following:

- (1) Increased rate of storm drainage runoff, soil movement or erosion, sediment accumulation and peak flows.
- (2) Flooding or standing water caused by the obstruction of a stream, channel, waterway or other storm drainage system by construction or reconstruction, backfilling, excavation and refuse disposal.
- (3) The directing or diverting of storm – or groundwater flows in a manner which creates a hazard for the general public, including but not limited to flooding and ice formation.
- (4) The directing or diverting of storm – and groundwater flows in a manner which damages public or private property.

§ 66-2. General requirements.

- A. All modifications, improvements, reconstruction, relocation and all other work relating to the existing drainage system within the Village of Wilson shall require the approval of the Zoning Administrator.
- B. All development of property (including vacant property) which will alter the topography or grade of the land in the Village of Wilson shall require the approval of the Zoning Administrator.
- C. A detailed drainage plan for all construction, reconstruction, improvement, alteration or development of commercial and industrial buildings, multifamily dwellings and, at the discretion of the Zoning Administrator, single-family dwellings shall be submitted to the Planning Board for approval. The drainage plan shall be prepared by a professional engineer licensed to practice in the State of New York and shall include sufficient detail, as determined by the Village Engineer, to allow review by the village. Such additional information as may be requested by the village shall be provided prior to final review. Approval of the drainage plan by the Village Engineer shall be obtained prior to approval by the Zoning Board of Appeals¹.
- D. Appeals of Zoning Board of Appeals determinations shall be made to the Village Board of Trustees².

§ 66-3. Prohibited acts.

Except as otherwise provided herein, it shall be unlawful for any person, firm, entity or corporation to:

- A. Place, deposit or permit to be placed or deposited any debris, fill, sand, stone or other materials of any kind or nature or construction of any kind into or across any stream, ditch, culvert, pipe, watercourse or other drainage system.
- B. Fill, obstruct, dam, divert or otherwise alter the natural or artificial flow of waters or drainage or the intensity or quantity of flows through any stream, ditch, culvert, pipe or watercourse or other drainage system.
- C. Direct, divert, channel or construct facilities or means to cause the flow of roof drainage systems or sump pump discharges to encroach on adjacent public or private lands.
- D. Direct, divert, channel or construct facilities or means to cause the flow of any stormwater or groundwater into a public sanitary sewer system.

§ 66-4. Correction of existing conditions³.

Except as approved by the Zoning Administrator, all existing obstructions, dams, diversions, construction of any kind, deposits of debris, fill, sand or other material or other alterations or diversions of the natural flow of water or the intensity or quantity of flow through, across or to any stream, ditch, culvert, watercourses or other drainage system shall be removed or corrected by the owners of the premises upon which said obstructions, dams, diversions, construction,

¹ Editor's Note: Amended 9/19/24 when adopting Ch. 18

² Editor's Note: Amended 9/19/24 when adopting Ch. 18

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provision, Art. I.

deposits or other alterations of the flow of water are situated within ten (10) days after written notice by certified mail, return receipt requested, by the Zoning Administrator.

§ 66-5. Penalties for offenses; corrective action.

- A. Any person, firm, entity or corporation found to be violating any provision of this chapter shall be served with written notice by certified mail, return receipt requested, by the Zoning Administrator stating the nature of the violation and providing for a ten-day time limit for the satisfactory correction thereof. The offender shall, within the period stated in such notice, correct or remove the violations.²
- B. Notice of violations may be appealed in writing to the Zoning Board of Appeals, in the same manner as set forth in § 170-43B through H of the Code of the Village of Wilson, provided that such appeal is served upon the Village Clerk within seven (7) days of the date of such notice of violation.
- C. In the event that any person, firm, entity or corporation shall continue the violation beyond the time limit provided in Subsection A above or ten (10) days after an adverse ruling of the Zoning Board of Appeals, the Village Board may direct the Superintendent of Public Works to correct or cause to be corrected the violation, and all costs and expenses of such correction incurred by the Village of Wilson shall be assessed against the offender(s). The village shall have the right to enter upon private lands to correct the violation and shall have no liability for damage to private lands caused by the entry thereon and/or correction thereof.
- D. Any person, firm, entity or corporation violating any of the provisions of this chapter shall become liable to the village for any and all expense, costs, loss or damage occasioned by the village by reason of such violation.
- E. In the event that any person, firm, entity or corporation shall continue the violation beyond the time in Subsection A above or ten (10) days after an adverse ruling of the Zoning Board of Appeals, whichever is applicable, he or it shall be punishable, upon conviction, by a fine or imprisonment, or both, as provided in Chapter 1, General Provisions, Article II. Each seven-day period or part thereof shall be deemed a separate violation.³

§ 66-6. Liability.

Any action or lack of action by the Village of Wilson, its officers, employees or agents regarding drainage control shall not constitute a representation, guaranty or warranty of any kind or nature by the Village of Wilson, its officers, employees or agents of the safety, operation, adequacy or intent of the facilities and shall create no liability or cause of action against any such public body, officer, employee or agent for any damage that may result therefrom.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

