

LOCAL LAW NO. ____ 2010

A LOCAL LAW ESTABLISHING A PROGRAM TO PROMOTE CAPACITY MANAGEMENT, MAINTENANCE AND OPERATION OF THE PUBLIC SEWERS AND RELATED PURPOSES, AND TO REPEAL LOCAL LAW NO. 13 OF 1989

BE IT ENACTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY AS FOLLOWS:

Section 1. Intent.

The purpose of this Local Law is to promote compliance with environmental laws, protect public health, assure that current and future development within the Onondaga County Sanitary District is not impeded by capacity constraints resulting from excessive inflow and infiltration or lack of adequate maintenance or construction, and provide a mechanism to assure that wastewater capacity, construction, operation, and maintenance are addressed throughout the project planning, approval, construction and post-construction inspection and certification processes. The objectives of this Local Law shall be carried out through a comprehensive program that:

- A. Fosters cooperation between all levels of municipal government, property owners and developers to promote economic growth and to assure maintenance of wastewater capacity throughout the Onondaga County Sanitary District;
- B. Establishes a program for preconstruction approval of plans and specifications for the construction of public and private sewers and laterals;
- C. Prohibits the connection of stormwater and/or groundwater sources into any sewer owned by the Department of Water Environment Protection or tributary thereto, and, except with respect to combined sewers, establishes as a policy objective of this Local Law achieving the disconnection of existing stormwater and/or groundwater sources now connected to sanitary sewers owned by the Department or to any publicly or privately owned sewer tributary thereto to the maximum extent possible, within ten (10) years after adoption of this Local Law;
- D. Provides for a waiver of the required disconnection of existing stormwater and/or groundwater sources upon a written determination by the Commissioner that requiring a disconnection would impose undue financial hardship and/or is not warranted by the facts and circumstances of a particular case;
- E. Provides for the establishment of a program of assistance to owners of residential property, other than owners of multiple dwellings, as defined in Section 7 of the Multiple Dwellings Law, constructed prior to 1979, upon such terms and conditions as the Legislature may deem necessary and appropriate, and under such further terms and conditions as the Commissioner may by regulation establish to facilitate the disconnection of existing sources of stormwater to publicly owned sanitary sewers;
- F. Mandates inspection by a certified code inspector or codes officer of newly constructed or substantially rehabilitated or remodeled structures prior to sale, transfer and/or occupancy and, in the case of existing structures, the filing of an inspection certificate

prior to sale or transfer of title attesting that the subject property has no roof drains, sump pump connections, or other sources of stormwater to the Onondaga County Sanitary System or any publicly or privately owned sewer system tributary thereto; and

- G. Establishes a program for inspection and enforcement.

Section 2. Legal Authority.

The County and the Commissioner's authority to exercise control over the public sewers within and tributary to the Onondaga County Sanitary District ("the District") sewer system has been established and is codified in Article 11A of the Onondaga County Administrative Code, a special State statute enacted by the New York State Legislature, which specifically authorizes the County to create a Consolidated District and authorizes the Commissioner to regulate the construction of sewers and collection and treatment of sewage and other wastewater generated or disposed of within the District in a manner that promotes compliance with State and federal water pollution control laws and applicable permits, and assures that the publicly owned sewer systems, pump stations and treatment plants are operated in such a manner as to avoid nuisance conditions.

Section 3. Findings.

- A. The Onondaga County Sanitary District owns, operates and maintains an extensive network of trunk and interceptor sewers and treatment plants within the territorial jurisdiction of the District.
- B. The District's ability to effectively manage the District sewer system is affected by the proper maintenance of tributary sewer systems owned and operated by municipalities within the District that collect sewage and other wastewater and discharge it to the District facilities.
- C. The District's ability to effectively manage the District sewer system is also affected by the proper maintenance of sewer laterals, which is the responsibility of the users of the District sewer system, and publicly owned sewers not owned by the District, but that are tributary to the District system.
- D. The introduction of large volumes of stormwater into the sanitary sewer system during periods of wet weather can result in sanitary and combined sewer overflows (and the release into the environment of untreated sewage), and can also result in basement backups and other undesirable consequences.
- E. These conditions can continue to result in the County being required to invest in costly upgrades to wastewater collection and treatment facilities in order to provide additional capacity to collect, transport, store and treat stormwater.
- F. It is the purpose of this Local Law, by the application and enforcement thereof, to deter, prevent and eliminate, as far as possible, the introduction of stormwater into the County trunk and interceptor sewer system and all public sewers tributary thereto.
- G. This Law serves the public interest by: (i) promoting, to the maximum extent possible,

