

Local Law Filing

New York State Department of State
162 Washington Avenue, 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. Do not use italics or underlining to indicate new matter.

Village of Depew

Local Law No. 6 of the year 2003

A local law Amending the Village of Depew Municipal Code relating to Inspections of Sanitary Sewers and Connections Prior to the Transfer of Property

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

(See attached Text)

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

JAN 14 2004

MISCELLANEOUS
& STATE RECORDS

**LOCAL LAW AMENDING THE VILLAGE OF DEPEW MUNICIPAL CODE
RELATING TO INSPECTIONS OF SANITARY SEWERS AND CONNECTIONS
PRIOR TO TRANSFER OF PROPERTY**

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

Section 1. LEGISLATIVE INTENT. The purpose of this local law is to amend the provisions of the municipal code of the Village of Depew to provide for inspection of the sanitary sewer discharge mechanisms upon the transfer of title to property to insure compliance with the village sewer use ordinance.

Section 2. AMENDMENTS

1. The provisions of § 187.2 **Definitions** are hereby amended with the addition of the following

Sanitary Sewer Discharge Mechanisms - Shall be interpreted as being storm sewer(s) and drainage facilities (e.g. receivers, culverts, etc.), sump pump(s), roof drain(s), roof downspout(s), footing drains, yard and area drain(s), and other facilities which may convey illegal waters to the public sanitary sewer collection system.

2. The provisions of § 187.24 are hereby amended with the addition of the following

§ 187.24.1. Inspection of sanitary discharge mechanisms upon transfer of property.

No person(s) shall transfer title to another person(s) nor accept from any other person(s) the transfer of title to any structure or parcel of land upon which a structure is located unless and until the Plumbing Inspector or other authorized agent of the Village shall have inspected the sanitary sewer discharge mechanisms on said structure or parcel of land, and a certificate of compliance be issued stating that same is found to be in compliance with the provisions of this chapter, specifically Article V, § 187.24, restricting the discharge of unpolluted waters into the public sanitary sewer collection system. This section shall not apply to transfers of property by gift, intestacy or testamentary disposition, transfers pursuant to the Federal Bankruptcy Act, transfers for which consideration is \$1.00 and no more, and transfers in connection with a partition.

§ 187.24.2. Waiver of certificate of compliance for inspection of sanitary sewer discharge mechanisms upon transfer of property.

- A. The Plumbing Inspector or other authorized agent of the Village may temporarily waive the requirement of a certificate of compliance as a prerequisite to transfer of title, as specified in § 187.24, provided that the person(s) acquiring title:

- (1) Shall have filed with the Building Department a signed form of agreement issued by the Plumbing Inspector or other authorized agent(s) of the Village to correct deficiencies listed on the signed inspection form/notice of violation within the period of time set forth in the form of agreement; and
 - (2) Shall have provided a sum of \$1,500, which shall be held in escrow by the Village of Depew, and which sum shall be returned to the person(s) acquiring title if the corrections are completed within the time specified in the form of agreement, but which sum shall be forfeited to the Village if corrections are not completed within the time specified in the form of agreement.
- B. In the event that corrections are not completed within the time specified in the written form of agreement, the temporary waiver shall immediately expire and the person(s) acquiring title shall be subject to the penalties prescribed in Article VIII hereof.
3. The provisions of § 187.41 are hereby amended with the addition of the following

§ 187.41. Penalties for Offenses

- F. Any person(s) who violate(s) the provisions of § 187.24 – 187.24.2, upon conviction thereof in a court of competent jurisdiction, may be punished by a fine of not more than \$250, and each day on which there is a failure to comply shall be and is hereby declared to be a distinct and separate offense and punishable as such.

Section 3. EFFECTIVE DATE. This local law shall take effect upon filing and acceptance by the Secretary of State.

