

RESOLUTION No.2022-

**RELATIVE TO ADDING CHAPTER 251
OF THE CODIFIED ORDINANCES
ENTITLED "PRIVATE SANITARY SEWER LATERALS"**

BY:

Council Chairman John Spanbauer

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 251 of the Codified Ordinances entitled "Private Sanitary Sewer Laterals" is hereby added to the Codified Ordinances of the City of Niagara Falls and shall read as follows

CHAPTER 251

PRIVATE SANITARY SEWER LATERALS

<u>251.01</u>	<u>Purpose</u>	<u>251.05</u>	<u>Correction or Abatement</u>
<u>251.02</u>	<u>Enforcement</u>		<u>by Repair</u>
<u>251.03</u>	<u>Definitions</u>	<u>251.06</u>	<u>Correction or Abatement</u>
<u>251.04</u>	<u>Standards for Maintenance of</u>		<u>by Replacement</u>
	<u>Sanitary Sewer Laterals</u>	<u>251.07</u>	<u>Penalties for Offenses</u>
		<u>251.08</u>	<u>Effective Date</u>

251.01 **PURPOSE**

The purpose of this chapter is to reduce infiltration and inflow into the sanitary sewer system operated by the City of Niagara Falls and exfiltration of sewage into groundwater and waterways by requiring inspection, testing, repair, replacement and ongoing maintenance of private sewer laterals by property owners in the City of Niagara Falls. Said chapter further details the responsibilities imposed upon private property owners pursuant to New York State Property Maintenance Code § 506.2.

251.02 **ENFORCEMENT**

This chapter shall be enforced by the Director of Code Enforcement and/or his/her designee.

251.03 **DEFINITIONS**

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

EXFILTRATION – raw sewage that leaks out of laterals into soil, groundwater and waterways.

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INFILTRATION – water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFLOW – water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from sources such as, but not limited to, roof leaders, sump pumps, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters and drainage. Inflow does not include, and is distinguished from, infiltration.

SANITARY SEWER LATERAL or LATERAL - the sanitary sewer pipe running from the structures on a property conveying wastewater from the structure and connecting to the public sanitary sewer main.

251.04 STANDARDS FOR MAINTENANCE OF SANITARY SEWER LATERALS

- A. **It is the sole responsibility of the private property owner to perform all required maintenance, repairs and replacements of sanitary sewer laterals in accordance with the requirements of this article and the requirements of the New York State Property Maintenance Code, New York State Plumbing Code, New York State Sanitary Code and all Codified Ordinances of the City of Niagara Falls.**
- B. **Laterals shall be kept free from roots, grease deposits and other solids which may impede the flow or obstruct the transmission of sewage.**
- C. **Laterals shall not exhibit any signs of infiltration.**
- D. **Laterals shall not exhibit any sign of exfiltration or leakage.**
- E. **Laterals, lateral pipe joints and all lateral pipes shall be in good working order, free from defects.**

251.05 CORRECTION OR ABATEMENT BY REPAIR

- A. **If at any time any sanitary sewer lateral is found by the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer to not be in compliance with the requirements of this chapter, New York State Property Maintenance Code, New York State Plumbing Code, New York State Sanitary Code and all Codified Ordinances of the City of Niagara Falls, the owner of the property must cause all necessary repairs made to bring the lateral into compliance. Said repairs must be made by a plumber licensed to do business in the City of Niagara Falls.**