the development and implementation of mechanisms that assure appropriate capacity management, operation and maintenance of the District's sewer systems, (ii) providing for sufficient capacity to allow for orderly growth and development in a manner that is consistent with County wastewater planning goals, and (iii) fostering compliance with applicable laws and regulations.

- H. In furtherance of the goal of this Local Law, the programs, activities and modifications set forth below facilitate the proper maintenance of the District sewer systems as well as other publicly owned sewer systems that collect and discharge sewage and wastewater to the District systems and laterals.
- I. Such programs, activities and modifications will result in benefits to all users because of better performance of the District sewer systems, avoidance of significantly higher rate costs to construct and/or enlarge the District's capacity to accept, transport, store and treat stormwater, and avoidance to the extent possible of the imposition by the New York State Department of Environmental Conservation of recurring moratoria on new development due to lack of sufficient capacity to handle flows, especially during periods of wet weather.

Section 4. Definitions.

The following terms when used in this Local Law shall have the meanings set forth herein:

- A. "Backwater Valve" shall mean a device or valve installed in the building drain or sewer pipe where a sewer is subject to backflow.
- B. "Certification of Inspection" shall mean a written notarized statement from a certified building inspector, licensed plumber, professional engineer, or plumbing inspector employed by the Onondaga County Department of Water Environment Protection, Division of Plumbing, setting forth the existing conditions of: (i) a previously occupied existing house, building or property used for human occupancy, employment, recreation, manufacturing, commercial or other purposes, (ii) new construction or substantial reconstruction describing with specificity the condition of the roof drains, sump pump, or other prohibited stormwater or groundwater connections or sources of inflow or infiltration found, or the lack thereof; as set forth in Sections 6, 7 and 8 of this Law.
- C. "Footer Drains / Sub Building Drains" shall mean that portion of a drainage system that collects subsurface water and conveys such water to a place of disposal.
- D. "Offset Plan" shall mean a plan that establishes a program to ensure the flow, in one or more segments of the Publicly Owned Treatment Works ("POTW") exceeding its hydraulic or organic capacity, expected from any new connection to the County interceptor sewers and public sewers tributary thereto is offset by the removal of infiltration and/or inflow, in that segment, in an amount fixed by the Commissioner.
- E. "Project Sponsor/Project Applicant" shall mean any person who proposes to fund, approve or undertake a project in the Onondaga County Sanitary District.

- F. "Roof Drain" shall mean a drain installed to receive water collecting on the surface of a roof and to discharge it into a storm drainage system, combined sewer, or onto the ground.
- G. "Sump Pump" shall mean a mechanism used for removing water or wastewater from a sump or wet well; it may be energized by air, water, steam, or electric motor; ejectors and submerged centrifugal pumps, either float or manually controlled, are often used for the purpose.
- H. "Substantial Reconstruction" shall mean the alteration through remodeling or expansion or other changes made to an existing structure that includes modifications to its wastewater and/or stormwater systems, and/or materially changes its size and/or intended uses in ways that increases or is likely to increase wastewater and/or stormwater flow.

Section 5. No Unauthorized Connections.