ADOPT/TABLE/DENY LOCAL LAW #6 OF THE YEAR 2003 – INSPECTION OF
SANITARY SEWERS AND CONNECTIONS

Trustee Fragale, offered the following resolution and moved for its adoption:

WHEREAS, a public hearing was held on the 22nd day of December 2003 by the Board of Trustees of the Village of Depew, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York, and

WHEREAS, at said public hearing the Board of Trustees considered the enactment of proposed Local Law No 6 of the Year 2003, entitled “Local Law Amending the Village of Depew Municipal Code Relating to Inspections of Sanitary Sewers and Connections Prior to Transfer of Property”, and

WHEREAS, all interested persons were given an opportunity to be heard with respect to the enactment of said local law:

NOW, THEREFORE, BE IT RESOLVED, that Local Law No.6 of the Year 2003 be enacted as follows:

LOCAL LAW NO 6 OF THE YEAR 2003

**A LOCAL LAW AMENDING THE VILLAGE OF DEPEW MUNICIPAL
CODE RELATING TO INSPECTIONS OF SANITARY SEWERS AND
CONNECTIONS PRIOR TO TRANSFER OF PROPERTY**

Copies of the text of the above-named local law shall be filed in the office of the Village Clerk.

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 6 of the Year 2003 is **ADOPTED**.

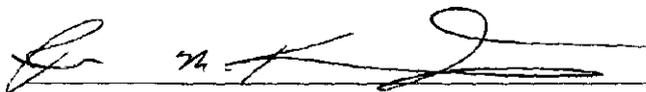
The foregoing resolution was seconded by Trustee Maryniewski, and duly put to a roll call vote which resulted in the following:

- | | | |
|--------------------------|---------------------------|----------------------|
| Trustee Pieczynski - Yes | Trustee Fragale - Yes | Mayor McIntosh - Yes |
| Trustee Mazur - Yes | Trustee Sherwood - Yes | |
| Trustee Mescall - Yes | Trustee Maryniewski - Yes | |

State of New York)
County of Erie) ss:
Village of Depew)

This is to certify that I, **Robert M. Kucewicz**, Clerk of the *Village of Depew*, in the said *County of Erie*, have compared the foregoing copy of a resolution to **“Adopt/Table/Deny local Law #6 of 2003 – Inspections of Sanitary Sewers and Connections”** with the original thereof filed in my office at *Depew, New York*, on the 22nd of December, 2003 and that the same is a true and correct copy of said original, and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Village this 27th day of December , 2003.



Village Clerk, Village of Depew, Erie County, N.Y.

RESOLUTION

DECEMBER 8, 2003

AUTHORIZE CLERK TO ADVERTISE FOR A PUBLIC HEARING - PROPOSED
LOCAL LAW #6 OF THE YEAR 2003 – SUMP PUMP/SANITARY SEWER
INSPECTIONS

Trustee Maryniewski, offered the following resolution and moved for its adoption:

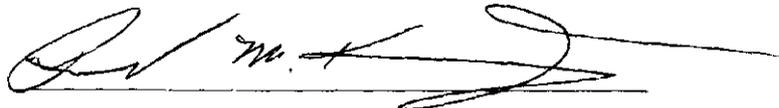
BE IT RESOLVED, the Village Clerk is hereby authorized to advertise for a Public Hearing for Proposed Local Law #6 of the Year 2003 – Sump Pump/Sanitary Sewer Inspections, to be held on December 22, 2003 at 7:30 PM.

The forgoing resolution was seconded by Trustee Mazur and **CARRIED**.

State of New York)
County of Erie) ss:
Village of Depew)

This is to certify that I, **Robert M. Kucewicz**, Clerk of the *Village of Depew*, in the said *County of Erie*, have compared the foregoing copy of a resolution to “**Authorize Clerk to Advertise for Local #6 of 2003 – Sump Pump/ Sanitary Sewer Inspections**” With the original thereof filed in my office at *Depew, New York*, on the 9th of December, 2003 and that the same is a true and correct copy of said original, and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Village this 9th day of December , 2003.



Village Clerk, Village of Depew, Erie County, N.Y.

(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. 6 of 2003 of the Village of Depew, New York was duly passed by the Depew Village Board on December 22nd, 2003, in accordance with the applicable provisions of law.

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, above.



Robert M. Kucewicz, Depew Village Clerk

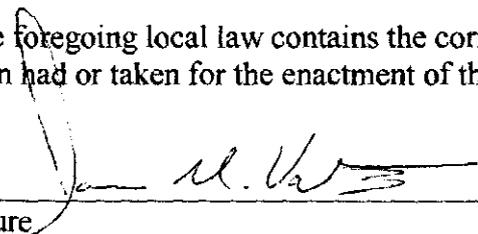
(Seal)

Date: December 26 , 2003

(Certification to be executed by Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

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

Title

Village of Depew

Date:

1/8/04