

**SEWER**

**Chapter 97**

**SEWER**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring: Part 1, 2-8-72 as L.L. No. 1-1972; Part 2, 6-13-72 as L.L. No. 2-1972; Part 3, 2-8-83 as L.L. No. 2-1983. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Nuisances - See Ch. 78.  
Streets and Sidewalks - See Ch. 108.  
Swimming Pools - See Ch. 114.  
Water - See Ch. 130.

**Part 1**  
**Sewer Use**  
**[Adopted 2-8-72 as L.L. No. 1-1972]**

**ARTICLE I**  
**General**

§ 97-1. Purpose.

This Part 1 of this chapter has been enacted in order to assure proper disposal of sewage and wastewaters, ~~the~~ <sup>to</sup> the proper operation and maintenance of the sewage works and sewage treatment plant of the Village of Cold Spring, and to provide an adequate record of sewers, drains, appurtenances and connections thereto.

**§ 97-2. Description of system; use.**

The sanitary sewage system of the Village of Cold Spring consists of lateral and trunk sanitary sewers and other facilities laid and constructed in the streets, rights-of-way and areas within the village. Design of the system is based on collection and handling of sewage as defined herein, and approval by the New York State Department of Environmental Conservation (Department of Health) has been given for construction and use of said system for this purpose only. No connection will be permitted to the sanitary sewage system which shall carry or deliver any substance or material other than sewage unless other wastes are specifically approved by the Village Board.

**§ 97-3. Definitions and word usage.**

- A. Unless the context specifically indicates otherwise, the meaning of terms used in this Part 1 of this chapter shall be as follows:

BOD (biochemical oxygen demand) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C.), expressed in milligrams per liter by weight.

BUILDING DRAIN - That part of the lowest piping of a drainage system which receives the discharge of soil, waste and other drainage pipes inside the walls of the building and conveys such discharges to the building sewer; the "building drain" shall be considered to extend three (3) feet outside the building wall.

- (1) BUILDING SANITARY DRAIN - A building drain which conveys sewage but does not convey stormwater.
- (2) BUILDING STORM DRAIN - A building drain which conveys stormwater but does not convey sewage.

BUILDING SEWER - That part of the drainage system which extends from the end of the building drain and conveys its discharges to a public sewer, private sewer, individual sewage disposal system or other approved point of disposal.

- (1) **BUILDING SANITARY SEWER** - A building sewer which conveys sewage but does not convey stormwater.
- (2) **BUILDING STORM SEWER** - A building sewer which conveys stormwater but does not convey sewage.

**COMPOSTING TOILET** – an aerobic processing system that treats human excreta, with no water or small volumes of flush water, via composting or managed aerobic decomposition. **[Added 8-25-10 by L.L. 2-2010]**

**GARBAGE** - Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES** - The liquid wastes from industrial processes, trade or business as distinct from sanitary sewage.

**NATURAL OUTLET** - Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**PERSON** - Any individual, firm, company, association, society, corporation or group.

**pH** - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE** - Wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2") inch in any dimension.

**PUBLIC SEWER** - A sewer in which all owners of abutting properties have equal rights. The "public sewer" does not include the building or house sewer or the building connection lateral after it is connected with the building sewer. The "building connection lateral" is the pipe sometimes laid incidental to the original construction of a public sewer from the public sewer up to some point at the side of the street, highway or similar location and there capped, having been provided and intended for extension and for use at some time thereafter as part of a building or house sewer connection. Once the house sewer connection is made, said building connection lateral shall become part of the building sewer.

- (1) PUBLIC SANITARY SEWER - A public sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (2) PUBLIC STORM SEWER - A public sewer which carries storm, surface and ground waters and drainage but excludes sewage and industrial wastes. Unpolluted cooling waters or other unpolluted waters from industrial wastes may sometimes be carried with special permission of the Village Board.

SANITARY SEWER - A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE (sometimes termed "domestic sewage" or "sanitary sewage") - A combination of the waterborne wastes from toilets, sinks, laundry or bath tubs, shower baths or equivalent plumbing fixtures. Industrial wastes, cooling water and unpolluted process waters, stormwater, rainwater, surface water, groundwater, and drainage and flow from roofs, cellars, yards, springs, wells, swimming pools or roadways are not "sewage" and are prohibited from entry into the public sanitary sewer, except by special permission of the Village Board.

SEWAGE SYSTEM or SEWAGE WORKS - All facilities for collecting, pumping, treating and disposing of sewage.

SEWAGE TREATMENT PLANT - Any arrangement of devices and structures used for treating sewage.

SEWER - A pipe or conduit for carrying sewage, or a pipe or conduit for carrying storm, surface and ground waters.

SLUG - Any discharge of water, sewage or waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration or flows during normal operation.

STORM SEWER (sometimes termed "storm drain") - A pipe or conduit which carries storm and surface waters and drainage but excludes sewage and industrial wastes. Unpolluted cooling water or other unpolluted waters from industrial wastes may sometimes be deposited in "storm sewers" with special permission of the Village Board.

**SUSPENDED SOLIDS** - Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

**WATERCOURSE** - A channel in which a flow of water occurs, either continuously or intermittently.

B. Word usage. "Shall" is mandatory; "may" is permissive.

## **ARTICLE II**

### **Use of Public Sanitary Sewers Required**

#### **§ 97-4. Illegal disposal of wastes.**

It shall be unlawful for any person to:

- A. Place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village of Cold Spring or any area under the jurisdiction of said village, any human or animal excrement, garbage or other objectionable waste.
- B. Discharge to any natural outlet within the Village of Cold Spring or in any area under the jurisdiction of said village, any sewage or other polluted waters, except where suitable treatment has been provided and a special permit is procured from the Board of Trustees of the Village of Cold Spring.
- C. Discharge into any storm drain or storm sewer, public or private, in the Village of Cold Spring or under the jurisdiction of the Village of Cold Spring, any sewage, garbage, industrial waste or other substances; subject, however, to those limited exceptions authorized herein with special permission of the Village Board.
- D. Construct, use or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage, garbage or any other type of waste except as provided in this Part 1 of this chapter.