- A. Except as otherwise provided in this Local Law and with the written approval of the Commissioner, it shall be the policy objective of this Local Law that no later than ten (10) years following the adoption of this Local Law, no person shall connect or allow to remain connected any stormwater connection including footer drains or sub building drains from any building or yard, nor any drain from any sump pump, roof drain, catch basin, lake, swamp, pond or swimming pool, nor any inlet for surface water, stormwater or groundwater of any kind to the County interceptor sewer system or any public combined or sanitary sewer tributary thereto or to any private sewer connected to any such public sewer. The Commissioner may authorize existing facilities presently connected directly or indirectly to combined sewers to remain upon a finding by the Commissioner that said connections are not causing or contributing to dry weather overflows, until such combined sewers are separated and/or green infrastructure projects are constructed that can accept such flows, at which time all provisions of this Local Law shall become applicable to said facilities.
- B. Within any area served by a combined sewer where a green infrastructure project has been constructed and the Commissioner determines that the green infrastructure project has sufficient capacity to accept stormwater flows or and in all areas served by a separate sanitary sewer system, no person shall allow stormwater to enter sewage, waste or vent pipes from any building. Within any such area, no person shall connect or allow to remain connected any downspout or leader, gutter or other pipe, roof drain, sump pump, drain or channel that may at any time carry stormwater, surface drainage, groundwater, or uncontaminated cooling water to any sanitary and/or combined sewer.
- C. Every joint in the connection to or of a sanitary or combined sewer shall be made gastight and watertight, so that no leakage into or from such connection shall occur.

Section 6. Certification of Inspection Required.

- A. The owner of every existing house, building or property which is used for human occupancy, employment, recreation, manufacturing, commercial or other purposes, shall at the time of transfer of title to said premises (or, in the case of a written land contract affecting said premises, no more than ninety (90) days after the execution of such contract) deliver to the purchaser a current Certificate of Inspection in accordance with

the provisions of Section 7 of this Law, or in the alternative, an original or certified copy of a waiver duly issued by the Commissioner in accordance with the provisions of Section 18 of this Law.

B. Notwithstanding the requirements in subparagraph (A) above, no such Certificate of Inspection, or original or certified copy of a waiver shall be required in connection with the following:

(i) Property located within the political boundaries of the City of Syracuse which discharges to a combined sewer, unless or until in accordance with Section 5(A) and 5(B) of this Law, the Commissioner determines that the combined sewer has been separated or one or more green infrastructure projects have been constructed in sufficiently close proximity to the property to permit disconnection and diversion of stormwater connections from any drain, sump pump, swimming pool, stormwater or groundwater of any kind; and

(ii) Involuntary transfers occurring as a direct result of bankruptcy, condemnation, inheritance, foreclosure, non-payment of taxes, tax transfer, and the like, or of sale at public auction by a municipality or other party, including nominal transfers of title in connection with the financing of a project by an Industrial Development Agency or Local Development Corporation; and

(iii) Transfer to a purchaser who has submitted to the Onondaga County Department of Water Environment Protection, Division of Plumbing, a Certification declaring that the structure will be demolished within ninety (90) days of the date of transfer; and

(iv) Transfer to a purchaser who has submitted to the Onondaga County Department of Water Environment Protection, Division of Plumbing, a Certification declaring that an application for a permit relating to a change in occupancy will be made within ninety (90) days of the date of transfer, and in the interim the structure will not be occupied. Provided, however, that upon resumption of occupancy, the purchaser must within twelve (12) months disconnect all stormwater connections from sanitary sewers and file a Certificate of Inspection in accordance with the provisions of Sections 7, 8 and 9 of this Law.

(v) Transfer of existing individual condominium units; and

(vi) New construction issued a plumbing permit pursuant to the Onondaga County Sanitary Code and Rules and Regulations of the Onondaga County Department of Health, and the Onondaga County Department of Water Environment Protection, provided that such construction has been inspected prior to occupancy as provided in Section 7 of this Law and the inspector has duly attested in a Certification of Inspection that no stormwater or groundwater connections to the sanitary sewer exist and/or that the lateral has been designed and installed so as to prevent infiltration.

C. For purposes of this Law, a Certification of Inspection shall be considered current for a period of ninety (90) days after its execution.

D. In the event that neither a Certification of Inspection nor an original or certified copy of a

waiver has been delivered to a purchaser of an existing house, building or property used for human occupancy, employment, recreation, manufacturing, commercial or other purposes, and to the Department of Water Environment Protection, Division of Plumbing, such purchaser shall be prohibited from discharging any wastewater into the sanitary sewer system or permitting such discharges from said premises until such Certification or certified copy of a waiver has been obtained by the purchaser, and the original Certification and/or waiver has been filed with the Onondaga County Department of Water Environment Protection, Division of Plumbing, in accordance with this Local Law.

