

LOCAL LAW __ - 2020

A local law to amend Chapter 243 of the Code of the Village of Tarrytown entitled “Sewers”

Section 1. Be it enacted by the Board of Trustees of the Village of Tarrytown as follows (Language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

Section 2. Amending sections of Chapter 243: the following sections of Chapter 243 shall be amended as follows:

I. Article I. Sanitary Sewers

A. § 243-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING INSPECTOR – The Village of Tarrytown Building Inspector or his or her authorized designee.

HOUSE DRAIN — That part of the lowest horizontal piping of a drainage system in any building which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point five feet outside the inner face of the building wall, where the house sewer begins.

HOUSE SEWER — The pipeline extending from the house drain of any building to the public sewer or other approved place of disposal.

HOUSE SEWER CONNECTION — A connection between the house sewer and either the public sewer or a septic tank or other private sewage disposal facility.

OWNER — Includes the tenant, lessee, occupant or user of any premises and the person having the control or management of the premises.

PERSON — Any individual, firm, company, association, society, corporation or group.

~~**PLUMBING INSPECTOR — The duly appointed Plumbing Inspector of the Village of Tarrytown or his authorized deputy or representative.**~~

PLUMBING SYSTEM — Comprises the house water supply system, the drainage system, the vent system and the gas supply system, including their respective fixtures, traps, connections and appurtenances within the property lines of the premises.

PRIVATE SEWAGE DISPOSAL FACILITIES — Any facilities for disposing of sewage which are not connected, directly or indirectly, to a public sanitary sewer.

PUBLIC SEWER — A pipeline for the disposal of sewage owned by the village, with respect to which all owners of abutting properties have equal rights and to which storm-, surface and ground waters are not intentionally admitted.

PUBLIC STORM DRAIN — A pipeline which carries storm- and surface waters and drainage to the exclusion of sewage and industrial wastes other than unpolluted cooling water and which is owned by public authority.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm waters as may be present.

SUPERINTENDENT – The Village of Tarrytown Superintendent of Public Works or his or

her authorized designee.

B. § 243-3. Duties of ~~Plumbing Inspector~~ **Building Inspector**.

It shall be the duty of the ~~Plumbing Inspector~~ **Building Inspector** to receive and pass upon all plans submitted; to endorse applications for sewer permits; to collect all fees provided in this article and to pay the same over to the Village Treasurer monthly; to inspect all buildings in the course of erection, alteration and repair; and to see that all plumbing, drainage, ventilation and sewer connections are installed in accordance with the provisions hereof; and for that purpose, he shall have the power to inspect all plumbing, drainage and ventilation whenever he deems it necessary.

C. § 243-4. Right of entry.

The ~~Plumbing Inspector~~ **Building Inspector** or the ~~Water/Sewer Foreman~~ **Superintendent**, or their duly authorized representatives, shall have the right at all **reasonable** times to enter in and upon any premises in the village for any purpose deemed necessary for inspection, observation, measurement, sampling, testing and enforcement under the provisions of this article.

D. § 243-5. House sewer connections; private sewage disposal facilities; connections to public storm drain.

All house sewer connections, all private sewage disposal facilities and all connections to a public storm drain shall be constructed, installed, repaired and maintained under the supervision and control of the ~~Plumbing Inspector~~ **Building Inspector**.

E. § 243-6. Permit required; application; inspections; fees; certificates of approval.

- A. No person shall make any new plumbing installation or repair any old work or make any house sewer connection or any connection to a public storm drain or uncover, use, alter, disturb or repair the same or construct any private sewage disposal facilities unless a permit therefor has been issued by the ~~Plumbing Inspector~~ **Building Inspector**. No such permit shall be issued if there are existing violations of this article on the premises or if the sanitary drainage or vent system is defective in any way.
- B. Application for a permit must be made by the plumber engaged to do the work, on such forms as may be prescribed by the village. The application shall be accompanied by floor plans and sections showing all sewers, drains, soil lines, waste lines, vent pipelines, septic tanks, cesspools or other private sewage disposal facilities; the location of fixtures, their traps and connections; and any other plans, surveys, maps and information which the ~~Plumbing Inspector~~ **Building Inspector** may require to show clearly the work to be done. All data in the files of the Water and Sewer Department of the village respecting the location of public sewers, house sewer connections and public storm drains will be made available by the ~~Water/Sewer Foreman~~ **Superintendent**, but neither he nor the village shall be responsible for the correctness thereof.
- C. If the proposed work conforms in all respects to applicable laws, ordinances and regulations, a permit shall be issued to the licensed plumber engaged to perform the work and shall be limited to the work for which the application was made. Such permit shall be kept at all times at the site or place where the work is being performed and shall be displayed upon request to

a police officer or any other authorized person.