**§ 97-5. Connection with public sewer required. [Amended 08-25-2010 by L.L. 2-2010]**

- A. Except as provided in paragraph “C” below, the owner of any house, building or property used for human occupancy, employment, recreation, commerce, manufacturing or other purposes, situated within the village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sewer for carrying sewage, or to which a public sewer is otherwise available or accessible for such house, building or property, is hereby required at his/her expense to install suitable toilet facilities therein and to connect such facilities directly with the public sanitary sewer in accordance with the provisions of Part 1 of this chapter within seventy-five (75) days after date of official notice by the village to do so, provided that said public sewer is within one hundred fifty (150) feet of the property line or right-of-way giving access to property line of said house, building or property used for human occupancy, employment, recreation, commerce, manufacturing, etc.
- B. Official notice, as used in this section, may be served by personal service or by certified or registered mail or by publication addressed to all such owners in the same manner as required for public notice to adopt this Part 1 of this chapter.
- C. Composting Toilets. Composting toilets may be used, and need not be connected to a sanitary sewer system, subject to the approval of the Planning Board upon a finding that the following criteria have been met:
- (1) Composting toilets may only be used at parks, outdoor recreation facilities, outdoor museums or school athletic fields;
  - (2) All applications for land use approvals which include proposed composting toilets shall include a full Environmental Assessment Form with Part 1 completed.
  - (3) The proposed composting toilets shall comply with the requirements of the National Sanitation Foundation (“NSF”) Standard 41 and shall bear the NSF Seal;
  - (4) The sanitary facilities for a site using composting toilets must be demonstrated to be sufficient to serve the maximum number of persons on the site;

- (5) The composting toilet must not cause an environmentally detrimental effect on neighboring residences, including, but not limited to, soil or ground water contamination.
- D. Installation of Composting Toilets. Prior to commencing construction of composting toilet facilities, a property owner shall submit to the Village Building Inspector copies of written approval from the Putnam County Board of Health, the Village of Cold Spring Planning Board and any other state or municipal authority having jurisdiction. The installation of a composting toilet shall be subject to inspection and approval by the Water & Sewer Superintendent.
- E. Installation and Inspection Fee. Upon inspection and approval of composting toilet facilities by the Water & Sewer Superintendent, the property owner shall pay an installation and inspection fee, the amount of which fee shall be set by the Village Board by resolution.

**§ 97-6. Connections at owners' expense.**

All building sewers and sewer connections shall be laid and connected in accordance with the rules and regulations herein set forth and in accordance with applicable codes. The repair, maintenance and extension of same shall likewise conform to said rules, regulations and codes. The property owner shall bear the entire expense of all connections to the public sewer or the building connection lateral. Where a connection is made from a building sewer to a building connection lateral, upon making said connection the building connection lateral shall become part of the building sewer and thereafter the repair and maintenance and replacement of said building connection lateral and building sewer shall be the responsibility of the property owner served by same.

**§ 97-7. Private sewage disposal.**

Where a public sanitary sewer is not available or accessible, the building sanitary sewer may be connected to a private sewage disposal system complying with the provisions of this Part 1 of this chapter and installation requirements of the New York State Department of Environmental Conservation and the Putnam County Department of Health until such time as the public sanitary sewer becomes available, subject to the following:

- A. Before commencing construction of a private sewage disposal system, the owner shall first obtain permits for same from the Village of Cold Spring, Putnam County Board of Health and any other municipal authority having proper jurisdiction thereof.
- B. Use of said private sewage disposal system shall not commence until written approval therefor has been granted by the Putnam County Board of Health and the Village of Cold Spring, as well as any other municipal agency having jurisdiction thereof.
- C. Application to the Village of Cold Spring shall be made on forms provided by the village, and the necessary fees for the issuance of the permit and inspections (as established by resolution of the Village Board from time to time) shall be paid at the time of submitting the application. The Sewer Inspector for the Village of Cold Spring shall issue the permit, be responsible for inspections and issue final approval for use of the system on behalf of the village.
- D. Private sewage disposal systems shall be available for inspection by the Sewer Inspector during the course of construction and at all reasonable times thereafter as to manner of operation and condition of the system.
- E. At such time as a public sanitary sewer becomes available (as provided in § 97-5 above) to a property served by a private sewage disposal system,

the building sanitary sewer shall be connected directly to the public sanitary sewer in compliance with the requirements of this Part 1 of this chapter. Said connection shall be made within seventy-five (75) days of notice (as authorized in § 97-5 above) by the village to make said connection. (Immediately after making said connection, any septic tanks, cesspools or similar private sewage disposal facilities shall be cut off and abandoned, cleaned of sludge and filled with clean bank-run gravel or dirt.)

- F. Any authorized private sewage disposal facility shall be operated at all times in a sanitary manner at no cost or expense to the village.
- G. No statement or requirement herein concerning private sewage disposal systems or facilities shall be construed to interfere with or minimize any additional requirements which may be imposed by the proper agency, governmental subdivision or Health Department having jurisdiction over same.

**§ 97-8. Filling of septic tanks after discontinuance of use.**

Simultaneously with making connection to a public sanitary sewer, the owner of any property previously served by a private sewage disposal system shall cut off and cease the use of any septic tanks, cesspools or similar private sewage disposal facilities; and such owner shall clean out such facilities of sludge or waste and fill them with clean bank-run gravel or dirt.

**ARTICLE III**  
**Building Sewers and Connections**

**§ 97-9. Adherence to standards.**

- A. All building sanitary sewers and building storm sewers shall be constructed, installed and connected in accordance with specifications established under the New York State Uniform Fire Prevention and Building Code.<sup>1</sup>

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<sup>1</sup> Editor's Note: See Ch. 40, Building Construction.