Section 7. Inspection of New Construction or Substantial Reconstruction.

- A. Prior to the occupancy of new construction, substantial reconstruction, or re-occupancy of existing construction pursuant to Section 6(B)(iv) of this Law, the owner shall cause an inspection to be made of the premises to be conveyed or occupied. Said inspection shall be to determine whether the subject premises has any roof drains, and/or sump pump or other prohibited stormwater, groundwater connections or sources of inflow or infiltration to the sanitary sewer system in violation of this Local Law. The person performing the inspection shall execute a Certification of Inspection attesting to the existing conditions describing with specificity the condition of the roof drains, sump pump, or other prohibited stormwater or groundwater connections or sources of inflow or infiltration found, or the lack thereof.
- B. The only persons authorized to attest by Certification of Inspection are those persons having personal knowledge of the facts who are certified building inspectors, licensed plumbers, professional engineers, or plumbing inspectors employed by the Onondaga County Department of Water Environment Protection, Division of Plumbing. The applicable fee schedule for inspections performed by employees of the Division of Plumbing is available from the Department of Water Environment Protection.

Section 8. Contents of Certification of Inspection.

- A. The Certificate of Inspection that is required to be delivered by a seller to a purchaser of an existing house, building or property, and that is required prior to occupancy of new construction, substantial reconstruction, or re-occupancy of existing construction pursuant to Section 6(B)(iv) of this Law shall be on a form [Appendix A] approved by the Commissioner and shall recite the following information:
 - (i) Description of the property to be transferred occupied or re-occupied; and
 - (ii) Address of the property to be transferred, occupied or re-occupied; and
 - (iii) A brief description of the nature and methods used to conduct the inspection; and
 - (iv) A statement that the property has or does not have roof drains, sump pump or other prohibited stormwater and/or groundwater connections and/or sources of inflow or infiltration to the sanitary sewer system in violation of this Local Law;
 - (v) Date of inspection or certification; and
 - (vi) The Certification of Inspection shall be dated and notarized as of the date of the

latest inspection.

Section 9. Filing of Certifications of Inspection or Waiver.

- B. The purchaser or his/her agent, or in the case of a Certification of Inspection prior to occupancy and/or re-occupancy either the Owner, or at the Owner's election, the Inspector and/or Certifying Official, shall file the original Certification of Inspection or Certified Waiver with the Onondaga County Department of Water Environment Protection, Division of Plumbing within fifteen (15) days of the transfer of title, occupancy and/or re-occupancy..

Section 10. Remedies.

- A. The purchaser shall have sixty (60) days from the date of the transfer of title within which to notify the seller, or in the case of a Certification of Inspection, the Commissioner shall have one hundred twenty (120) days from the issuance of the Certification within which to notify the seller, or the certifying entity or municipality, if the property has roof drains, sump pump connections or other prohibited sources of stormwater and/or groundwater discharged or inflow and infiltration to the combined or sanitary sewer system in violation of this Local Law.
- B. In the event that any person required to file a Certification of Inspection or a copy of a certified waiver has failed to do so, the Commissioner may take such action, including instituting administrative enforcement as provided in Section 18 of this Law or seeking injunctive relief to correct any connection prohibited by this Local Law.
- C. The existence of a civil remedy in favor of the purchaser against the seller shall not be construed as abridging the Commissioner's right to enforce this Local Law or as releasing either party from any obligations imposed by this Law, and shall be in addition to any other steps, including imposition of sanctions or penalties provided pursuant to Section 18 of this Law which may be imposed by the Commissioner against the party or parties determined responsible for violations of this Law and applicable Rules and Regulations.

Section 11. No Re-Connections or Creation of Sources of Infiltration.

Once a Certification of Inspection has been issued, it shall be a willful and criminal violation of this Local Law for any person to reconnect roof drains, sump pumps or any other sources of prohibited stormwater and/or groundwater discharges to the sanitary sewer system and/or to construct or alter a lateral or other sewer in such a manner as to cause infiltration or inflow to the sanitary sewer system in violation of this Local Law.

Section 12. Programs for Abatement of Inflow from Existing Private Residences.