- D. No modification of approved plans or of the work described therein shall be permitted unless the same as been previously allowed by the ~~Plumbing Inspector~~ **Building Inspector** on the written application of the licensed plumber.
- E. The connection of a house sewer to a public sewer shall be made only in the presence of and under the inspection of the ~~Plumbing Inspector~~ **Building Inspector** or a representative. The permit must at all times be kept on the site of the work available for inspection by the ~~Plumbing Inspector~~ **Building Inspector**.
- F. At least 24 hours' notice shall be given to the ~~Plumbing Inspector~~ **Building Inspector** by the licensed plumber, from time to time, when any part of the work, including house sewer, drains, pipelines, septic tanks, cesspools, connections, etc., is ready for inspection, and no part of the work shall be covered until it has been examined, tested and approved by the ~~Plumbing Inspector~~ **Building Inspector**.
- G. On all work where the fixtures do not exceed 10, a minimum fee as adopted by resolution of the Board of Trustees shall be charged for the permit and a charge as adopted by resolution of the Board of Trustees shall be charged for each additional fixture. Automatic clothes washers and automatic dishwashers shall be considered each as a fixture. An additional charge as adopted by resolution of the Board of Trustees, payable before a certificate of approval is issued, shall be made for each additional inspection, including inspection of any house sewer, house sewer connection or septic tank connection and any inspection which may be required because of improper installation, violation of ordinance or inability to pass tests or because inspection is called for and work is not ready or because of any other cause beyond the control of the ~~Plumbing Inspector~~ **Building Inspector**.
- H. Upon the completion of the work covered by the permit in compliance with this article the ~~Plumbing Inspector~~ **Building Inspector**, after inspection, shall issue a certificate of approval of the work. No such work shall be used until a certificate of approval is issued.

F. § 243-7. Private sewage disposal.

- A. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- B. The ~~Plumbing Inspector~~ **Building Inspector** shall not issue any permit for the construction of any private sewage disposal facilities unless the applicant has first applied, in writing, to the Board of Trustees, and said Board has found that the building in question cannot be connected to any public sewer.
- C. The type, capacities, location and layout of private sewage disposal facilities shall comply with all the recommendations of the Department of Public Health of the State of New York. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Department of Health of the State of New York or the Westchester County Department of Health.
- D. Whenever a public sewer becomes available to a property served by private sewage disposal facilities, the house sewer shall be connected to the public sewer, in compliance with this article, within 90 days thereafter, and the private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean bank-run gravel or dirt.