- B. The size, slope, alignment, materials of construction of such building sewers and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the New York State Uniform Fire Prevention and Building Code and other applicable local laws, rules and regulations of the village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- C. The connection of said building sewers to the public sewers shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code and all other applicable rules and regulations of the village, and in the absence of code provisions or in amplification thereof, the procedure set forth in appropriate specifications of A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such sanitary sewer connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village Inspector before installation.

**§ 97-10. Permit required.**

No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Sewer Inspector.

**§ 97-11. Street opening permit.**

No person shall open any highway or public grounds for the purpose of making any sewer connection, public or private, until the proper street opening permit has been procured in addition to a public sewer connection permit.

**§ 97-12. Separate connection for each building.**

Each building in the area served by a public sanitary sewer must be connected separately and independently with the said sewer through a building sanitary sewer. Grouping of buildings on one (1) building sewer will not be permitted except by special permission of the Village Board, subject to such terms and conditions as may be appropriate under the circumstances. The same restrictions shall apply to public storm sewers and building storm sewers.

**§ 97-13. Use of old building sewers.**

Old building sanitary sewers may be used in direct or indirect connection with the new buildings or new public sanitary sewer connections only when they are found, on examination and test by the Sewer Inspector, to meet all requirements of this Part 1 of this chapter and the applicable building construction codes. The same restrictions shall apply to a building storm sewers to be connected to public storm sewers, directly or indirectly.

**§ 97-14. Gravity flow; use of lift.**

Whenever possible, the building sanitary sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building sanitary drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by such building sanitary drain shall be lifted by an approved means and discharged through the building sanitary sewer.

**§ 97-15. Surface water.**

No person shall make any connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater, or drainage from roofs, cellars, yards, springs, wells, swimming pools, roadways, subsurface drainage, cooling water, air-conditioning and refrigerator wastewaters or unpolluted industrial process waters to a building sanitary sewer or building sanitary drain which in turn is connected directly or indirectly to a public sanitary sewer. Unpolluted stormwater and all other unpolluted drainage should be discharged into storm sewers and a public storm sewer as designated by the Village Sewer Inspector or to a natural outlet after approval by the Sewer Inspector and other local or state regulatory agency having jurisdiction. Other uncontaminated wastewaters, process or cooling waters shall be discharged only after specific application for a proposed system for same is approved by the Village Board, and the application for said permission shall be made through the Sewer Inspector.

**§ 97-16. Excavations.**

- A. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- B. Rock excavation. Where rock is found in a trench, it shall be taken out at least four (4) inches below the bottom of the pipe and the space filled with sand, gravel or other suitable material, thoroughly compacted. No blasting shall be done within five (5) feet of public or private sewers without special permission from the Village Board. Any blasting shall be undertaken with utmost care to prevent damage or injury to the public sanitary or storm sewer system and other public and private property and persons. Where the State Building Construction Code<sup>2</sup> has different requirements, the more restrictive demands shall be followed. Even where permission is granted, a suitable bond shall be posted with the village to protect and indemnify the village from any loss or damage that may result directly or indirectly as a result of the blasting operation.
- C. Debris. In removing plugs, making connections and in all installations involving public sewers, the greatest care must be taken to prevent entrance of any debris, dirt or sand into the sewer system.
- D. Wherever applicable and wherever public property is to be disturbed in any way, such as streets, sidewalks, parkways, etc., the provisions of the Cold Spring Street Opening Law<sup>3</sup> shall be followed and the necessary permits procured.

**§ 97-17. Industrial waste.**

No industrial waste of any kind shall be discharged into the public sewers in the Village of Cold Spring except by special permission of the Village Board. See Article VII herein on said subject.

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<sup>2</sup> Editor's Note: See Ch. 40, Building Construction.

<sup>3</sup> Editor's Note: See Ch. 108, Streets and Sidewalks, Part 1.

**§ 97-18. Additional requirements.**

Nothing herein contained shall be construed to interfere with any other or additional requirements contained in applicable codes or as determined by other municipalities or agencies having jurisdiction hereof.

**§ 97-19. Modifications.**

The foregoing requirements may be modified, expanded or increased by the village wherever it is determined advisable to do so in the exercise of good judgment.

#### **ARTICLE IV Use of Public Sewers**

**§ 97-20. Waters excluded from sanitary sewers.**

No persons shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cellar drains, springs, wells, swimming pool drains, uncontaminated cooling water or unpolluted industrial process waters to any public sanitary sewer.

**§ 97-21. Discharge of stormwater.**

Stormwater and all unpolluted drainage shall be discharged only to such building storm sewers or public storm sewers or natural outlets as approved by the Sewer Inspector.

**§ 97-22. Industrial waste.**

Industrial cooling water or unpolluted process waters or any other type of industrial waste may only be discharged in a manner approved by the Village Board, and application for said permission shall be made through the Sewer Inspector.

**§ 97-23. Prohibited discharges into sanitary sewers.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to or into any public sanitary sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by intersection with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving of waters in the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sanitary sewer.
- C. Any waters or wastes having a pH lower than five point five (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- D. Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, flushable wipes, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- E. Any overflow or drainage from private sewage disposal systems, manure pits or from other places or receptacles storing or constructed to store organic wastes.
- E.F. Any medications, whether prescription, over-the-counter or pharmaceutical.

**§ 97-24. Discharge subject to review. [Amended 7-17-01 by L.L. 2001-08]**

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Sewer Treatment Plant Operator or village that such wastes can harm either the public sanitary sewers, sewage treatment works, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his/her opinion as to the acceptability of these waters, the Sewer Treatment Plant Operator will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. Wherever the Sewer Treatment Plant Operator has any doubt, the matter shall be referred to the Village Board of Trustees for decision. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 ° F) sixty-five degrees centigrade (65° C)].
- B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter, or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (32° and 150° F) [zero degrees and sixty-five degrees centigrade (0° and 65° Centigrade)].
- C. Any garbage that has not been properly shredded and flushed with an ample supply of water. Use of mechanical grinders producing a finely divided mass, properly flushed with an ample quantity of water, is permitted, provided the result is properly shredded garbage. The installation and operation of any garbage grinder with a motor of three fourths (3/4) horsepower or greater shall be subject to review and approval of the Sewer Treatment Plant Operator.
- D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the treatment works exceeds the limits established by the Superintendent for such materials.