- A. Whenever the Commissioner determines after examination that capacity problems exist in a particular service area, and that such problems can be cost effectively abated by removing sources of inflow and infiltration emanating from residential dwellings, other than multiple dwellings as defined pursuant to Section 7 of the New York State Multiple Dwellings Law, the Commissioner may recommend in the manner set forth in Article 11A of the Onondaga County Administrative Code, a program of public works, to be undertaken by the District, to abate such sources of inflow and infiltration.

- B. Such recommendations must be based upon a determination that:
- (i) A public purpose is furthered thereby; and
 - (ii) That any benefit to private property is incidental to said public benefit; and
 - (iii) That said work is determined to be a cost effective alternative to reduce inflow and infiltration in the impacted area.
- C. The County Legislature, following such hearings as may be required pursuant to Sections 11.54 and 11.55 of the Onondaga County Code, may approve or modify such recommendations as appropriate.
- D. If so approved by the County Legislature, such program of public works may include financial assistance for all or a portion of a residential building constructed prior to 1979 (other than multiple dwellings) or lateral repair work to the extent that said work is determined by the Commissioner to be a cost effective means to reduce inflow and infiltration, is a part of a demonstration project and/or as an aspect of a comprehensive program of public works to reduce inflow and infiltration to District owned and operated facilities.

Section 13. Settlement of Claims for Certain Basement Backups.

- A. Unless otherwise agreed to by the Commissioner, following the adoption of this Local Law, if after an investigation or adjudication, the District determines or is required to pay a claim for damages resulting from a residential basement backup of sewage, other than a backup occurring at a multiple dwelling as defined by Section 7 of the Multiple Dwellings Law, the owner of the property so affected shall install at the owner's expense a backwater valve and take such other measures as may be required to eliminate or reduce the reoccurrence of another backup.
- B. It shall be a basis for denying payment of any subsequent claims and a defense against a subsequent claim for losses arising from another backup, that the owner or lessee of property has failed to install an approved backwater valve and other appurtenances designed to prevent a sewer backup that conforms to the New York State Building and Plumbing Code, as may be amended from time to time.

Section 14. Standards for Sewer Construction, Operation, Maintenance, Modifications and Related Provisions.

- A. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the designated authority of the municipality in which the connection is made. A copy of said permit must be forwarded to the Department of Water Environment Protection Commissioner within thirty (30) days prior to commencement of any work conducted pursuant to said permit. If the connection is made directly to a District trunk or interceptor sewer, written permission must be obtained from the Commissioner. Discharge of sewage shall not be made until all conditions stipulated by the Commissioner for connection are fulfilled and all necessary equipment is installed and operable, and

approved in accordance with this Local Law.

- B. In any enforcement action by the Commissioner, it shall be an affirmative defense that the unauthorized connection was unavoidable, upon a showing that:
- (i) A connection with or opening into, use, alteration, or disturbance of any public sewer or appurtenance thereof was unavoidable to prevent loss of life, personal injury, public health hazard, environmental degradation or severe property damage; and
 - (ii) There were no feasible alternatives to the connection, use, alteration, or disturbance of any public sewer or appurtenance thereof such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal period of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent an incursion of the public sewer or appurtenance thereof that occurred during normal periods of equipment downtime or preventive maintenance or if designed and installed backup equipment that could have prevented or mitigated the impact of the incursion of the public sewer or appurtenance thereof is not operating during the unauthorized opening or incursion and the equipment was not rendered inoperable due to improper maintenance and/or negligence, including negligent operation; and
 - (iii) That prior to any connection, the Commissioner is given oral notice of the need for an emergency connection; and
 - (iv) That within 24 (twenty-four) hours following the connection, the Commissioner is provided with a written explanation of the nature of the emergency which gave rise to the need for said connection.
- C. Prior to or as an aspect of the review of any applications for proposed construction, re-construction, development or re-development projects or the granting of approval, the municipality shall consult with or cause the project sponsor and/or project applicant to consult with the Commissioner on all issues related to the management of wastewater, stormwater and groundwater. Applications for approval of any proposed construction, re-construction, development or re-development projects and the granting of any approval by a municipality shall include all requirements, plans, specifications, or other information or conditions related to the management of sewage, wastewater, stormwater and drainage recommended by the Commissioner.
- D. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the County and the municipality into whose sewer system the connection is made from any loss, damage or expense, claims or suits arising out of or in connection with the installation and connection of the building sewer.
- E. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on the same lot, no private sewer is available or can be constructed to the rear building, and the whole must be considered as one building sewer with separate permits for each building.

