



RESOLUTION 2015-635

Adopt Local Law No. 10 of the Year 2015 - A Local Law to Amend the Town Sewers Law

WHEREAS, Chapter 198 of the Code of the Town of Cheektowaga, entitled "Sewers" provides for the maximum possible public use of the Town's publicly owned treatment works through regulation, and

WHEREAS, as part of the Consent Order with the NYS Department of Environmental Conservation, there is a need to amend Chapter 198 to require time of sale inspection of properties located in the Town's Consolidated Sanitary Sewer District to ensure that property owners are not discharging their storm waters or drainage into the Town Consolidated Sanitary Sewer District, and

WHEREAS, a draft of such amendment has been prepared by the Supervising Code Enforcement Officer, Town Engineer and Town Attorney, THEREFORE, BE IT

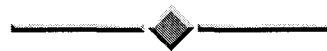
RESOLVED, that a public hearing be held on the 7th day of December, 2015 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2015-10, entitled "A Local Law to Amend the Town Sewers Law", and BE IT FURTHER

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 10 of the Year 2015 entitled "A Local Law to Amend the Town Sewers Law" which is set forth herein, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 10 of the Year 2015 shall be effective on March 1, 2016 after filing same with the Secretary of State, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy in her office and one (1) certified copy with the Secretary of State.



Local Law No. 10 of the Year 2015

A Local Law to Amend the Town Sewers Law

- 1. Section 198-1, Definitions**, shall be amended to add a definition for "Town Inspector", to read as follows:

§198-1. Definitions

TOWN INSPECTOR

A Town of Cheektowaga Code Enforcement Officer, Assistant Code Enforcement Officer, Plumbing Inspector, Assistant Plumbing Inspector, Zoning Inspector, Town Planner, Housing Inspector, Fire Inspector and Supervising Code Enforcement Officer.

- 2. Subsection A of §198-9, Inspections,** shall be amended to add the words “and/or Town Inspectors after the words “The Town Engineer.
- 3. Subsection B of §198-9, Inspections,** shall be amended to add “and/or Town Inspectors” after “The Town Engineer”.
- 4. Subsection C of §198-9, Inspections,** shall be renumbered Subsection D.
- 5. A new Subsection C of §198-9 shall be enacted to read as follows**

C. Time of Sale Inspections shall be conducted by the Town Engineer and/or Town Inspectors as further described in Section 198-26.1.

6. The renumbered **Subsection D of §198-9,** shall be amended to replace the words “Subsections A and B’ with “Subsections A, B and C”. Also, the words “and/or Town Inspectors” shall be added after the words “the Town Engineer”.

- 7.** A new **Section 198-26.1, entitled "Prohibited Discharges; Transfer of Title"** under Chapter 198, shall be enacted to read as follows:.

§ 198-26.1 Prohibited discharges; transfer of title; time of sale inspections.

A. Prohibited discharges.

No person shall discharge or cause to be discharged any storm water, groundwater, roof runoff, subsurface drainage or drainage from downspouts, yard drains, sump pumps, yard foundations, catch basins, parking lot drains and ponds or lawn sprays into any sanitary sewer within the Town of Cheektowaga Consolidated Sanitary Sewer District, except as provided by the Town of Cheektowaga

Code. Water from unpolluted industrial water, such as water drains, blowoff pipes or cooling water from equipment, shall not be discharged into sanitary sewers within the Town of Cheektowaga Consolidated Sanitary Sewer District if a closed/piped storm sewer is available. If a closed/piped storm sewer is not available, such water may be discharged into the sanitary sewer by indirect connection whereby such discharge is cooled, if required, and flows into the sanitary sewer at a rate not in excess of five (5) gallons per minute, provided that the waste does not contain materials for substances in suspension or solution in violation of the limits provided by this law or the local law for administration and enforcement of the Building Code of New York State, Residential Code of New York State, Energy Code of New York State, Mechanical Code of New York State, Fire Code of New York State, Fuel Gas Code of New York State, Plumbing Code of New York State and Property Maintenance Code of New York State.

B. Transfer of title.

No person shall transfer title to another person, nor accept from any other person, the transfer of title to any structure or parcel of land upon which a structure is located within the Town of Cheektowaga Consolidated Sanitary Sewer District unless and until a duly authorized Town Inspector, or representative of the Town Engineering Department, shall have inspected the sump pump system, interior floor drains, footing drains, yard drains, roof drains and downspouts, catch basins and parking lot drains on said structure or parcel of land and certified to the Town Inspector that the same is found to be in compliance with the provisions of this law, specifically Section 198-26, restricting the discharge of unpolluted waters into the sanitary sewer system in the Town of Cheektowaga Consolidated Sanitary Sewer District; and the Office of the Supervising Code Enforcement Officer has issued a Certificate of Compliance stating likewise. This section shall not apply to transfers of property by gift, intestacy or testamentary disposition; transfers pursuant to the federal bankruptcy act; transfers under Erie County In-Rem Property Tax Foreclosures; transfers for which consideration is \$100 or less; and transfers in connection with a partition.

C. Time of sale inspections.

The property owner shall request a time of sale inspection by filing an application at the Town's Office of Building and Plumbing when said structure or parcel of land is placed for sale and prior to the sale of said property. The fee required for this inspection shall be based upon resolution by the Town Board. Upon successful inspection, the Office of the Supervising Code Enforcement Officer will issue a Certificate of Compliance, which will expire after a period of 120 days. If the inspection fails, the Town Inspector will

issue a Notice of Violation to the property owner(s) describing prohibited discharges and recommendations to cure such discharges. When required, all permits necessary to cure violations must be obtained from the Town's Office of Building and Plumbing. The fee required for such permits shall be based upon resolution by the Town Board.

D. Waiver of Certificate of Compliance for time of sale inspection.

The Town's Supervising Code Enforcement Officer may temporarily waive the requirement of a Certificate of Compliance as a prerequisite to transfer of title, as specified in the preceding section, provided that no later than 10 working days prior to the expected closing for said transfer:

- (1) the seller makes a written request to the Supervising Code Enforcement Officer and such request include a written, itemized quote from a plumber licensed in the Town of Cheektowaga which provides for correction of all identified discharges and addresses all recommendations specified in the Notice of Violation; and
- (2) the seller and purchaser shall have filed with the Supervising Code Enforcement Officer a written guaranty to correct any deficiencies to the sump pump system, interior floor drains, footing drains, yard drains, roof drains and downspouts, catch basins and parking lot drains on said structure or parcel of land within 90 days after closing of sale or a period of time specified by the Supervising Code Enforcement Officer; and
- (3) the purchaser shall have provided a sum equal to 150% of the estimated costs contained in the itemized quote provided in item (1) above. Such sum shall be payable by certified check or bank draft payable to the Town of Cheektowaga at closing and held in escrow by the Town of Cheektowaga; such sum will be returned to the purchaser if the corrections are completed within the time specified in the guaranty, but which sum will be forfeited to the Town of Cheektowaga if needed corrections are not completed within the time frame specified in the written guaranty.

In the event that the needed corrections are not completed within the time specified in the written guaranty, the temporary waiver issued by the Supervising Code Enforcement Officer shall immediately expire and the purchaser shall be subject to the penalties described in §198-7B and 198-7C.

8. This local law amendment shall become effective on March 1, 2016.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Timothy J. Meyers, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Kaminski, Benczkowski, Meyers, Adamczyk

State Of New York
 Erie County
 Office Of The Clerk Of The
 Town of Cheektowaga

SS:

This is to certify that I, *Nickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Monday, December, 7, 2015, and that the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town on Thursday, January, 7, 2016.

(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY