

A LOCAL LAW to amend Chapter 240 of the Code of the Town of Yorktown entitled "Sewers and Septic Systems," to add a new Article III entitled "Low-Pressure Sewer Systems."

Be it enacted by the Town Board of the Town of Yorktown as follows:

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Chapter 240 of the Code of the Town of Yorktown entitled "Sewers and Septic Systems," is hereby amended by adding the following new Article III entitled "Low-Pressure Sewer Systems":

§ 240-17. Purpose.

The purpose of this article is to regulate the installation, maintenance, repair and replacement of low-pressure sewer systems within the Town.

§ 240-18. Low-Pressure Sewer Systems.

- A. Whenever any person or entity desires to connect any low-pressure sewer system for sanitary waste ("LPSS") to the Town's public sewer system, such person or entity shall apply to the Town's Engineering Department for a sewer connection permit for said purpose.
- B. An LPSS permit shall be issued only upon payment to the Engineering Department of an application fee in the amount set forth in § 168-1 of the Town Code.
- C. A permit application for a LPSS connection shall contain an engineering report that provides the basis for the design of the LPSS and a feasibility analysis of other means of connection, both subject to review and approval in the discretion of the Town Engineer and other necessary regulatory agencies (collectively "Approval Authority").
- D. A LPSS permit shall be issued only when other means of connection to the public sewer system (such as on-site disposal, gravity sewers and/or pump stations/force mains) are not feasible. Whether an alternate means of connection is feasible shall be determined in the discretion of the Town Engineer.

- E. An LPSS permit shall be issued upon the following parameters for the life of the system, unless otherwise provided for by the Approval Authority:
- a. The proposed sewer force main, laterals, pump chambers and control panels shall be constructed in strict accordance with plans approved by the Westchester County Health Department (“WCHD”) and the Town of Yorktown.
 - b. The individual LPSS must have a permanent backup power supply to maintain the operability of the entire pump system (including its alarm system) during power loss. In lieu of a permanent backup power supply, the individual LPSS shall have one day of storage installed (as determined by WCHD standards) as part of the system with a quick connect at the control panel for temporary backup power supply.
 - c. Each system shall be equipped with a visual/audible alarm that will alert the property owner if there is system malfunction.
 - d. The property owner and its successors in interest shall be responsible for inspection, repair, maintenance and use of the individual LPSS in accordance with the manufacturer’s guidelines for each component of the LPSS.
 - e. The Town Engineer or other duly authorized employee of the Town bearing proper credentials and identification may require access to inspect the LPSS, to inspect the records of maintenance thereof, and for any other purpose necessary to carry out the objectives of this chapter.
 - f. Any other conditions required in the discretion of the Town Engineer.
- F. The Town of Yorktown shall own and maintain the common low-pressure force main and sewer laterals up to and including the service valve boxes that are located within the Town right-of-way and/or utility easement serving any property with a LPSS authorized under this article.
- G. The Town assumes responsibility for the operation, maintenance and replacement of the common low-pressure force main as required to provide adequate service each individual LPSS.
- H. The Town shall have no responsibility for any pumps, fixtures, service lines or other LPSS components outside of the right-of-way or utility easement.

§ 240-19. Maintenance, Repair, Replacement & Enforcement.

- A. After a failure to act upon reasonable notice to the property owner by the Town, if the Town Engineer determines that a sewer pump of a LPSS

approved under this article is in need of maintenance, repair or replacement in order to protect the public health and safety, the Town may do so, at the property owner's expense.

- B. No penalty shall be assessed if the Town's expenses are paid by the property owner within 30 days from the date a bill is issued by the Town.
- C. If the expenses are delinquent, a one-time penalty charge of 10% of the total amount of the bill shall be added to any delinquent bill.
- D. The expenses and penalty shall constitute a lien upon the subject property and shall draw interest equal to interest on delinquent taxes, and may be collected in the same manner as delinquent taxes.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section V. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.