

Local Law No. __

A Local Law Amending the Village of Tannersville Sewer Use Law

BE IT ENACTED by the Village of Tannersville Board of Trustees as follows:

1. Authority

This local law is adopted pursuant to section 10 of the Municipal Home Rule Law.

2. Purpose

This local law amends Local Law No. 1 of 2019, entitled, “Sewer Use Law, Applicable to the Sewer Service Area Served by the Tannersville Wastewater Treatment Plant, In the Village of Tannersville”.

3. Amendment

- (a) **Section 201 of Local Law No. 1 of 2019 (“Defined Terms”) is hereby amended to add the following new definitions:**

Agreement – The Agreement between the Village of Tannersville, Town of Hunter and the City of New York, dated August 15, 1924, as amended on February 25, 1925 entitled “Agreement between the Village of Tannersville and the Town of Hunter and the City of New York for Sewerage Systems”.

City-Owned Collection System – Any portion of the Sewage Collection System that was constructed pursuant to the Agreement and is presently owned, operated and maintained by the City, within Service Area of the Tannersville WWTP. The City-Owned Collection System shall also include any sewer extensions and connections that have been constructed, or which will be constructed in the future, by the City pursuant to Paragraph 5 and 6 of the Agreement.

The MOA Sewer Extension – An extension to the City-Owned Collection System, including its necessary appurtenances, constructed pursuant to the “Agreement between the New York City Department of Environmental Protection and the Village of Tannersville for Sewer Extensions to the Tannersville Wastewater Treatment Plant Under the 1997 Watershed Memorandum of Agreement’s (MOA) Sewer Extension Program”, which is owned, operated and maintained by the City and serves certain portions of the Service Area of the Tannersville WWTP.

- (b) **Section 307 of Local Law No. 1 of 2019 is hereby repealed in its entirety and replaced with the following:**

Section 307 Connection to City-Owned Collection System Required

Whenever, after construction of the City-Owned Collection System , buildings containing indoor plumbing are constructed on property immediately adjacent to or contiguous to the sewer line, the owners of these building shall connect to the sewer line at their own expense, subject to NYCDEP review and approval, within ninety (90) days of the Building Inspector providing notice to do so. NYCDEP shall render its determination within sixty (60) days from receiving an application for connection to a sewer main.

Where the City of New York is required under the Agreement to construct extensions to the City-Owned Collection System to connect buildings containing indoor plumbing where there is no existing branch in the main sewer line, or to construct extensions that are necessitated by future growth and building construction in the Village, the City or its NYCDEP shall make the connection between the building connection and the sewer at its expense, upon receipt of notice by the Village pursuant to the Agreement. The City or its NYCDEP shall construct the necessary extension and connection within the time frame stated in the Agreement. The Village shall be responsible for obtaining any easements and rights of way that are necessary for the City's construction, operation and maintenance of the extension where required by the Agreement.

Except as otherwise provided for in the Agreement, nothing herein shall obligate the City to approve a new connection or extension of the City-Owned Collection System if there is insufficient capacity at the Tannersville WWTP to handle the additional flow. In such case, the property owner(s) may apply for construction of an on-site septic system pursuant to applicable law including the NYC Watershed Rules and Regulations.

- (c) **Section 312 of Local Law No. 1 of 2019 is hereby amended to add the language underlined below:**

Section 312 – Connection to New Sewers Required

Except as otherwise provided for in Section 307 and the Agreement relating to the City Owned-Collection System and Section 313 related to the MOA Sewer Extension, at such time that a new sewer becomes available to a property with an existing structure (with plumbing) located within 100 ft. from that portion of the road under which the new main is located, a direct connection to the sewer shall be required, subject to NYCDEP review and approval, and any cesspool, septic tank, and similar wastewater disposal facilities shall be disconnected and cleaned of septage, by a licensed septage hauler, and either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed of. Once the connection is made to the new sewer, the connection to the on-site wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate. Alternatively, the septic tank effluent may be piped or pumped to the sewer. NYCDEP shall render its determination within sixty (60) days from receiving an application for connection to a sewer main. In the event there is

- (d) **Section 313 of Local Law No. 1 of 2019 is hereby amended to delete the language that is struck out and to add the language that is underlined:**

Section 313 – Required Connection to Sewer Mains Constructed Pursuant to the “Agreement Between the New York City Department of Environmental Protection and the Village of Tannersville For Sewer Extensions to the Tannersville Wastewater Treatment Plan Under the 1997 Watershed Memorandum of Agreement’s (MOA) Sewer Extension Program” (The “MOA Sewer Extension Program Agreement”)

The Village of Tannersville shall require each owner of a residence or structure with plumbing, erected prior to the effective date of the MOA Sewer Extension Program Agreement between the

Village of Tannersville and NYCDEP, to make a direct connection to the MOA Sewer Extension ~~new sewer mains constructed pursuant to the MOA Sewer Extension Program Agreement~~ if the property upon which such residence or structure is situated abuts that portion of the road under which the MOA Sewer Extension ~~a sewer main~~ has been constructed, or is benefitted by a right-of-way across property that abuts such a road, provided such residence or structure is situated no more than 250 feet from the centerline of such road. Each such owner shall connect such residence or structure to such new lateral constructed by New York City within ninety (90) days of the Village of Tannersville's Building Inspector notifying them that the new sewer main and lateral to their residence or structure are fully operational.

~~The Village of Tannersville shall require, subject to NYCDEP review and approval, all residences and structures with plumbing constructed after the effective date of the MOA Sewer Extension Program Agreement to connect to the sewer main if the property upon which such residence or structure is situated abuts that portion of the road under which a sewer main was constructed pursuant thereto, provided such residence or structure is situated no more than 100 feet from the edge of such road. NYCDEP shall render its determination within sixty (60) days from receiving an application for connection to a sewer main.~~

Any cesspool, septic tank, and similar wastewater disposal facilities to be disconnected pursuant to this Section shall be cleaned of septage by a licensed septage hauler and either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed of. Once the connection is made to the new sewer as provided for in this Section, the connection to the on-site wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate. Alternatively, the septic tank effluent may be piped or pumped to the sewer.

- (e) Section 402 A of Local Law No. 1 of 2019 is hereby amended to add the language underlined below:

Section 402 A – New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be in accordance with Section 401. Except as otherwise provided for in Section 307 and the Agreement, all expenses associated with the construction of new sanitary sewers or extensions shall be born by the property owner, builder, or developer. Each street lateral shall be installed and inspected pursuant to Article 5 herein, and inspection fees, if applicable, shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in Section 403 herein, and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. The installation of the sewer shall be subject to periodic inspection by the Building Inspector, without prior notice. The Building Inspector shall determine whether the work is proceeding in accordance with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in Section 405 herein, before any building lateral is connected thereto. The Building Inspector shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and

procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted until such construction inspections have been made so as to assure the Village of Tannersville Board of compliance with this Law and any amendments or additions thereto. The Building Inspector has the authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction. The Building Inspector shall report all findings of inspections and tests to the Village of Tannersville Board.

5. Severability.

Should any section or provision of this local law be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the local law as a whole, or any part thereof, other than the part so explicitly declared to be invalid.

6. Effective Date

This local law shall take effect immediately upon its filing in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.