

# **APPENDIX F**

**Village of Scarsdale  
Private Sewer Lateral Ordinance  
Adopted February 28, 2023**

# Local Law Filing

(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.

FILED  
STATE RECORDS

MAR 13 2023

County  City  Town  Village  
(Select one.)

of Scarsdale

DEPARTMENT OF STATE

Local Law No. 5 of the year 2023

A local law to Create Article II of Chapter 244 of the Code of the Village of Scarsdale concerning  
(Insert Title)  
the removal of illegal connections or discharges to the Sanitary Sewer.

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

County  City  Town  Village  
(Select one.)

of Scarsdale

as follows:

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

(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. 5 of 2023 of the (County)(City)(Town)(Village) of Scarsdale was duly passed by the Board of Trustees on February 28 2023, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

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 \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, became operative.

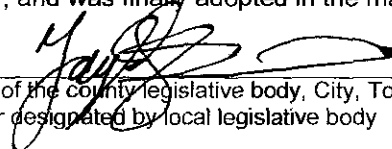
**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 towns 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 \_\_\_\_\_ above.

(Seal)



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

Date: March 8, 2023

**Taylor Emanuel**  
VILLAGE/TOWN CLERK



**VILLAGE HALL**  
1001 POST ROAD  
SCARSDALE, NY 10583  
914.722.1175  
WWW.SCARSDALE.COM

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March 8, 2023

NYS Department of State  
Division of State Records  
One Commerce Plaza, 99 Washington Ave.  
Albany, NY 12231

To Whom it May Concern:

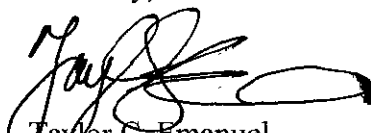
Enclosed please find Local Law No. 5 of 2023 adopted by the Board of Trustees of the Village of Scarsdale on Tuesday, February 28, 2023.

Please send confirmation of the filing date to:

Village Clerk's Office  
Scarsdale Village Hall  
1001 Post Road  
Scarsdale, NY 10583

Thank you.

Sincerely,



Taylor C. Emanuel  
Village Clerk

**LOCAL LAW NO. 5 OF 2023**

**VILLAGE OF SCARSDALE  
BOARD OF TRUSTEES**

**LOCAL LAW TO CREATE ARTICLE II OF  
CHAPTER 244 OF THE CODE OF THE VILLAGE OF SCARSDALE**

A LOCAL LAW to create Article II of Chapter 244 of the Code of the Village of Scarsdale concerning the removal of illegal connections or discharges to the Sanitary Sewer.

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

**Section 1.** Chapter 244, Article II of the Code of the Village of Scarsdale is hereby created as follows:

**Article II**

**Illegal Discharges, Activities and Connections to the Sanitary Sewer System**

**§ 244-9 Purpose.**

The purpose of this article is to reduce Infiltration and Inflow into the Sanitary Sewer System and exfiltration of sewage into groundwater and waterways by requiring inspection, testing, repair, replacement and ongoing maintenance of Sewer Laterals by Property Owners within the Village of Scarsdale.

**§ 244-10 Definitions.**

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

**CLEANOUT**

A pipe fitting and associating piping connected to a Sewer Lateral that provides access to the Sewer Lateral for purposes of flushing, rodding, cleaning and other maintenance and diagnostic purposes.

**COMMON INTEREST DEVELOPMENT**

A community apartment project, a condominium project, a planned development, a

## **NON-SANITARY SEWER CONNECTION**

Anything that directly or indirectly conveys storm water, surface water, roof runoff, intercepted groundwater or subsurface drainage into the Sanitary Sewer System, including but not limited to, down spouts, yard drains, sump pumps, or other sources of storm water, run-off or groundwater.

## **PROPERTY OWNER**

A person that owns a present interest in a parcel of real property. As used in this definition, a "person" means an individual, trust, corporation, nonprofit organization, Common Interest Development, partnership, firm joint venture, limited liability company, or association.