- F. Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations as may exceed limits which may be established by the Sewer Treatment Plant Operator as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the village in compliance with applicable state or federal regulations.
- H. Any waters or wastes having a pH in excess of nine point five (9.5).
- I. Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- J. Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**§ 97-25. Action after review.**

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in the prior section of this Article and which, in the judgment of the Sewer Treatment Plant Operator, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Sewer Treatment Plant Operator may: **[Amended 7-17-01 by L.L. 2001-08]**

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sanitary sewers.
- (3) Require control over the quantities and rates of discharge.
- (4) Refer the matter to the Village Board of Trustees with recommendations.

The village may require additional payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of local law.

- B. If the Sewer Inspector or Village Board permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to review and approval by village representatives and subject to the requirements of all applicable codes, ordinances and laws.

**§ 97-26. Grease, oil and sand interceptors.**

Grease, oil and sand interceptors or separators shall be provided when, in the opinion of the Sewer Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. All interceptors or separators shall be of a type and capacity approved by the Sewer Inspector and shall be located as to be readily and easily accessible for cleaning and inspection. Furthermore, the volume and standards for such wastes shall be subject to the approval of the Sewer Inspector and Village Board.

**~~§ 97-26. Grease, oil and sand interceptors~~ [Added 5-27-03 by L.L. 2003-02]**

Interceptors must be cleaned at least every seven calendar days. Permanent record of cleanings showing date of cleaning and person performing cleaning must be maintained by business operator or property owner and be available for inspection on demand by Wastewater Plant Operator, Sewer Inspector and/or Building Inspector.

Failure to clean interceptor or maintain permanent record is subject to fine of \$25.00 per instance of failure to clean and \$25.00 per instance of failure to maintain record of cleaning. Continued failure to clean/maintain may result in additional fines of up to \$250.00 per instance and action under Section 97-25. **[Added 5-27-03 by L.L. 2003-02]**

**§ 97-27. Preliminary treatment or flow-equalizing facilities.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

**§ 97-28. Control manhole for industrial wastes.**

Where the Village Board has approved the carrying of industrial wastes, the Board may require the owner of the property serviced by a building sewer carrying such industrial wastes to install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Sewer Inspector. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

**§ 97-29. Measurements, tests and analyses.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Part 1 of this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Waste Water, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally,

but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

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**§ 97-30. Special agreements for industrial wastes.**

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the village and any industrial concern or any person whereby an industrial waste of unusual strength or character may be accepted by the village for treatment, subject to payment therefor by the industrial concern or person and subject to special conditions that may be established in connection therewith.

**§ 97-31. Prohibited connections.**

No private sewage disposal system shall be connected directly or indirectly with a public sanitary sewer, nor shall any building sanitary sewer connected with a public sanitary sewer also be connected with any privy vault, septic tank, cesspool or underground drain or with any channel conveying water or filth, except such soil pipes and other plumbing works as shall have been inspected and approved by the Sewer Inspector or by the village.

**ARTICLE V**  
**Protection From Damage**

**§ 97-32. Tampering with system prohibited.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

**ARTICLE VI**  
**Administration**

**§ 97-33. Sewer Inspector.**

- A. Appointment. The Village Board shall appoint a Sewer Inspector, who will be the authorized representative of the village in the administration and enforcement of this Part 1 of this chapter.
- B. Duties. The Sewer Inspector shall have powers reasonably necessary to carry out his/her duties; receive and review all applications for sewer connections; issue permits and certificates of compliance; inspect, approve or disapprove all proposed, pending and completed sewer connections; see

that violations are corrected; report to the Village Board all permits, denials, recommendations, certificates of compliance, violations and

enforcement action; and generally administrate and enforce the provisions of this Part 1 of this chapter.

- C. Records. The Sewer Inspector shall maintain records of all applications received, denials, permits, certificates of compliance, violations and enforcement proceedings.

#### **§ 97-34. Procedure for connections.**

- A. Licensed plumbers. All public sanitary or storm sewer connections and work incidental thereto must be performed by or under the direction of a plumber licensed to perform work in the County of Putnam and authorized by the Village Board to make public sewer connections in the Village of Cold Spring.
- B. Authorization to make connections. Before any licensed plumber is authorized to make public sewer connections in the Village of Cold Spring, he/she shall apply for such authorization to the Village Board on forms provided by the Board.
- C. Bond. Each applicant for authorization to make public sewer connections shall file with the Village Board as part of his/her application a deposit of twenty thousand dollars (\$20,000) or a bond in the sum of twenty thousand dollars (\$20,000), issued by a surety company authorized to do business in the State of New York, in form acceptable to the Village Board. Said deposit or bond shall be conditioned to save harmless the Village of Cold Spring from any and all damage or injury arising out of or in connection with any and all work done by such authorized licensed plumber or his/her agents or employees in and about any public sewer lines or any appurtenances or appendages thereof. Upon the breach or default by any licensed plumber authorized to make public sewer connections of or in any of the terms, agreements, covenants and conditions of any permit issued to make connection to a public sewer or of any requirements of this Part 1 of this chapter or any other local law, ordinance or regulation of the Village of Cold Spring, or upon causing any damage or expense to the village or its property in the course of said work, said deposit or bonded amount may be used by the village for any expense incurred as a result thereof. Any balance not expended shall be refunded, and any deficiency shall be paid by said authorized licensed plumber.  
[Amended 7-17-01 by L.L. 2001-08]

- D. Fees and amount of bond. A fee for the issuance of such authorization to a licensed plumber shall accompany the application, in an amount established by resolution of the Village Board. The amount of said fee and the amount of the aforesaid deposit or bond may be amended from time to time by resolution of the Village Board.