- F. Existing building sewers may be used in connection with new buildings only when, on examination and test by the sewer or building inspector of the municipality in which the connection is made (or upon inspection by the Onondaga County Department of Water Environment Protection, Division of Plumbing), the existing sewer is found to meet all requirements of applicable municipal code and/or any standard promulgated by the Commissioner pursuant to Article 11A of the Onondaga County Administrative Code. Where cesspools or septic tanks are to be discontinued following connections to a public sewer, the owner shall have these cesspools or septic tanks promptly emptied and cleaned. Cesspools also shall be backfilled with earth, sand or other acceptable material.
- G. All sewer construction involving District or other publicly or privately owned sewers tributary thereto shall comply with such rules and regulations promulgated by the Commissioner pursuant to Article 11A of the Onondaga County Administrative Code and where specifically applicable, this Law. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commissioner before installation.
- H. "As-built" drawings of the sewer connection shall be provided to the Commissioner
- I. Except as specifically authorized by the Commissioner in accordance with the provisions of this Law, no person shall allow to remain connected roof downspouts, exterior foundation drains, area drains, or other sources of surface run-off or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- J. No person shall connect, or allow to be connected downspouts, exterior foundation drains, area drains, or other sources of surface run-off or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- K. No person shall connect, cause to be connected, or allow to remain connected a sanitary sewer to a separate storm sewer.

Section 15. Pre-Completion.

- A. No connection to the POTW shall be made without prior approval and inspection by the designated inspector of the municipality in which the connection is made or the Onondaga County Department of Water Environment Protection, Division of Plumbing. If the connection is made directly to a County trunk or interceptor sewer, the connection shall be subject to approval of and inspection by the Commissioner.
- B. Forty-eight (48) hours before any connection shall be covered, it shall be the duty of the applicant to notify the Department of Water Environment Protection that the connection is ready for inspection and such connection shall not be covered until it has been inspected and approved by a County and/or municipal representative, as appropriate. All sewer construction shall comply with the standards set forth in Section 14 of this Law.
- C. As more fully set forth and consistent with the provisions of Section 14(C) of this Law, applications for and municipal approval for all new residential and non-residential connections and residential subdivisions and/or approval of development or redevelopment projects shall be supplemented by any plans, specifications, or other

information and conditions related to sewage, wastewater, stormwater and drainage considered pertinent in the judgment of the Commissioner.

- D. Whenever it shall appear to the Commissioner that wastewater collection and/or drainage impacts are not being adequately or timely addressed, in the approval process, the Commissioner, at his or her discretion, may withhold approval of permits or connections or to seek to enjoin the approval of such projects within the territorial jurisdiction of the Onondaga County Sanitary District on such terms as are just and proper until such issues are addressed to his/her satisfaction.

Section 16. Other Legal Requirements.

The issuance of a permit for the making of a connection shall not relieve the permittee or any person presuming to act under authority of such permit, from obtaining any additional permits required by law, ordinance or regulation, for the opening of streets or roads, the construction of buildings or the like.

Section 17. Abandonment of Existing Sewers and Connections.

In the event that a building that is connected to a City, Village or Town sewer is to be abandoned or demolished, or if the Certificate of Occupancy is withdrawn, the owner of the property and/or the person or entity carrying out the demolitions shall assure that the building sewer connection is to be disconnected at the property line. In the event that a property lot connected to a City, Village or Town sewer system is abandoned, such connection to the system is to be disconnected and alternate green measures as available are to be implemented to protect the sewer from infiltration and inflow entering the sewer lateral. The connection to the public sewer is to be plugged with a watertight plug in a manner approved by the Commissioner in accordance with Section 14 of this Law. Prior to the start of any other work on the site, the sewer is to be disconnected, plugged and inspected, and a Plumbing Permit shall be issued by the Division of Plumbing to verify and inspect the proper disconnection and that a proper plug has been used to protect the sewer from infiltration and inflow entering the sewer lateral.