## **QUALIFYING EVENT**

Any event described in § 244-14.A that, upon the occurrence of the event, imposes an obligation on a Property Owner to obtain a Discharge Compliance Certificate.

## **SAG**

A vertical deflection of the sewer lateral from its overall grade whereby liquid or settled solids obstruct more than 25% of the pipe when no flow is present.

## **SANITARY SEWER SYSTEM**

A system of piping intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, and institutions to which stormwaters, surface waters and groundwaters are not intentionally admitted through either direct or indirect connection or lack of maintenance or neglect. The Sanitary Sewer System includes Sewer Laterals and Sewer Mains.

## **SEWER LATERAL**

That part of the piping of a Sanitary Sewer System which extends from the end of the building sewer drain to the Sewer Main and conveys the discharge of the building sewer drain to the Sewer Main. This includes the connection to the sewer main.

## **SEWER MAIN**

A sanitary sewer line directly controlled by the Village of Scarsdale and located in the public right-of-way or Village easement that collects flows from one or more Sewer Laterals.

## **SUBSTANTIAL WORK**

Construction projects for residences costing over \$100,000.

Property Owner's expense, within 30 days of the date of the notice. If the condition does not create a health hazard, the Village Engineer or duly authorized designee, upon written request of the Property Owner, may, within his or her discretion, extend the deadline to 60 days from the date of the notice. Where a Sewer Lateral is served by more than one property, the owners of each property will be issued a written notice.

- B. Upon completion of the repairs, the Property Owner shall submit to the Village Engineer or duly authorized designee an application for a Discharge Compliance Certificate in accordance with § 244-16. The Property Owner shall submit a detailed invoice specifying the repairs made and reflecting payment for the repairs. Upon the determination of the Village Engineer or duly authorized designee that the property is in compliance with all applicable codes and regulations, the Discharge Compliance Certificate will be issued.
- C. If the Property Owner fails to complete the repairs and bring the property into compliance within the time required, the Village may enter upon the property and complete the required work. The cost of doing so will be billed to the Property 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. Where there is more than one property being served by a Sewer Lateral, the Village may recover the costs from each owner jointly and severally.
- D. A Property Owner may choose to correct the noncompliance by replacing the Sewer Lateral. Any new Sewer Lateral, whether installed to correct noncompliance or otherwise, must be installed in accordance with all applicable codes and regulations, including this section, and must be inspected by the Village Engineer, who will issue a Discharge Compliance Certificate if the new lateral complies with the requirements of this section.

**§ 244-14 Qualifying events requiring Property Owners to obtain a Discharge Compliance Certificate.**

- A. All Property Owners shall be responsible to satisfactorily complete televised and/or pressure testing of the Sewer Laterals and obtain a Discharge Compliance Certificate as follows:
  - (1) Upon any sale, transfer or conveyance of the property.
  - (2) Prior to the issuance of a building permit for the performance of Substantial Work.
  - (3) Upon the issuance of a notice from the Village pursuant to § 244-13.A.
- B. Exemptions. Property Owners shall not be required to complete televised and/or pressure testing of the Sewer Laterals and obtain a Discharge Compliance Certificate upon the occurrence of a Qualifying Event in the following instances:



- rehabilitated. The application shall specifically note and report whether there are any sump pumps on the property and, if so, shall confirm that each pump is connected to a discharge outlet that does not lead to the Sanitary Sewer System, or discharge onto a public highway.
- (2) The person who performed the test or required repairs shall identify the type of testing performed, submit the televised and/or pressure testing results, and verify whether the house, building or property has any roof drains, sump pump or other prohibited storm water connections, groundwater connections or other sources of Inflow or Infiltration to the Sanitary Sewer in violation of this article. For any required repairs, the Property Owner shall submit with the Discharge Compliance Certificate a detailed invoice specifying the repairs made and reflecting payment for the repairs.
- (3) Every application for a Discharge Compliance Certificate made pursuant to this article shall be made on forms provided by the Village.

