



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

April 2, 2013

Village of Minoa

RE: Village of Minoa, Local Law #1. 2013, filed on 1/23/13

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

MAYOR
Richard J. Donovan

TRUSTEES
John M. Abbott
William F. Brazill
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CLERK-TREASURER
Lisa L. DeVona

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Primo Law Offices, LLP



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January 16, 2013

State Records and Law Bureau
State of New York Department of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

Dear Secretary of State:

Enclosed is one (1) original copy of **Local Law #1** for 2013 for the Village of Minoa.

If there are any questions on this law, please contact this office.

Sincerely,

Lisa L. DeVona
Village Clerk/Treasurer

Enclosure

Local Law Filing

41 STATE STREET, ALBANY, NY 12231

(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.

Village of Minoa

Local Law No. One (1) of the year 2013.

A local law amending Chapter 124 of the Village of Minoa Municipal Code relative to Building Sewers and Connections.

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

Section One (1). Article III of Chapter 124 of the Village of Minoa Code entitled "Building Sewers and Connections" is hereby deleted in its entirety and replaced with the following:

Article III. Building Sewers and Connections

§ 124-7. Permit Required To Connect With Public Sewer.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining the appropriate written permit from the Superintendent or Codes Enforcement Officers. A permit shall be required for a sewer connection regardless of whether any other improvements are proposed, however subject to §124-8B.

§ 124-8. Permits.

- A. Any application for a building permit to the Village of Minoa shall indicate, amongst other requirements, and wherever applicable, that a sewer connection for residential, commercial or producing industrial waste is contemplated.
- B. The building permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent or Codes Enforcement Officer. No separate permit and inspection fee shall be required for a sewer connection at the time of a new construction or renovation otherwise subject to the requirement of obtaining a building permit, except in the case where an articulable extraordinary expense is incurred by the Village relative to the specifics of a particular sewer connection. This determination shall be made on a case-by-case basis by resolution of the Village Board of Trustees.

§ 124-9. Costs To Be Borne By Owner and Village.

- A. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. By filing a permit application, the owner agrees to, and shall, indemnify, defend and hold harmless the Village for and from any loss(es) or damage(s) that may directly or indirectly be

occasioned by the installation of the building sewer, except those arising from Village, its employee's or contractor's grossly negligent, reckless or intentional wrongful acts, or from those arising under any strict (vicarious) liability statutes or laws.

- B. The cost of all maintenance, repairs and replacements to the building sewer after its installation shall be borne by the Village provided, and only to the extent such maintenance, repairs and replacements occur on or under that property, whether owned by the Village or the owner, and located between the public sewer and: (i) on premises served by a sidewalk fronting the premises at the location of the building sewer, to a distance of three (3) feet inside the edge of the sidewalk nearest the owner's building or dwelling; and (ii) on premises not so served by a sidewalk, to a distance of four (4) feet inside the edge of street pavement nearest the owner's building (the "Village Area of Responsibility"). The owner shall pay all costs of maintenance, repairs and replacements on or under his or Village owned property from the Village's Area of Responsibility to the owner's building/dwelling, including the building drain ("Owner Area of Responsibility"). The owner shall give notice to the Mayor, Village Clerk and the Superintendent of any necessary or perceived as necessary, maintenance, repairs or replacements to the building sewer before same are made. The Village shall where warranted inspect the location of the problem. If same is within the Village Area of Responsibility, the Village shall perform the same with its own forces, or shall select a contractor to perform the work. Where replacement or repair of the entire building sewer, or parts thereof within both Areas of Responsibility, is appropriate, the Village shall provide, or request from its contractor a complete breakdown of repair costs to facilitate the allocation of costs between the Village and the Owner. The Owner shall promptly pay its portion of the work upon invoice from Village. In the event Owner fails to do so, same shall be assessed against the property as an additional sewer charge or otherwise as determined by Village substantially in accordance with the notice and hearing (due process) provisions under the Village Code Property Maintenance provisions or similar laws.
- C. All such repairs and replacement, wherever appropriate shall require the installation of new traps, vents and/or cleanouts as near as possible to the line separating the respective Areas of Responsibility described at §124-9(B) herein, however all of same to be on the owners side of such line, unless otherwise directed by the Village Superintendent.
- D. The foregoing provisions notwithstanding, the Village shall not be responsible for such repair, replacement or maintenance even if within the Village Area of Responsibility if, and to the extent such maintenance, repair or replacement is as a result of the owner's or its occupant's misuse or violative conduct relative to the use of public sewers, or other wrongful acts or omissions. Same may include, but not necessarily be limited to, the transmission of foreign objects, or hazardous substances, the improper disposal of solid waste items, or the owner's failure to properly or timely maintain or repair a condition within the Owner Area of Responsibility requiring same, and causing damage.
- E. An owner requesting the Village inspect, or maintain, repair or replace its building sewer shall be deemed to have consented to access to its property for such purposes, or for any work thereon, and to have released Village from liability for injury or damage except that arising from Village, its employees' or contractors' grossly negligent, reckless or intentional wrongful acts, or from those arising under any strict (vicarious) liability statutes or laws.

F. Notwithstanding that only such part of the building sewer as is within the Owner Area of Responsibility is in need of maintenance, repair or replacement, the Village may nevertheless require that same be subject to Village Superintendent approved plans, specifications, inspections, and completed by a Village approved contractor.

§ 124-10. Separate Building Sewers Required; Exception.

Where sewer service presently exists or may in the future be provided for, a separate and independent building sewer shall be provided for every building; except that, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 124-11. Use of Old Building Sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Chapter. The Village may require that old sewers, otherwise compliant, be modified to meet the regulations of having traps, vents and cleanouts located as required hereunder.

§ 124-12. Construction to Conform to Rules and Regulations.

The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply.

§ 124-13. Required Elevation of Building Sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 124-14. Drainage Connections to Sanitary Sewers Prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. No person shall operate a sump pump or other device which shall transport water from the basement into a public sanitary sewer.

§ 124-15. Standards for Connection to Public Sewer.

A. Applicable rules and regulations. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9, or any amendments, changes or supplements thereto which may then be in effect. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

- B. Applicant to notify Superintendent. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative.
- C. Safeguarding of excavations; restoration. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall, at the applicant's expense, be restored in a manner satisfactory to the Village.

Section Three (3). 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.

(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. One (1) of 2013 of the ~~(County)~~(City)(Town)(Village) of Minoa was duly passed by the Village Board of Trustees of the Village on January 7, 2013 in accordance with the applicable provisions of law.

~~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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed~~

~~_____ (Name of legislative Body) disapproval) by the _____ and was deemed duly adopted on _____, 199_~~
~~(Elective Chief Executive Officer*)~~

~~in accordance with the applicable provisions of law.~~

3. (Final adoption by 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 _____, 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 19__. Such local law was~~

~~(Elective Chief Executive Officer*)~~

~~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 _____, 19__, 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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, and was (approved)(not approved)(repassed after

(Name of Legislative Body)

disapproval) by the _____ on _____ 19__ Such local law was subject to _____ (Elective Chief Executive Officer*)

permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__, in accordance with the applicable provisions of law.

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 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 _____ 19__, 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 19__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19__, 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 one (1) above.

Lisa DeVona

Lisa DeVona, Village Clerk-Treasurer

Date: 1/9/2013, 2013

(Seal)

(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 ONONDAGA

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
Steven J. Primo

Attorney for the
Title
County
City of Village
Town Village

Date: January 8, 2013

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.