Section 18. Enforcement, Penalties and Waiver.

Pursuant to Article 11A of the Onondaga County Administrative Code, the provisions of Local Law #3 of 1983 and Articles 6 and 7 of the implementing regulations, the Commissioner has jurisdiction to, and may, enforce the provisions of this Local Law.

- A. Any person who violates the provisions of Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 or 17 of this Law or who fails to perform any duty imposed by this Local Law, or any Order of the Commissioner promulgated hereunder, shall be liable to the County for a civil penalty not to exceed \$1,000.00 (One Thousand Dollars) per day for each such violation. All penalties shall be assessed after a hearing held in conformance with the procedures set forth in Local Law #3 of 1983, and its implementing regulations, at Articles 6 and 7 thereof. Each violation of this Law shall be a separate and distinct violation and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation.
- B. Any person who violates the provisions of Section 11 of this Law shall be guilty of a

misdeemeanor, and upon conviction thereof shall be punishable by a fine of not less than \$500.00 (Five Hundred Dollars) nor more than \$1,000.00 (One Thousand Dollars). Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

C. The Commissioner may grant a waiver from the application of Sections 5(A), 5(B), 6(D) and 14(I) of this Law, provided that prior to the granting of any such waiver, the applicant for a waiver shall establish that:

(i) Compliance with Sections 5(A), 5(B), 6(D) and 14(I) of this Law would cause undue financial hardship; or

(ii) Other factors exist which would render compliance unreasonable.

D. Every waiver granted shall be subject to such conditions or restrictions as may be necessary to minimize the adverse effects of the waiver upon the public sewers and facilities owned and/or operated by the District and to ensure that the waiver is consistent with the general purpose of this Law.

Section 19. Capacity Constraints.

A. If the Commissioner determines that one or more segments of the POTW is exceeding its hydraulic or organic capacity at any time or if the Commissioner determines that the viability and integrity of a segment of the POTW infrastructure is jeopardized, he or she may take such steps as may appear necessary under the circumstances until the conditions causing or contributing to the exceedance of the service area's hydraulic or organic capacity are corrected by the municipality owning the public sewers generating the flow causing or contributing to capacity limitations. Such correction may entail:

(i) Construction of new facilities;

(ii) Enlargement of existing facilities;

(iii) Correction of inflow and/or infiltration by the owners of laterals responsible therefore at the direction of and under the supervision of the municipality into whose sewers said laterals discharge; and

(iv) Cleaning and repairing of existing facilities.

B. Whenever it shall appear to the approving municipality and/or to the Commissioner that elimination of capacity constraints will require significant capital improvements and/or is likely to result in limitations on the approval of new connections and/or expansion of existing sources of wastewater discharges from the impacted service areas, the municipality and/or the Commissioner may condition approval of a proposed project upon the development and implementation by the municipality of a Plan to correct conditions that are causing or contributing to capacity limitations. Said Plan may include, as an interim measure, an offset plan that provides for a no-net increase in flow or an overall reduction in flow from the proposed project, as a condition of project approval.

Section 20. Intermunicipal Agreements.

The County Executive is hereby authorized to enter into such agreements to assure that maintenance and operation of publicly owned sewers owned by municipalities within the District conform to the provisions of this Law.

Section 21. Regulations.

Pursuant to Article 11A of the Onondaga County Administrative Code and the provisions of this Local Law, the Commissioner may promulgate such additional regulations, guidance documents, construction and operation standards and take such other actions, consistent with his/her authority, to implement this Local Law.

Section 22. Effective Date.

This Local Law shall take effect on _____, 2010, and shall be filed pursuant to the provisions of the Municipal Home Rule Law.

Section 23. Severability.

If any provision, sentence or clause of the Local Law is held unconstitutional, illegal or invalid by a court of competent jurisdiction, such findings shall not affect or impair any of the remaining provisions, sentences or clauses or their application to persons and circumstances.

Section 24. Local Law Number 13 of 1989 is repealed.