B. Testing and inspection procedures.

- (1) All testing and inspection procedures shall be in accordance with procedures or standards reviewed and approved by the Village Engineer or duly authorized designee.
- (2) Testing and inspection shall be performed by plumber licensed to do business within the County of Westchester, or a professional engineer or architect licensed in the State of New York.
- (3) The inspection shall be conducted using CCTV, and the Village may reject any video inspection, and require a new inspection if the video recording of the inspection is not of sufficient quality to adequately assess the condition of the lateral to the Village's satisfaction.
- (4) All repair or replacement work identified by the inspection or testing as necessary to prevent Inflow and Infiltration must be completed and approved by the Village.
- (5) A CCTV inspection following completion of repairs or replacement is required as proof of compliance.

C. Issuance of Discharge Compliance Certificate.

- (1) If the application for a Discharge Compliance Certificate, properly completed and filed with the Village Engineer or duly authorized designee with the designated filing fee, indicates that the property is in compliance with all applicable codes and regulations, then the Village Engineer or duly authorized designee shall issue the Discharge Compliance Certificate.

- within six (6) months, obtain a Discharge Compliance Certificate, unless a Compliance Discharge Certificate was issued and remains valid and unexpired.
- (4) Decrease in Responsibility. A Common Interest Development that, regardless of the date it was first created, takes any action which decreases the physical extent of the Common Interest Development's Sewer Lateral maintenance responsibility, must within six (6) months, obtain a Discharge Compliance Certificate, unless a Compliance Discharge Certificate was issued and remains valid and unexpired.
- B. A Discharge Compliance Certificate issued to a Common Interest Development shall be valid for ten (10) years, unless revoked or modified.
- C. A Common Interest Development must conduct a televised and/or pressure test of the Sewer Laterals and obtain a Discharge Compliance Certificate in accordance with § 244-16 within twelve months of the expiration of the Discharge Compliance Certificate issued to the Common Interest Development.

**§ 244-18 Right of Entry.**

- A. The Village Engineer or duly authorized designee is authorized to require and review lateral testing and carry out inspections within the Village for purposes of discovering or locating the Inflow of surface stormwater to the Sanitary Sewer System (whether connected directly to a Sewer Main or via an illegal connection to the Sewer Lateral). Property Owners in the Village are required to grant access to the Village Engineer or duly authorized designee or lateral testing contractor and to permit lateral testing or other testing or inspection. It shall be a violation of this Chapter to refuse to grant access to the Village Engineer or duly authorized designee and/or the lateral testing contractor for lateral testing or other testing or inspection.
- B. The Village Engineer or duly authorized designee may enter upon all properties at reasonable hours for the purpose of inspection, observation, measurement, sampling and testing to secure compliance or prevent a violation of any portion of this section.
- C. The Village Engineer or duly authorized designee shall give the Property Owner not less than three days' written notice before Village personnel enter private property to conduct an inspection or test, unless there is an emergency threatening the public health, safety or welfare.

**§244-19 Search warrant.**

If the Village has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect the building, structure, or property, or party thereof to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Village may

- C. Injunctive relief. It shall be unlawful for any Property Owner to violate any provision or fail to comply with any of the requirements of this article. If a Property Owner has violated or continues to violate the provisions of this article, the Village may petition for a preliminary or permanent injunction restraining the Property Owner from activities which would create further violations or compelling the Property Owner to perform abatement or remediation of the violation.
- D. No land use approval, building permit or certificate of occupancy shall be issued in connection with a property on which occurred any violation of this article unless and until the provisions of this article have been complied with and a Discharge Compliance Certificate has been issued.

**§ 244-22 Violations deemed public nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**§ 244-23 Remedies not exclusive.**

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**Section 2. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 244 of the Village of Scarsdale are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 3. Numbering for Codification**

It is the intention of the Village of Scarsdale and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Scarsdale; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

**Section 4. Severability**