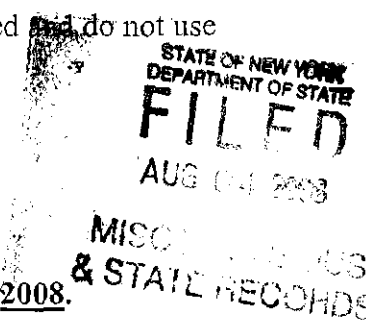


(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Newcomb
Town
Village



Local Law No. 1 of the year 2008.

**A LOCAL LAW PROHIBITING DISCHARGES INTO
THE TOWN OF NEWCOMB SANITARY SEWER SYSTEM**

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Newcomb as follows:
Town
Village

1. **Purpose and Authority.** The purpose of this Local Law is to regulate non-wastewater discharges into the municipal sanitary sewer system in order to protect and safeguard the general health, safety, and welfare of Town residents and to meet the requirements of the Amended Order on Consent with the New York State Department of Environmental Conservation executed on behalf of the Town on February 27, 2008. This Local Law is adopted pursuant to Municipal Home Rule Law Section 10.
2. **Illicit Discharges Prohibited.** No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, yard drainage, yard fountain, swimming pool water, pond overflow or any substance other than sanitary sewage into the municipal sanitary sewage collection system.
 - A. New Connections Prohibited. No roof runoff, sump pump, floor drain, swimming pool discharge or surface water drainage shall be connected to the municipal sanitary sewer system and no building shall hereafter be constructed nor shall any existing buildings be hereafter altered in such a manner that the roof drainage or any other source of discharge or drainage other than sanitary sewer shall connect with the municipal sanitary sewer system inside or outside any building.

CONTINUED ON PAGE (1-A)

(If additional space is needed, attach pages the same size as this sheet and number each.)

B. **Disconnection.** Any person, firm or corporation having a roof, sump pump, floor drain, yard drain, swimming pool discharge, cistern overflow pipe or surface drain of any kind now connected and/or discharging into the municipal sanitary sewer system shall disconnect, block and/or remove any and all such sources of discharge prior to August 15, 2008. Any disconnects or openings in the municipal sanitary sewer shall be closed or repaired in an effective, workmanlike manner.

C. **Installation of Discharge Pipe.** Every sump pump shall have a discharge pipe installed through the outside wall of the building it serves to discharge water outside of the building. The discharge pipe shall have a minimum one (1) inch inside diameter and, together with all fittings, connectors and attachments, must be a permanent system, such as PVC pipe with glued fittings. The discharge pipe shall extend at least three (3) feet outside of the foundation wall and must be directed toward the front yard or rear yard area of the property.

3. **Initial Inspection.** Every person owning improved real estate that discharges into the Town's municipal sanitary sewer system shall allow Town employee(s) to inspect the building(s) to confirm that there is no sump pump or other prohibited discharge into the municipal sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this Local Law shall make the necessary changes to comply with this Local Law and such changes shall be verified by Town employee(s).

4. **Penalty Imposed.** A surcharge of One Hundred Dollars (\$100.00) per month is hereby imposed and shall be added to every sewer billing mailed on and after August 15, 2008 to property owners who are not in compliance with this Local Law. The surcharge shall be added every month until the property is in compliance. The imposition of such surcharge shall in no way limit the right of the Town to seek an injunction ordering the property owner to disconnect the non-conforming connection from the municipal sanitary sewer system or from pursuing any other legal remedies available.

5. **Additional Inspections.** Upon verified compliance with this Local Law the Town reserves the right to inspect such property at least yearly to verify continued compliance herewith.

6. **Severability.** The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

7. **Repealer.** All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local Law are hereby repealed.