- B. Unless the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer allow additional time for good cause shown, the owner of the property must undertake to complete the required repairs to the satisfaction of the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer or their designees within thirty (30) days of the sooner of becoming aware of the noncompliance, or receiving notice from the Niagara Falls Water Board, City of Niagara Falls or otherwise, including an inspection by a plumber, that the lateral is not in compliance.
- C. In addition to the penalties outlined in Chapter 251.06 of the Codified Ordinances of the City of Niagara Falls, if the owner of the property fails to complete the repairs and bring the lateral into compliance within the time required, the Niagara Falls Water Board may terminate water service to the property whereupon the lateral(s) is/are located. Properties without active water service may be condemned by the Niagara Falls Department of Code Enforcement. Water service shall only be restored by the Niagara Falls Water Board upon satisfactory completion of the necessary repairs. In addition, the Niagara Falls Water Board also reserves the right to take its own enforcement action upon failure to make repairs.
- D. Commencement of said repairs shall require that a permit, issued by the City of Niagara Falls, be obtained by the licensed plumber performing the repairs. In addition, the Niagara Falls Water Board must also be informed by the licensed plumber before repairs may commence. A final inspection of all repairs shall be made by the City of Niagara Falls and/or the Niagara Falls Water Board upon completion of said repairs. After a passing inspection, written correspondence shall be issued by the Niagara Falls Water Board and/or the City of Niagara Falls to the property owner indicating that the repaired lateral complies with the requirements set forth in this chapter.

251.06

CORRECTION OR ABATEMENT BY REPLACEMENT

- A. If at any time any sanitary sewer lateral is found by the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer to not be in compliance with the requirements of this chapter, New York State Property Maintenance Code, New York State Plumbing Code, New York State Sanitary Code and all Codified Ordinances of the City of Niagara Falls, an owner may choose to correct the noncompliance by replacing the sanitary sewer lateral. Any new sanitary sewer lateral, whether installed to correct a noncompliance or otherwise, must be installed in accordance with all applicable codes and regulations, including this

chapter. Said replacement must be made by a plumber licensed to do business in the City of Niagara Falls.

- B. Unless the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer allow additional time for good cause shown, the owner of the property must undertake to complete the lateral replacement to the satisfaction of the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer or their designees within thirty (30) days of the sooner of becoming aware of the noncompliance, or receiving notice from the Niagara Falls Water Board, City of Niagara Falls or otherwise, including an inspection by a plumber, that the lateral is not in compliance.
- C. In addition to the penalties outlined in Chapter 251.06 of the Codified Ordinances of the City of Niagara Falls, if the owner of the property fails to complete the replacement, thus failing to bring the lateral into compliance within the time required, the Niagara Falls Water Board may terminate water service to the property whereupon the lateral(s) is/are located. Properties without active water service may be condemned by the Niagara Falls Department of Code Enforcement. Water service shall only be restored by the Niagara Falls Water Board upon satisfactory completion of the replacement. In addition, the Niagara Falls Water Board also reserves the right to take its own enforcement action upon failure to replace.
- D. Commencement of said replacement shall require that a permit, issued by the City of Niagara Falls, be obtained by the licensed plumber performing the replacement. In addition, the Niagara Falls Water Board must also be informed by the licensed plumber before the replacement may commence. A final inspection of the replacement shall be made by the City of Niagara Falls and/or the Niagara Falls Water Board upon completion of said replacement. After a passing inspection, written correspondence shall be issued by the Niagara Falls Water Board and/or the City of Niagara Falls to the property owner indicating that the replaced lateral complies with the requirements set forth in this chapter.
- E. If an owner fails to complete repairs and/or replacement, thus failing to bring the lateral into compliance, the City may choose to enter upon the property and complete the required work. If, at any time, the City is required to enter upon the property and perform repairs in order to enforce the requirements of this chapter, New York State Property Maintenance Code, New York State Plumbing Code, New York State Sanitary Code and all Codified Ordinances of the City of Niagara Falls, the cost of doing so will be billed to the 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, City taxes.

251.07 PENALTIES FOR OFFENSES

Any person, firm, association, or corporation which violates any of the provisions of this chapter or fails to complete remediation as required herein shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than \$250.00 or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment. Each day the violation exists shall constitute a separate offense.

251.08 EFFECTIVE DATE

This chapter shall be effective on November 1, 2022.

**Bold and Underline Indicate Additions
Bold and Brackets Indicate {Deletions}**