

VILLAGE OF CAYUGA HEIGHTS
DRAFT
PROPOSED LOCAL LAW D OF THE YEAR 2019

**A LOCAL LAW TO REDUCE INFLOW AND INFILTRATON INTO THE VILLAGE
OF CAYUGA HEIGHTS' SANITARY SEWER SYSTEM**

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

SECTION I PURPOSE AND INTENT

The intent of this Local Law is to establish rules, regulations and requirements to reduce inflow and infiltraton ("I&I") into the sanitary sewer system owned and operated by the Village of Cayuga Heights (the "Village"). The Village's Board of Trustees (the "Board") has determined that significant sources of I&I within the Village originate from the connection of sump pumps, downspouts and other drainage facilities to Village sanitary sewer lines. Reduction of I&I would be beneficial to the Village to reduce the volume of water that is treated at the Village's waste water treatment plant ("WWTP"). The purpose of this Local Law is to take steps to reduce I&I in order to best maintain the Village's WWTP by diminishing the overburden on the WWTP that is caused by I&I. It is in the interests of the safety and general welfare of Village residents that the WWTP is maintained to operate safely and efficiently, which goals can better be achieved by reducing I&I. The Village Board also acknowledges the value and economic benefit of further development in the Village and in the vicinity of the Village, and this Local Law is intended to regulate activity that has a detrimental impact on the Village's WWTP in order that it functions safely and efficiently and in order that possible future expansion of the WWTP can more readily be accomplished.

SECTION II AUTHORITY

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

SECTION III INFLOW AND INFILTRATON REDUCTION REGULATIONS

1. No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, subsurface drainage or drainage from any sump pump, downspout, yard drain, building foundation, retention or detention basin, parking lot drain, pond or other drainage facility into any sanitary sewer within the Village of Cayuga Heights. No person shall connect any sump pump outlet, nor any roof, yard, building foundation, retention or detention basin, parking lot, driveway, pond or other surface runoff or groundwater drains, or other drainage facility to any sewer line that constitutes a part of the Village's sanitary sewer system or otherwise transports wastewater to the Village's WWTP.

2. All existing sump pumps and downspouts, and any other drainage facilities, that discharge to the Village's sanitary sewer system shall be disconnected from the Village's sanitary sewer system. Sump pumps, downspouts and other drainage facilities may be discharged to curb drains, road ditches or splash blocks. All sump pump, downspout or other drainage water shall be so directed that it will not flow onto adjacent properties except where directed to a designed drainage swale, retention or detention basin, or other drainage facility approved by the Village Engineer and with the agreement of the owner of the adjacent property.

3. With respect to any newly constructed improvements, all sump pumps and downspouts, as well as surface drainage and any other drainage facilities, shall be discharged to storm sewers, retention or detention basins or channels approved by the Village Engineer as a component of approval of plans and specifications for the building permit for such improvements.

4. All newly constructed improvements that include a basement or other below-grade space shall have an adequate sump and sump pump to which any interior or exterior perimeter drain tile and floor drains shall discharge.

SECTION IV PROPERTY INSPECTIONS/PROPERTY TRANSFERS.

1. Voluntary Inspections. An owner of any structure or parcel of land upon which a structure is located within the Village may, at any time, request that the Village's Code Enforcement Officer, or other duly authorized representative of the Village, inspect the sump pump system, downspouts and other drainage facilities for said structure or on said parcel of land. The fee required for this inspection shall be determined by resolution of the Village Board. Provided that the same are found to be in compliance with the provisions of this Local Law, the Village shall issue a certificate of compliance stating so (the "Certificate of Compliance"). The Village shall maintain a record of structures and parcels of land for which such Certificate of Compliance has been issued. In the event that as a result of such inspection, the Village determines that a structure or parcel is not in compliance with the provisions of this Local Law, the Code Enforcement Officer will issue a notice to the property owner describing the violations of this Local Law. When required, all permits for the work necessary to cure violations must be obtained from the Village Code Enforcement Officer. The fee required for such permits shall be equivalent to the fee for a building permit for such work. The owner of such structure or parcel shall, within one (1) year of such inspection, correct the non-compliance and again request that the structure or parcel be inspected as described above.