G. § 243-8. Installation of house sewers.

- A. No house or other building shall be erected on land abutting that portion of any street serviced by a public sewer unless suitable toilet facilities are provided and provision is made for connecting the effluent to the public sewer.
- B. All costs and expense incident to the installation, connection and maintenance of a house sewer shall be borne by the owner.
- C. A separate and independent house sewer shall be provided for every building.
- D. Old house sewers may be used in connection with new buildings or new plumbing only when they are found, on examination and test by the ~~Plumbing Inspector~~ **Building Inspector**, to conform in all respects to the requirements hereof.
- E. House sewers and house sewer connections must be constructed of extra-heavy cast-iron pipe and shall be a minimum of four inches in inside diameter and properly connected by a 1-45 bend with a four-inch minimum diameter branch on the public sewer or an alternate connection approved by the village.
- F. All house sewers, drains and horizontal soil and waste pipes must be laid as straight as possible, with any changes in direction made with proper approved fittings and all such pipes given a fall of at least 1/4 inch per foot and as much more as may be practicable in each case. No house sewer shall be covered until it has been examined and approved by the ~~Plumbing Inspector~~ **Building Inspector**.
- G. Whenever possible, the house sewer shall be brought to the building at an elevation below the basement floor. Where any house drain is too low to permit gravity flow to the public sewer, sewage carried by such house drain shall be lifted by an approved means and discharged to the house sewer in such manner as the ~~Plumbing Inspector~~ **Building Inspector** shall approve.
- H. No person shall connect any roof downspout, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to any house sewer or house drain which in turn is connected directly or indirectly to a public sewer.
- I. House drain; drainpipes; running traps.
 - (1) The house drain shall be of extra-heavy cast iron with a four-inch minimum diameter when underground and of extra-heavy cast iron, galvanized wrought iron or steel, brass or copper water tube, Type K, L, M or DWV, when above ground.
 - (2) The minimum diameter of horizontal drainpipes receiving the discharge of at least one water closet shall be four inches.
 - (3) The minimum diameter of vertical drainpipes receiving the discharge of not more than five fixtures may be three inches. When two of these fixtures are water closets, the minimum shall be four inches.
 - (4) An iron running trap must be placed in the house drain near the front wall of the house. The house trap must have two cleanouts with brass-cap ferrules caulked in. Improved iron traps shall not be permitted. A cleanout Y shall be installed ahead of the house trap.
 - (5) Brass screw caps for cleanouts must be extra heavy, with a solid hexagonal nut not less than one inch high, with at least a diameter of 1 1/2 inches.
 - (6) When the plumbing system of any building is altered by the addition of new soil, waste or vent lines and no house trap and fresh-air inlet exist on the house drain, the same shall be provided. Such fresh-air inlet shall be four inches in diameter.
 - (7) No curb box or similar device with grating placed in sidewalk will be permitted for fresh-air inlet.
- J. In alteration work where it is not practicable to ventilate a water closet, urinal compartment or bathroom by windows or a skylight directly to the outer air, there may be provided an

approved vent duct extended to the outer air which must be equal in area to at least 144 inches, or an approved exhaust fan.

- K. Piping of the water distributing system inside a building shall only be copper tube, Type K or L, or threaded red brass or copper pipe, iron pipe gauge.
- L. All house sewers and house sewer connections must be maintained in good working condition at the expense of the owner. All necessary repairs shall be promptly made in compliance with the provisions of this article.

H. § 243-9. Penalties for offenses; enforcement.

- A. Any person who violates any provision of this article or who owns or occupies property upon which such violation takes place shall be served by the ~~Plumbing Inspector~~ **Building Inspector** with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. In the event that said violation is not corrected within the period of time stated in such notice, such person shall be punishable as provided in Chapter, 1, General Provisions, Article II. Each day in which such violation shall continue after the expiration of the time limit specified in the notice of violation shall constitute a separate and additional offense. If the violation is committed by a licensed plumber, said license may be revoked in accordance with the provisions of Chapter 209, Licensing, § 209-9.
- B. If the sewage from any building cannot be rendered harmless to the public sewers or in the event that any order of the ~~Plumbing Inspector~~ **Building Inspector** to comply with any requirements of this article is not complied with within the period specified therein, the ~~Water/Sewer Foreman~~ **Superintendent** shall have the right to disconnect the premises affected from the public sewer system until the violation has been removed.
- C. The ~~Plumbing Inspector~~ **Building Inspector** shall have the right to revoke any permit issued by him in the event that any law or ordinance is violated in the course of the performance of work done under such permit. Notice of such revocation shall be served upon the person to whom the permit was issued personally or by registered or certified mail, return receipt requested, addressed to such person at his address set forth in the application for such permit, and shall state the reason for such revocation.
- D. All the above penalties are cumulative, and any one or more may be imposed in addition to the imposition of any other penalties. Any penalties shall be in addition to the right of the village to seek enforcement by civil action for an injunction or other remedy and also in addition to any civil liability to the village for damages.

II. Article II. Disposal of Sewage and Wastes

A. § 243-10. Definitions

As used in this article, the following terms shall have the meanings indicated:

BOD (denoting "biochemical oxygen demand") – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING INSPECTOR – The Village of Tarrytown Building Inspector or his or her authorized designee.

~~**FOREMAN – The Water/Sewer Foreman of the Village of Tarrytown or his authorized deputy or representative.**~~

GARBAGE – Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES – The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

NATURAL OUTLET – Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON – Any individual, firm, company, association, society, corporation or group.

pH – The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE – The waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER – A pipeline for the disposal of sewage owned by the village, with respect to which all owners of abutting properties have equal rights and to which storm-, surface and ground waters are not intentionally admitted.