**§ 97-35. Applications and permits; inspections; fees.**

- A. Permits and applications. Sewer connections shall be made and service furnished only after written application by the owner of the property or his duly authorized agent to the Village Board or its representative has been approved. The applications shall indicate the location of the property, the purpose for which the service will be used and contain the name, address, license and signature of the qualified plumber who is to be completely responsible for the street opening, connection, and arrange for Village inspection and closing of the street. All applications and subsequent use by the applicant of the sewer and facilities shall be subject to all rules and regulations of the Board. Sewer connections and sewer pipe shall be installed at the owner's expense. Such permit shall be kept at the site of the work and be available for inspection by any representative of the village. **[Amended 7-17-01 by L.L. 2001-08]**
- B. Notices and inspections. The village or its representative shall be notified at least twenty-four (24) hours before the beginning of any work upon building sanitary or storm sewers or upon public sanitary or storm sewers or upon connections involving same. Such notice shall be in writing and shall state the time of commencement of such work. No connection shall be made, no trench shall be filled, nor any part of pipe or fittings covered until notice has been given to the village or its representative that the work is ready for inspection and such inspection has been made. Every such inspection shall be made as soon as practicable after receipt of notice by the village to enable the proper tests to be made to the pipe or fittings. The authorized person doing the work shall furnish all necessary tools and labor for the required tests by the village and shall remove any defective material or repair any work improperly done without expense to the village.
- (2) No public sewer connections of any kind shall be opened or made, or pipe laid, or building sewer installed, except under inspection of the village or its authorized representative. All work of laying building sewers and public sewer connections shall be done in such

manner and at such times as to minimize interference with public travel and convenience.

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(3) The village, its duly authorized employees and representatives of the governmental bodies, departments and agencies having jurisdiction over sewers shall be permitted, with proper credentials and identification, to enter on any property at reasonable hours for the purpose of inspecting, measuring, sampling, testing, repairing, disconnecting or for any purpose reasonably necessary to carry out and enforce the provisions of this Part 1 of this chapter.

- C. Street opening permits. No permit granted under this Part 1 of this chapter shall be construed to permit any interference with or disturbance of any state, county, village or municipal highway pavement, or any excavation in any road, street or public place within the village, unless a street opening permit for same has been specifically procured. No sewer permit shall be granted for any public street or public place until the applicant shall have first obtained from the State or County Highway Department or from the Village of Cold Spring a street opening permit for same in accordance with the requirements of the municipality and Highway Department having jurisdiction and the law or ordinance applicable thereto.
- D. Certificate of compliance. No public sanitary or storm sewer connections shall be covered, backfilled or used until finally inspected by the representative of the village and a certificate of compliance has been issued.
- E. Fees. A fee for the issuance of a public sanitary or storm sewer connection permit or for a permit to do any work involving installation and repair of building sanitary or storm sewers and for a certificate of compliance shall be submitted with the application in such amount as may be established from time to time by resolution of the Village Board. The fee can be found in the “Master Fee Schedule”.
- F. Insurance. No permit for a public sanitary or storm sewer connection shall be issued until the applicant shall file with the village satisfactory evidence of insurance coverage in the form and amounts not less than that required for street openings under the Cold Spring Street Opening Law.<sup>4</sup>

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<sup>4</sup> Editor's Note: See Ch. 108, Streets and Sidewalks, Part 1.

**§ 97-36. Violations.**

- A. Notice of violation. Whenever the Sewer Inspector has reason to believe there exists a violation of this Part 1 of this chapter or other laws, ordinances or regulations applicable to requirements of this Part 1, he/she shall post a notice of violation at the location of the violation and serve or mail a copy thereof to the owner, lessee or applicant involved (using the address of the premises or the address contained in village records for said owner, lessee or applicant). He/she shall order compliance with the law, ordinance or regulations involved, and whenever he/she deems it advisable or necessary, he/she may include in said notice an order for all work to be stopped pending compliance with the law, ordinance or regulation being violated. Failure to abide by said notice shall be deemed a separate violation of this Part 1 of this chapter.
- B. Stopping improper use. The Sewer Inspector or any other authorized representative of the village may, at any time, stop and prevent the discharge into public sewers of any substance which he/she or it considers may injure the public sewers or sewage works or interfere with their proper and legal operation or obstruct the flow or hinder any process of sanitary sewage treatment, and may, at any time, in his/her discretion, sever the connection and cause the removal of any tributary building sewer or building drain through which such detrimental substances are discharged. Wherever reasonably possible, no action will be taken by the village or its representatives to implement the foregoing provision unless the owner is given at least forty-eight (48) hours notice in writing, stating the action to be taken and the grounds therefor, except that such notice shall not be required if immediate action is necessary to prevent injury to the public sewers or sewage system or to any part thereof or such notice cannot reasonably be given to the owner.

## **ARTICLE VII Industrial Waste**

### **§ 97-37. Unlawful discharge.**

It shall be unlawful for any person to discharge any industrial waste into any portion of a public sanitary sewer or public storm sewer in the Village of Cold Spring except where the waste, its volume and treatment have been specifically approved by the Board of Trustees of the village.

### **§ 97-38. Special permits.**

All introduction of industrial wastes into any public sanitary or storm sewer or into the sewerage system of the Village of Cold Spring shall be by special permit from the Village Board of Trustees and subject to the terms and conditions of said special permit or according to the terms and conditions of such special agreement or arrangement made in connection therewith between the Board of Trustees and the owner.

