

SEWER CONNECTION ORDINANCE

**An Ordinance Establishing and Setting Forth Rules & Regulations
Governing the Installation of Lateral Sanitary Sewers and
Lateral Sanitary Sewer Connections,
Together with Specifications Therefore in all Sanitary Sewer Districts and
Within Any Extensions thereof in the Town of Kirkwood**

Adopted December 1, 1964

SECTION 14. Reserved (Repealed April 1, 1986 by LL #1-86)

SECTION 15. Title

This Ordinance shall be known and cited as “An Ordinance Establishing and Setting Forth Rules and Regulations Governing the Installation of Lateral Sanitary Sewers and Lateral Sanitary Sewer Connections. Together with Specifications Therefore in All Sanitary Sewer Districts and Within Any Extensions Thereof in the Town of Kirkwood, Broome County, New York.”

SECTION 16. Separability

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or unjust for any reason by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 17. Inconsistency

All Resolutions or Ordinances or portions thereof of the Town of Kirkwood not consistent with this Ordinance in whole or in part shall be repealed.

SECTION 18. Enforcement and Penalties
(Added April 1, 1986 by LL No. 1-1986)

1. Whenever it shall appear to the Town Engineer, after investigation, that any person has violated any provision of this law (other than a provision of Section 22), the Town Engineer shall give written notice to the alleged violator or violators setting forth the nature of the violation, and directing that the matters complained of be corrected within such reasonable time limit as may be set by the Town Engineer. Any such notice shall be served on the violator by personal service or by registered or certified mail sent to the last address of the violator known to the Town Engineer. Where the address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken within the time allotted by the notice, the violator shall be subject to the penalty provisions set forth in subsection (b) below, in addition to any Town code enforcement procedures otherwise authorized by law.

2. Any person who willfully violates any provision of this law (other than a provision of Section 22), or any order of the Town Engineer issued pursuant to subsection 1 above, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). 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.

3. Any person violating any of the provisions of this law shall, in addition, be liable to the Town for any expense, loss or damage occasioned to the Town by reason of such violations, and any expense incurred in correcting the violation.

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4. The Town Attorney, on his own initiative or at the request of the Town Engineer or Town Board, shall have the right to seek equitable relief in the name of the Town to restrain the violation of, or to compel compliance with, this law, or any order or determination issued thereunder by the Town Engineer.

5. Notwithstanding any inconsistent provisions of law, whenever the Town Engineer finds, after investigation, that any user is causing, engaging in or maintaining a condition or activity which in his judgment presents an imminent danger to the public health, safety or welfare, or to the environment, or is likely to result in irreversible or irreparable damage to the sanitary sewer system, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the Town Engineer may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as in his judgment will reasonably notify such person whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity. In the event of a user's failure to comply voluntarily with such emergency order, or where the giving of notice is impracticable, the Town Engineer may take all appropriate action to abate the violating condition, including disconnecting the user's premises from the Town's sanitary sewer system. As promptly as possible thereafter, not to exceed fifteen (15) days, the Town Engineer shall provide the user with the written notice required by subsection 1 of this section.

SECTION 19. Application

Each and every provision of this Ordinance shall apply with full force and effect to any and all sanitary sewer districts of the Town of Kirkwood, including all extensions thereof, and to any and all sanitary sewer districts to be formed hereafter, including extensions thereof.

SECTION 20. Effective Date

This Ordinance shall take effect ten (10) days after the publication thereof and posting thereof by the Town Clerk pursuant to applicable provisions of the Town Law.

SECTION 21. Permits for Outside Users (Added December 27, 1977 by LL No. 9-1977)

The Town Board may in its sole discretion permit any person or corporation owning real estate outside a town sewer district which real estate is adjacent to and within 250 feet of one boundary of such district to connect at his own cost and expense and to discharge sanitary sewage for disposal and treatment into the facilities of the district, subject to the restrictions to be prescribed by said board. However, that no such use shall be permitted outside of the town in which such district is located if such territory is served by another sewer district, a city, village, or joint sewer system unless any required approval of any state commission is first obtained. The town board shall not permit said use under this section outside of the district if such use will reduce the discharge source so that it will not be sufficient for the district affected or its inhabitants. The holder of any permit so issued shall comply with all other requirements of this ordinance and shall pay to the district to which it discharges its effluent one and one-half (1½) times the annual benefit assessment that would have been levied against and property if it had been located within said district.

(Pages 4813 and 4814 Left Blank Intentionally)