SEWAGE – A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT – Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS – All facilities for collecting, pumping, treating and disposal of sewage.

SLUG – Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, five times the average twenty-four-hour concentration or flows during normal operation.

SUPERINTENDENT – The Village of Tarrytown Superintendent of Public Works or his or her authorized designee.

SUSPENDED SOLIDS – Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

WATERCOURSE – A channel in which a flow of water occurs either continuously or intermittently.

B. § 243-12. Use of public sewers

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any public sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to public storm drains or to a natural outlet approved by the **Foreman Superintendent**. Industrial cooling water or unpolluted process water may be discharged, on approval of the **Foreman Superintendent**, to a public storm drain or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public

nuisance or to create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.

- (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - (4) Solid and viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, paint, plastics, woods, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and so forth, either whole or ground by garbage grinders.
- D. Unacceptable wastes. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the **Foreman Superintendent**, that such wastes can harm either the sewers, sewage treatment process or equipment, can have an adverse effect on the receiving stream or can otherwise endanger life, limb or public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the **Foreman Superintendent** will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, the materials of construction of the sewers, the nature of the sewage treatment process, the capacity of the sewage treatment plant, the degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than 150° F. (65° C.) at the point of entrance into a public sewer.
 - (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the **Foreman Superintendent**.
 - (4) Any waters or wastes containing strong acid, iron-pickling wastes or concentrated plating solutions, whether neutralized or not.
 - (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such a degree that any such materials received in the composite sewage at the treatment works exceed the limits established by the **Foreman Superintendent** such materials.
 - (6) Any waters or wastes containing phenols or other taste- or odor-producing substances in concentrations exceeding limits which may be established by the **Foreman Superintendent** as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the **Foreman Superintendent** in compliance with applicable state and/or federal regulations.
 - (8) Any waters or wastes having a pH in excess of 9.5.
 - (9) Materials which exert or cause:

- (a) Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
 - (b) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.
 - (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- E. Deleterious wastes.
- (1) If any waters or wastes are discharged or are proposed to be discharged to a public sewer, which waters contain the substances or possess the characteristics enumerated in Subsection D and which, in the judgment of the **Foreman Superintendent**, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the **Foreman Superintendent** may:
 - (a) Reject the wastes.
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (c) Require control over the quantities and rates of discharge.
 - (2) If the **Foreman Superintendent** permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the **Foreman Superintendent** and subject to the requirements of all applicable codes, ordinances and laws.
- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the **Foreman Superintendent**, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the **Foreman Superintendent** and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. When required by the **Foreman Superintendent**, the owner of any property serviced by a house sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the house sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the **Plumbing Inspector Building Inspector**. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- I. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with standards established by State and County Health Departments and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special

manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the house sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

J. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment, subject to payment therefor by the industrial concern.

C. § 243-14. Penalties for offenses; enforcement.

- A. Any person who violates any provision of this article other than this section or who owns or occupies property upon which such violation takes place shall be served by the **Foreman Superintendent** with written notice personally or by registered or certified mail, return receipt requested, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. If such person is a licensed plumber, such notice shall be sent to his address set forth in his license application. If such person is the owner of the property, such notice shall be sent to his address set forth on the most recent village assessment roll. If such person is an occupant, then such notice shall be sent to the premises where the violation exists. In the event that said violation is not corrected within the period of time stated in such notice or in the event of a violation of § 243-13, such person shall be punishable as provided in Chapter 1, General Provisions, Article II. Each day in which any such violation shall continue after the expiration of the time limit specified in the notice of violation shall constitute a separate and additional offense. If the violation is committed by a licensed plumber, said license may be revoked in accordance with the provisions of Chapter 209, Licensing, § 209-9.
- B. If the sewage from any building cannot be rendered harmless to the public sewers or in the event that any order of the **Foreman Superintendent** or the **Plumbing Inspector Building Inspector** to comply with any requirements of this article is not complied with within the period specified therein, the **Foreman Superintendent** shall have the right to disconnect the premises affected from the public sewer system until the violation has been removed.
- C. All the above penalties are cumulative, and any one or more may be imposed in addition to the imposition of any other penalties. Any penalties shall be in addition to the right of the village to seek enforcement by civil action for an injunction or other remedy and also in addition to any civil liability to the village for damages.

Section 3. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 4. Effective Date

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