### **§ 97-39. Prohibitions.**

In no event shall industrial waste be admitted to any public sanitary or storm sewer or to any part of the sewerage system which may interfere with or damage the sewer system or any of its appurtenances or which may contravene the classification and standards required for the proper handling of sewage and waste according to the regulations of the New York State Department of Environmental Conservation (formerly Department of Health). Nor shall any discharge of industrial waste be permitted without approval by the state, county and other municipal authorities having jurisdiction thereof.

### **§ 97-40. Special permits for private disposal.**

It shall be unlawful, except by special permission of the Village Board, to construct or maintain any septic tank, cesspool or other facility intended or used for the disposal or treatment of industrial wastes, and any such permission from the Village Board shall be subject to the approval of the New York State Department of Environmental Conservation, the Putnam County Board of Health or other authorities and agencies having jurisdiction thereof.

## ARTICLE VIII

### Penalties

#### § 97-41. Penalties for offenses.

Any person who violates or fails to comply with any provision of this Part 1 of this chapter shall, upon conviction thereof, be guilty of a violation and be subject to a fine not exceeding two hundred fifty dollars (\$250) or to imprisonment for not more than fifteen (15) days, or punished by both such fine and imprisonment.

#### § 97-42. Liability for expense, loss or damage; penalty.

Any person violating any provision of this Part 1 of this chapter or who shall maliciously, willfully or negligently break, damage, destroy or, without proper authority, uncover, deface or tamper with any structure, pipe, appurtenance or equipment which is part of the village public sewers or part of the village sewer system, shall be liable to the village for any expense, loss or damage occasioned to the village thereby and also shall pay to the Village of Cold Spring an equal amount of such loss, damage or expense as a penalty in addition to other penalties provided.

#### § 97-43. Continuing violations.

Whenever any person shall have been notified in writing by the village that he/she is violating the provisions of this Part 1 of this chapter or of any permit issued hereunder, or is served with a summons or warrant accusing him/her thereof, each day that he/she shall continue such violation after such notification or service shall constitute a separate, additional violation, punishable by a like fine or penalty.

#### § 97-44. Additional remedies.

Notwithstanding the penalties herein provided, the village may maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of any provision of this Part 1 of this chapter.

#### § 97-45. Remedies not exclusive.

The foregoing provisions for the enforcement of the regulations in this Part 1 of this chapter are not exclusive but are in addition to any and all other remedies and laws applicable thereto.

**Part 2**  
**Sewer Rents**  
**[Adopted 6-13-72 as L.L. No. 2-1972]**

**ARTICLE IX**  
**Sewer Rents**

**§ 97-46. Definitions.**

A. Definitions. As used in this Part 2 of this chapter, the following terms shall have the meanings indicated:

**INDUSTRIAL WASTE** - The liquid wastes from industrial processes, trade or business as distinct from sanitary sewage.

**PART** - As used in relation to the term "sewer system," means all lateral sewers or all branch sewers or all interceptor sewers or all trunk sewers and any sewage treatment and disposal works, each part with necessary appurtenances, including pumping stations.

**SANITARY SEWER SYSTEM** - All sewer pipes and other appurtenances which are used or useful in whole or in part in connection with the collection, treatment or disposal of sewage, industrial waste and other wastes and which are owned, operated or maintained by the Village of Cold Spring, including sewage pumping stations and sewage treatment and disposal works, if any.

**SEWAGE** (sometimes termed "domestic sewage" or "sanitary sewage") A combination of the waterborne wastes from toilets, sinks, laundry or bath tubs, shower baths or equivalent plumbing fixtures. Industrial wastes, cooling water and unpolluted process waters, stormwater, rainwater, surface water, groundwater, and drainage and flow from roofs, cellars, yards, springs, wells, swimming pools or roadways are not "sewage" and are prohibited from entry into the public sanitary sewer, except by special permission of the Village Board. Where special permission of the Village Board is given for those items in the previous sentence to enter the public sanitary sewer, said items shall be considered "sewage" within the meaning of this Part 2 of this chapter.

**SEWER RENTS** - A scale of annual charges established and imposed in the Village of Cold Spring for the use of the sanitary sewer system or any part or parts thereof.

- A. Other definitions pertaining to the sanitary sewer system and the application of this Part 2 of this chapter shall be those set forth in Part 1 of this chapter and in the New York State Sewer Rent Law (Article 14F of the General Municipal Law).

**§ 97-47. Rental units.**

Rental units shall be determined as follows:

- A. Every connection to the sanitary sewage system or to any part thereof shall constitute one (1) or more rental units in accordance with the following schedule:

**Use****Rental Units**

One-family dwelling, a trailer, a mobile home and each apartment in a building designed or used for occupancy by 1 or more families,  
 Hotel, ~~motel and~~ boatel

1 each  
 1 unit or every 2 rental accommodations

Club, Service organizations, not-for profit corporations  
 Hospital or nursing home

2 each  
 1 unit per  $\frac{3}{4}$  bed

~~Boarding or lodging house~~ Overnight Accommodations  
 unit per 2 sleeping rooms for rental

~~$\frac{1}{4}$~~  1

Restaurant with bar  
 Restaurant without bar, luncheonettes and diners  
 Bars and saloons  
 Schools with cafeterias and gymnasiums  
 Other schools  
 Church  
 Rectory  
 Meeting Room  
 Retail store  
 Service establishments, including, but not limited to barbershops, undertakers cleaners, etc.  
 Beauty Parlors

4 each  
 3 each  
 2 each  
 1 unit per 15 pupils  
 1 unit per 25 pupils  
 1 each  
 1 each  
 2 each  
 1 each  
 1 each  
 1 unit plus  $\frac{1}{4}$  unit for each service chair over 2  
 2 each

Dental offices  
 Business, commercial and professional offices (other than dental) with private lavatory

1 each

Use	Rental Units
Business, commercial and professional offices (other than dental) with shared lavatories	1 unit for each 2 lavatories
Gasoline service station	1.5 each
Automobile sales offices with garage	1.5 each
Supermarket and large food stores	4 each
Laundromat	1 unit per 2 washing machines
Manufacturing or industrial plant	1 unit per each lavatory or 1 unit per 20 employees, whichever unit count is higher
Cafeterias within manufacturing or industrial plants, schools, business etc., operated for employees and students	3

- B. Any connection to the sewer system or to any part thereof not mentioned in the foregoing schedule shall constitute that number of rental units determined by the Village Board by resolution.
- C. In the event any parcel of real property in its entirety falls within more than one (1) of the above classifications, that classification which produces the greatest number of rental units shall be the one applicable. In the event any parcel of real property is divisible into two (2) or more classifications, the number of rental units in each classification shall be determined and the total thereof shall constitute the number of rental units applicable to the entire parcel.
- D. Additional categories with designation of rental units may be added to the above list by resolution of the Village Board of Trustees.