2. Duration of Certificate of Compliance. Once issued by the Village, the Certificate of Compliance shall remain in effect unless and until any alteration, modification, replacement, relocation or addition is made to any sump pump, downspout or other drainage facility serving the structure or parcel of land that is the subject of the Certificate of Compliance, which alteration, modification, replacement, relocation or addition results in a violation of this Local Law.

3. Transfer of title. No person shall transfer title to another person, nor accept from any other person the transfer of title, to any structure or parcel of land upon which a structure is

located within the Village unless and until a the Village's Code Enforcement Officer, or other duly authorized representative of the Village, shall have inspected the sump pump system, downspouts and other drainage facilities for said structure or on said parcel of land and certified that the same are found to be in compliance with the provisions of this Local Law and the Village has issued a Certificate of Compliance. If the owner of a structure or parcel of land upon which a structure is located intends to sell such property, and the Village has not previously issued a Certificate of Compliance as described above, the owner shall request the required inspection at least thirty (30) days prior to the intended closing date of the sale of said property. This section shall not apply to transfers of property by gift, intestacy or testamentary disposition; transfers pursuant to the Federal Bankruptcy Act; transfers under Tompkins County property tax foreclosures; transfers for which consideration is \$100 or less; and transfers in connection with a partition.

4. Waiver of Certificate of Compliance for time of sale inspection.

(a) The Village's Code Enforcement Officer may temporarily waive the requirement for a Certificate of Compliance as a prerequisite to transfer of title, as specified above, provided that no later than ten (10) business days prior to the expected closing for said transfer:

- (i) The seller makes a written request to the Code Enforcement Officer that includes a written, itemized quote from a plumber that provides for correction of all violations identified in the notice delivered to the property owner based upon the Village's inspection; and
- (ii) The seller and purchaser shall have filed with the Code Enforcement Officer a written guaranty to correct any violations in said structure or on said parcel of land within ninety (90) days after the closing of the sale; and
- (iii) The purchaser shall have provided a sum equal to one hundred fifty (150%) percent of the estimated costs contained in the itemized quote provided in subsection (i) above. Such sum shall be payable by certified check or bank draft payable to the Village of Cayuga Heights at closing and held in escrow by the Village. The Village will deliver such sum to the purchaser if the violations have been corrected within the time specified in the guaranty, but this sum will be forfeited to the Village if the violations are not corrected within the time frame specified in the written guaranty.

(b) If the violations are not corrected within the time specified in the written guaranty, the temporary waiver issued by the Code Enforcement Officer shall immediately expire, and the purchaser shall be subject to the penalties stated below.

SECTION V BUILDING PERMITS

In the event that any person applies to the Village for a building permit to undertake any work on any property in the Village, whether new construction or repair, renovation, restoration or expansion of existing improvements, unless a Certificate of Compliance is on record with the Village, such person shall arrange for the Village's Code Enforcement Officer to perform the inspection described above in Section IV, subsection (1). If, on the basis of such inspection, the

Code Enforcement Officer determines that the property and all existing improvements are in compliance with the provisions of this Local Law, the Village shall issue a Certificate of Compliance stating so. If the Code Enforcement Officer determines that the property or any existing improvements are not in compliance with the provisions of this Local Law, the work necessary to remedy all such violations shall be added the work that is the subject of the building permit that had been applied for, and the Code Enforcement Officer shall not issue a certificate of compliance for the work that is the subject of such building permit application until such violations have been corrected. Upon correction of such violations, the Code Enforcement Officer shall issue a Certificate of Compliance for the sump pump, downspouts and/or other drainage facilities at the property.

SECTION VI ENFORCEMENT

The Village's Code Enforcement Officer shall enforce the provisions of this Local Law and any rules, regulations and conditions made pursuant hereto. Such enforcement shall include, but not be limited to, legal or equitable proceedings, including without limitation an action for specific performance brought in the name of the Village.

SECTION VI PENALTIES FOR OFFENSES

Any person who violates this Local Law shall be guilty of a violation and subject to a fine of not more than \$500. Each day that a violation of this Local continues after the sixtieth (60th) day following notice to the property owner of the existence of such violation shall constitute a separate violation.

SECTION VII SUPERSEDING EFFECT

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect.

SECTION VIII PARTIAL INVALIDITY.

In the event that any portion of this Local Law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

SECTION IX EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.