8. **Effective Date.** This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No.1..... of ...2008.... of the (County)(City)(Town)(Village) ofNewcomb..... was duly passed by the **Town Board** on April 30, 2008, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 199.... of the (County)(City)(Town)(Village) of was duly passed by the on 199...., and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on 199.... in accordance with the applicable provisions of law.~~
~~*(Name of Legislative Body)*~~
~~*(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of of the (County)(City)(Town)(Village) of was duly passed by the on 2000., and was (approved)(not approved)(repassed) after disapproval) by the on 199.... Such local law was submitted to the people by reason of a (mandatory)(**permissive**) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on in accordance with the applicable provisions of law.
~~*(Name of Legislative Body)*~~
~~*(Elective Chief Executive Officer)*~~

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 199.... of the (County)(City)(Town)(Village) of was duly passed by the on 199...., and was (approved)(not approved)(repassed after disapproval) by the on 199.... Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 199.... in accordance with the applicable provisions of law.~~
~~*(Name of Legislative Body)*~~
~~*(Elective Chief Executive Officer)*~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 199____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 199____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 199____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 199____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the town of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ...1..., above.

Clerk of the County Legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 5-15-08

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WARREN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Mark Schachner
Title Town Counsel

County _____
City _____
Town of Newcomb
Village _____

Date: 05/15/08

**A LOCAL LAW
PROHIBITING DISCHARGES INTO
THE TOWN OF NEWCOMB
SANITARY SEWER SYSTEM**

Be it enacted by the Newcomb Town Board as follows:

1. **Purpose and Authority.** The purpose of this Local Law is to regulate non-wastewater discharges into the municipal sanitary sewer system in order to protect and safeguard the general health, safety, and welfare of Town residents and to meet the requirements of the Amended Order on Consent with the New York State Department of Environmental Conservation executed on behalf of the Town on February 27, 2008. This Local Law is adopted pursuant to Municipal Home Rule Law Section 10.

2. **Illicit Discharges Prohibited.** No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, yard drainage, yard fountain, swimming pool water, pond overflow or any substance other than sanitary sewage into the municipal sanitary sewage collection system.

A. New Connections Prohibited. No roof runoff, sump pump, floor drain, swimming pool discharge or surface water drainage shall be connected to the municipal sanitary sewer system and no building shall hereafter be constructed nor shall any existing buildings be hereafter altered in such a manner that the roof drainage or any other source of discharge or drainage other than sanitary sewer shall connect with the municipal sanitary sewer system inside or outside any building.

B. Disconnection. Any person, firm or corporation having a roof, sump pump, floor drain, yard drain, swimming pool discharge, cistern overflow pipe or surface drain of any kind now connected and/or discharging into the municipal sanitary sewer system shall disconnect, block and/or remove any and all such sources of discharge prior to August 15, 2008. Any disconnects or openings in the municipal sanitary sewer shall be closed or repaired in an effective, workmanlike manner.

C. Installation of Discharge Pipe. Every sump pump shall have a discharge pipe installed through the outside wall of the building it serves to discharge water outside of the building. The discharge pipe shall have a minimum one (1) inch inside diameter and, together with all fittings, connectors and attachments, must be a permanent system, such as PVC pipe with glued fittings. The discharge pipe shall extend at least three (3) feet outside of the foundation wall and must be directed toward the front yard or rear yard area of the property.

3. **Initial Inspection.** Every person owning improved real estate that discharges into the Town's municipal sanitary sewer system shall allow Town employee(s) to inspect the building(s) to confirm that there is no sump pump or other prohibited discharge into the municipal sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this Local Law shall make the necessary changes to comply with this Local Law and such changes shall be verified by Town employee(s).

4. **Penalty Imposed.** A surcharge of One Hundred Dollars (\$100.00) per month is hereby imposed and shall be added to every sewer billing mailed on and after August 15, 2008 to property owners who are not in compliance with this Local Law. The surcharge shall be added every month until the property is in compliance. The imposition of such surcharge shall in no way limit the right of the Town to seek an injunction ordering the property owner to disconnect the non-conforming connection from the municipal sanitary sewer system or from pursuing any other legal remedies available.

5. **Additional Inspections.** Upon verified compliance with this Local Law the Town reserves the right to inspect such property at least yearly to verify continued compliance herewith.

6. **Severability.** The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

7. **Repealer.** All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local Law are hereby repealed.

8. **Effective Date.** This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.