- E. The above rental unit count is assigned as a minimum standard. Where unusual situations pertain or where strict application would result in practical difficulty or unnecessary hardship, or where strict application would not result in a fair and reasonable assignment of units, the Board of Trustees reserves the right to review the assignment of rental units in such cases and increase or reduce the amount thereof by resolution of the Village Board.

**§ 97-48. Establishment of sewer rents.**

Sewer rents are hereby established and imposed for the sewer system in the Village of Cold Spring.

**§ 97-49. Determination of annual rent.**

The Village Board shall ~~annually~~-fix and determine the amount of the sewer rent to be charged for each rental unit in the Village of Cold Spring from time to time. The sewer rent shall be found in the Master Fee Schedule.

**§ 97-50. Payment of rents; statements.**

- A. Sewer rents shall become due and payable quarterly on July 15, October 15, January 15 and April 15 of each fiscal year of the village with respect to all properties subject thereto, commencing July 15, 1972. Sewer rents shall be paid within thirty (30) days after each such quarterly due date. In the event that payment is not made within the said thirty ~~(30)~~-day period, then a penalty of twelve percent (12%) shall be added to the said sewer rent and billed with the next sewer rent due for said property. **[Amended 7-17- 2001 by L.L. 2001-08]**
- B. The Village Board shall cause statements to be prepared setting forth the amount of the sewer rent for each of the properties subject thereto commencing as of July 15, 1972, and the name of the person or party in whose name the real property is assessed.

**§ 97-51. Sewer Rent Fund.**

Revenues derived from the sewer rents shall be credited to a special fund to be known as the "Sewer Rent Fund," and a separate Sewer Rent Fund shall be created and maintained for the village. Money in such fund shall be used as authorized by the Sewer Rent Law of the State of New York.

**§ 97-52. Enforcement.**

Sewer rents shall constitute a lien upon the real property served by sanitary sewers, and such a lien is prior to and superior to every other lien or claim, except the lien of an existing tax, water rent or local assessment. The collection of arrears in sewer rents, including penalties and interest, may be collected in any manner authorized by the Sewer Rent Law of the State of New York as set forth in Article 14F of the General Municipal Law and as authorized by § 279 of the Village Law of the State of New York.

**Part 3**  
**Use by Nonresidents**  
**[Adopted 2-8-83 as L.L. No. 2-1983]**

**ARTICLE I**  
**Procedures for Regulation**

**§ 97-53. Powers of Board; disconnection.**

- A. The Mayor and Board of Trustees are hereby authorized to exercise the powers of the Board of Sewer Commissioners in exercising the powers granted in Village Law § 14-1404.
  - (1) The Board may sell to a corporation, or to an individual, the right to make connection with its sewerage system for the purpose of discharging sewage or wastewater therein from outside the village limits, and fix the term, consideration and conditions therefor. The term "corporation" shall mean a corporation as defined in § 102 of the Business Corporation Law.

- (2) All new connections, and the continuance of all connections previously allowed, shall be subject to the following conditions:
- (a) The Board shall not sell nor permit the use of its sewerage system under this section if thereby such system will be adversely affected or rendered inadequate for the village or its inhabitants.
  - (b) If it is found by the Board that any existing connection or connections from outside the village are having an adverse impact on the sufficiency of the Cold Spring Sewer System or may be rendering the existing sewer system inadequate for the village or its inhabitants, the Board shall terminate such service on not less than sixty (60) days' notice. Notice shall be served either personally or by registered mail on the owner of the premises at the property address and at any other last known address. Service by registered mail shall be accompanied by posting the notice on the entry of the premises. Personal service shall be complete upon delivery. Service by registered mail shall be complete three (3) days after mailing.
  - (c) Termination. All outside connections may be terminated by either the connecting user or the Village of Cold Spring upon giving reasonable notice to the other party. The connecting user may terminate the service upon giving thirty (30) days written notice to the village at the Village Office, Main Street, Cold Spring, New York. The Village of Cold Spring may terminate the service upon giving one hundred eighty (180) days<sup>2</sup> notice in the manner set forth in Subsection , A (2)(b) above; provided, however, that if the termination is based upon the grounds set forth in Subsection A (2)(b) or on the grounds of nonpayment as set forth in Subsection B hereof, the shorter notice periods in the applicable section shall apply.

(d) Consideration.

[1] For all new connections the Board shall impose a connection fee as may be set from time to time by the Board by resolution, and shall also require a deposit in an amount to be set from time to time by the Board of Trustees as security for prompt payment of sewer charges. If the Village Treasurer invests these funds, the interest shall be credited to the user.

[2] Payment of sewer rents. The continuance of all outside sewer connections shall be conditioned upon prompt payment of sewer rents imposed by the Village of Cold Spring.

[3] In the event of nonpayment of sewer rents, sewer service shall be discontinued upon the terms set forth in Subsection B.

(e) Other conditions. In allowing any new connections to the Cold Spring Sewer System, the Board may impose such additional conditions as it finds to be appropriate. All outside users of the sewer system shall be promptly notified of any such conditions.

