

Local Law Filing

(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 and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Bedford

FILED
STATE RECORDS
SEP 16 2020

DEPARTMENT OF STATE

Local Law No. 5 of the year 2020

A local law to Amend Chapter 91, Sections 7 and 13 of the Code of the Town of Bedford - Public
(Insert Title)
Sewer System.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Bedford

as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 5 of 2020 of the ~~(County)(City)(Town)(Village)~~ of Bedford was duly passed by the Town Board on September 8 2020, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law. *(Elective Chief Executive Officer*)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: September 9, 2020

TOWN BOARD
TOWN OF BEDFORD

LOCAL LAW NO. 5 of 2020
TO AMEND CHAPTER 91 OF THE TOWN CODE

BE IT RESOLVED, that the Town of Bedford Amends Chapter 91, Sections 7 and 13 of the Code of the Town of Bedford Public Sewer System, as follows:

Section 1. Chapter 91, Section 7, entitled "Construction specifications" is hereby amended as follows:

§ 91-7. Construction specifications.

A. Private lateral/public lateral connections.

- (1) The connection of the private lateral to an existing public lateral shall be made at the property line. If a public lateral has not previously been provided, the public lateral will be constructed from the existing POTW to the property line, by a ~~licensed plumber or septic contractor licensed by the County of Westchester~~, at the owner's expense. The public lateral shall be installed with a properly sealed and covered cleanout to grade located at the property line. The cleanout shall terminate in a metal box embedded in concrete.
- (2) Except as set forth in § 91-7A(1) above, the cost of constructing the public lateral from the existing POTW to the property line shall be at the BH-KBSD's expense; all subsequent costs and expense incidental to the installation and connection of the private lateral shall be borne by the owner.
- (3) Any private lateral shall be installed by a plumber or septic contractor licensed by the County of Westchester, with the exception of work required to be performed by a licensed plumber by the New York State and/or local plumbing code. The New York State plumbing code currently (as of July 2020) requires that work on sanitary sewer pipes less than thirty inches (30") from the building foundation or inside a building be performed by a licensed plumber. All costs and expenses incident to the installation of the private lateral shall be borne by the owner.

- (4~~3~~) The property owner and/or the plumber or septic contractor licensed in the County of Westchester hired to install such private lateral, shall provide insurance for and indemnify and hold harmless the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the private lateral ~~in accordance with the insurance schedule and indemnity provisions as adopted by the Town Board.~~
- (5~~4~~) It shall be the responsibility of the property owner to maintain, repair, or replace the private lateral, as needed.
- (6~~5~~) The method of connection of the private lateral to the public lateral will be dependent upon the type of sewer pipe material and, in all cases, shall be approved by the Commissioner and shall conform with all current and applicable requirements of the International Code Council and the New York State Code. After installation of the public lateral has been approved by the Commissioner, the new public lateral shall become the property of the Town. Any subsequent repairs to the new public laterals shall be made by the Town at the Town's expense.
- B. Cleanout repair/replacement. If, in the judgment of the Commissioner, it is determined that a private lateral, without a property line cleanout, needs repair or replacement, the Town may install a cleanout at the property line, at the property owner's expense, such that the public lateral can be maintained independently of the private lateral.
- C. Testing. The public lateral, private lateral, or the combined lateral shall be tested for infiltration/exfiltration by:
- (1) Any full pipe method approved by the Commissioner; or
 - (2) A suitable joint method, with the prior written approval of the Commissioner.
- D. Connection inspection. The applicant for the private lateral permit shall notify the Commissioner when the private lateral has been installed and is ready for inspection and connection is to be made to the public lateral. The connection shall be made under the supervision of the Commissioner.
- E. Trench inspections. When trenches are excavated for the laying of private lateral pipes or for laying of public lateral pipes, such trenches shall be inspected by the Commissioner. Before the trenches are backfilled, the person performing such work shall notify the Commissioner when the laying of the private lateral is completed, and

no backfilling of trenches shall begin until approval is obtained from the Commissioner.

- F. Public safety provisions required; restoration of disturbed areas. All excavations for constructing private laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Appropriate erosion and sediment controls shall be installed in accordance with all applicable regulations and the requirements of the Department of Public Works. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Commissioner. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade. The person performing the restoration shall complete road and shoulder restoration to the Town Standards and in conformance with the street opening permit required in § 91-13 herein.

Section 2. Chapter 91, Section 13, entitled "Sewer, street opening and plumbing permits required" is hereby amended as follows:

§ 91-13. Sewer, street opening and plumbing permits required:

A. Sewer permits.

- (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any part of the sewer system on private property or within the right-of-way of a public street without first obtaining a sewer permit and, if applicable, a street opening permit from the Commissioner. All work on any portion of the sewer system, including work on private property or in the Town right of way, shall be performed by a plumber or septic contractor licensed by the County of Westchester, with the exception of work required to be performed by a licensed plumber by the New York State and/or local plumbing code. The New York State plumbing code currently (as of July 2020) requires that work on sanitary sewer pipes less than thirty inches (30") from the building foundation or inside a building be performed by a licensed plumber. All costs and expenses incident to the installation of and connection to the sewer system shall be borne by the owner. The owner and/or the plumber or septic contractor licensed in the County of Westchester hired to do such installation shall provide insurance and indemnify and hold the Town harmless from any loss or damage that may directly or indirectly be occasioned by the installation to the POTW, ~~in accordance with the insurance schedule and indemnity provisions as adopted by the Town Board.~~

- (2) The owner shall make application for construction, repair or replacement of a public lateral or private lateral in accordance with the requirements of Chapter 104, Streets and Sidewalks, Part 1, Street Openings; Driveways; Obstructions, of the Town of Bedford Town Code. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Commissioner. There shall be a permit and fee as set forth in the fee schedule adopted by the Town Board, which shall be paid at the time the application is filed. Said fee shall be in addition to any fees required by the Building Inspector for a plumbing permit.
- B. Plumbing permits. No building sanitary drain shall be constructed until a licensed plumber has filed and received a plumbing permit from the Building Inspector upon payment of a fee as set forth in the fee schedule adopted by the Town Board. Construction of repairs and replacements shall comply in all respects with the weight, quality, materials, arrangements, and venting as provided for in the New York State Uniform Fire Prevention and Building Code, including the New York State Plumbing Code and the State Energy Conservation Construction Code. Each such sewer permit, when issued, shall authorize the installation of plumbing or drainage and shall include such inspections as are required under these codes.
- C. All costs and expenses incident to the installation and connection of the building sanitary drain and private lateral shall be borne by the owner. The owner and/or the plumber or septic contractor licensed in the County of Westchester hired to do such installation shall provide insurance and indemnify and hold harmless the Town from any loss or damage that may directly or indirectly be occasioned by the installation of these facilities.

Section 3. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 91, Sections 7 and 13, of the Code of the Town of Bedford are otherwise to remain in full force and effect and are otherwise ratified, readopted and confirmed.

Section 4. Numbering for Codification

It is the intention of the Town of Bedford and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Bedford that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 5. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.