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**DEPARTMENT OF STATE**

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January 24, 2018

Elisette Acosta  
Intermediate Clerk  
Village Hall  
PO Box 369  
Mamaroneck NY 10543

**RE: Village of Mamaroneck, Local Law 16 2017, filed on December 28,  
2017**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492

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Department  
of State

## **LOCAL LAW 16 - 2017**

### **A Local Law to amend Chapter 282 of the Code of the Village of Mamaroneck (Sewers) regarding sanitary sewer laterals.**

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

#### ***Section 1.***

Article IV of Chapter 282 of the Code of the Village of Mamaroneck (Removal of Illegal Sewer Connections and Elimination of Illegal Discharge of Liquids) is repealed in its entirety and replaced with the following:

#### **Article IV. Sanitary Sewer Laterals**

##### **§282-12 Legislative Intent.**

The purpose of this Article is to reduce infiltration and inflow into the sanitary sewer system operated by the Village of Mamaroneck, and exfiltration of sewage into groundwater and waterways, by requiring inspection, testing, repair, replacement and ongoing maintenance of private sewer laterals by property owners in the Village of Mamaroneck.

##### **§282-13 Definitions.**

As used in this article, the following terms are defined as follows:

##### **DISCHARGE COMPLIANCE CERTIFICATE**

A certificate issued by the Building Inspector based upon a Plumber's Certification stating that:

- A. All of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines comply with the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the Village Code; and
- B. There are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. The sanitary sewer laterals leading from the structures on the property do not directly or indirectly allow inflow or infiltration into the Village's public sanitary sewer lines.

##### **EXFILTRATION**

Raw sewage that leaks out of laterals into soil, groundwater and waterways

##### **INFILTRATION**

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

## **INFLOW**

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from sources such as, but not limited to, roof leaders, sump pumps, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters and drainage. Inflow does not include, and is distinguished from, infiltration.

## **PLUMBER'S CERTIFICATION**

A certification made to the Village by a plumber licensed to do business within the County of Westchester that the plumber:

- A. Has inspected all of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines and that all such connections comply with the requirements of the New York State Building Code, Westchester County Sewer Act, the Westchester County Sanitary Code and the Village Code;
- B. Has inspected the real property and found that there are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. Has inspected the sanitary sewer laterals leading from the structures on the property and determined that such laterals do not directly or indirectly allow inflow or infiltration therefrom into the Village's public sanitary sewer lines, which inspection must include either (i) a video record of a closed circuit television (CCTV) inspection of the entire sanitary sewer lateral that has been provided to the Village, or (ii) in the case of a force or pump system, the results of a pressure test of the system, satisfactory, in either case, to the Building Inspector or his designee.

## **RENEWAL EVENT**

Either a transfer of title to the real property, other than a transfer between family members in order to create a joint tenancy or tenancy in common, or an application for a building and/or plumbing permits for construction with a value that exceeds fifty percent (50%) of the assessed value of the property, including improvements.

## **SANITARY SEWER LATERAL OR LATERAL**

The sanitary sewer pipe running from the structures on a property conveying wastewater from the structure and connecting to the public sanitary sewer main.

### **§282-14 Standards for Maintenance of Sanitary Sewer Laterals.**

- A. It is the sole responsibility of the private property owner to perform all required maintenance, repairs and replacements of sanitary sewer laterals in accordance with the requirements of this article and the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the Village Code.
- B. Laterals shall be kept free from roots, grease deposits and other solids which may impede the flow or obstruct the transmission of sewage.
- C. Laterals shall not exhibit any signs of infiltration.

- D. Laterals shall not exhibit any sign of exfiltration or leakage.
- E. Lateral pipe joints shall be tight and all lateral pipes shall be free of any structure defects such as breaks, openings, and voids.

**§282-15. Correction or abatement.**

- A. If at any time any sanitary sewer lateral is found to not be in compliance with the requirements of §282-14, the owner of the property must cause all necessary repairs made to bring the lateral into compliance. Unless the Building Inspector allows additional time for good cause shown, the owner of the property must undertake to complete the required repairs to the satisfaction of the Building Inspector or his designee within 60 days of the sooner of (i) becoming aware of the non-compliance, or (ii) receiving notice from the Village or otherwise, including an inspection by a plumber done in connection with providing a Plumber's Certification, that the lateral is not in compliance.
- B. If the owner fails to complete the repairs and bring the lateral into compliance within the time required, the Village may enter upon the property and complete the required work and the cost of doing so will be billed to the owner of the property, and in the event of nonpayment, will be a lien on the property which can be collected and enforced as part of, and in the same manner as, Village taxes.
- C. Upon completion of the repairs, the owner must provide to the Building Inspector a detailed invoice specifying the repairs made and reflecting payment for the repairs and a Plumber's Certification, and must obtain from the Building Inspector a Discharge Compliance Certificate.
- D. An owner may choose to correct the non-compliance by replacing the sanitary sewer lateral. Any new sanitary sewer lateral, whether installed to correct a non-compliance or otherwise, must be installed in accordance with all applicable codes and regulations, including this article, and must be inspected by the Building Inspector, who will issue a Discharge Compliance Certificate if the new lateral complies with the requirements of this article.

**§282-15.1. Inspection upon Renewal Event.**

- A. Each property owner must obtain Discharge Compliance Certificate prior to any renewal event. Upon making an application for a Discharge Compliance Certificate, the Building Inspector or his designee shall have the right to inspect the property. If the plumber's inspection, the video required to be submitted, or the inspection by the Building Inspector or his designee, indicates the lateral is not in compliance with the requirements set forth in §285-14 above, the owner shall be required to correct the conditions not meeting the requirements and provide a Plumber's Certification and video indicating all conditions have been corrected and that the Lateral is now in compliance with this Article. Upon the Building Inspector's determination that the lateral is in compliance, the Discharge Compliance Certificate will be issued.
- B. If at the time of a renewal event or a required inspection the owner can prove that a Discharge Compliance Certificate has been issued within the preceding ten (10) years, and there has been no significant change in the condition of the property, the Building Inspector may waive the requirement for a new Discharge Compliance Certificate for that particular renewal event.
- C. If the renewal event is a transfer of title, and remedial work or a replacement is required for the issuance of a Discharge Compliance Certificate, the Building Inspector may permit the transfer of title to proceed without the Discharge Compliance Certificate if the transferor deposits with the

Village, in a trust and agency account to be maintained by the Village Treasurer, an amount determined by the Building Inspector to be sufficient to complete the remedial work or replacement, and (ii) the transferor agrees that the work will be completed within six (6) months, and that if the work is not completed within six (6) months, the Village may enter upon the property and complete such work using the escrowed funds. The Village Treasurer will bill to the transferor any cost to complete the work beyond the amount deposited with the Village Treasurer and if the transferor does not pay that amount, the balance due will be a lien on the property which can be collected and enforced as part of, and in the same manner as, the Village taxes.

#### **§282-15.2 Fees.**

The fee for the issuance of a discharge compliance certificate shall be as set forth in Chapter A347, Fees.

#### **§ 285-15.3. Penalties for offenses.**

Any person, firm, association or corporation which violates any of the provisions of this article or fails to complete remediation as required herein, shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than \$500 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day the violation exists shall constitute a separate offense.

#### ***Section 2.***

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

#### ***Section 3.***

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

#### ***Section 4.***

This local law will take effect on February 15, 2018 or upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27, whichever is later.