B. All persons outside the Village of Cold Spring refusing or neglecting to pay sewer rents will be liable to have the sewer disconnected under the following provisions:

- (1) Upon certification by the Village Clerk that a nonresident user of the sewer is delinquent in payment of sewer rents, the Board of Trustees, acting as the Board of Sewer Commissioners may, by resolution, authorize the enforcement of the payment of sewer rents by disconnecting the sewer system

- (2) The resolution of the Board of Trustees, acting as the Board of Sewer Commissioners, shall set forth the name and address of the proper person, the amount of delinquent sewer rents, and shall authorize the sending of a notice and the implementation of the procedures set forth below.
- (3) The term "proper person" means:
- (a) Either the owner of the premises where service is rendered or, in lieu thereof, the person, firm or corporation to whom or which the last preceding bill has been rendered and from whom or which the village has received payment therefor;
  - (b) The superintendent or other person in charge of the building or premises where service is rendered, if it can be readily ascertained that there is such superintendent or other person in charge; and
  - (c) The tenants of any multiple dwelling where service is rendered.
- (4) The term "address of such proper person or persons," as that term relates to the persons indicated in Subsection B (3) of this section, means the address where service is rendered, except that if the proper person has specified to the village in writing an alternate address for billing purposes, such term shall refer to such alternate address.
- (5) Method of service of notice.
- (a) Notice of the determination of the Village Board, acting as the Board of Sewer Commissioners, shall be given to the proper person, either personally or by both of the following:
    - [1] Posting the notice on the doorway of the premises; and

[2] Depositing the notice by registered mail directed to the proper person at his address.

- (b) If service is made by registered mail, service shall be deemed complete three (3) days after mailing. Personal service shall be complete upon delivery.
- (6) The notice shall provide the proper person with an opportunity to meet informally with the Mayor to discuss any disputes concerning the amounts owing.
- (7) The notice shall also provide that the Village Board of Trustees, acting as the Village Board of Sewer Commissioners, will meet on a stated date prior to the proposed sewer disconnection date, to conduct a hearing to further consider the proposed disconnection of the sewer and to provide the proper person with a full opportunity to be heard. The Board shall have the right by resolution to designate a committee of the Board, or a hearing officer to conduct such hearing.
- (8) Such notice by the Board shall also provide that the proper person will be given the opportunity to avoid the disconnection of the sewer system by paying the full amount due, with any applicable penalties, at the Village Office prior to the time of disconnection.
- (9) The notice sent to the proper person shall set forth the date of the scheduled disconnection of sewer service. That date shall be at least twenty (20) days from the date the notice is served.
- (10) The date set for the proposed disconnection of sewer system shall be any Monday, Tuesday, Wednesday or Thursday between the hours of 8:00 a.m. and 6:00 p.m.; provided, however, that the proposed date of disconnection shall not be on a public holiday as enumerated in the General Construction Law.
- (11) The notice shall be substantially in the following form:

NOTICE OF TERMINATION  
OF SEWER SERVICE

Dated:

To: ..... (name)  
..... (address)  
.....

Please take notice that the Village of Cold Spring records show that you have failed or refused to pay sewer rents justly due to and billed by the Village of Cold Spring since your last payment on.....(date), and the amount of \$ .....is now due and owing.

Please take further notice that because of this nonpayment, the Village of Cold Spring will terminate your sewer service by disconnecting your system on ..... [date of a Monday, Tuesday, Wednesday or Thursday at least twenty-three (23) days from the date notice is to be served]. Termination will take place between 8:00 a.m. and 6:00 p.m. After disconnection, the village may refuse you the privilege of reconnection. If the Board does allow you to reconnect, it will require that you pay the entire outstanding balance with any applicable penalties and make a deposit in an amount equal to the annual sewer rent for each unit as security against further delinquency, prior to allowing reconnection. After disconnection, if you reconnect to the sewer system without permission of the Village Board, you will be prosecuted for a violation of Local Law No. 2 of the year 1983 of the Village of Cold Spring and will be subject to fine or imprisonment.

Please take further notice that you have the right to utilize two (2) separate procedures to dispute your account and show that you have not in fact failed to pay sewer rents:

First: If you wish to dispute the amount owing as stated herein, discuss your account, or present any written letters or documents concerning your account, please contact the Office of the Mayor at the Village Office (265-3611), during business hours of 10:00 a.m. to 3:00 p.m., Monday to Friday, and he will set up an informal meeting with you.

Second: The Village Board of Trustees, acting as the Board of Sewer Commissioners, will hold a hearing on this proposed disconnection on . . . . . (day of the week)..... (date) at. . . . . (time) at the Village Office, Main Street, Cold Spring, New York, at which time you will have an opportunity to be heard. You may submit any oral, written or other proof on your behalf, to show that you have not failed to pay sewer rents.

After the hearing, the Board will consider the evidence presented, and if it finds that you have actually failed or refused to pay sewer rents imposed by the Village of Cold Spring, the disconnection of your service will take place on or after the date set forth above.

If you wish you may avoid cutting off of service by paying the total amounts set forth above at the Village Office, Cold Spring, New York 10516, on or before 3:00 p.m. the business day before the date of disconnection of service.

**THIS IS A FINAL DISCONNECT NOTICE. TO AVOID INCONVENIENCE, BRING THIS NOTICE TO THE ATTENTION TO THE VILLAGE WHEN PAYING THIS BILL.**

Very, truly yours,

Village Board of Trustees/  
Board of Sewer Commissioners  
[Amended 7-17-01 by L.L. 2001-08]

## (12) Conduct of hearing.

- (a) At the date, time and place set forth in the notice, the Board or a committee thereof or a hearing officer shall hold a hearing on the proposed termination of sewer service. The hearing shall be conducted to determine whether or not the proper person has failed to pay sewer rents of the Village of Cold Spring.
- (b) At the hearing, the proper person, and any owner, tenant or other occupant of the premises, shall have the opportunity to be heard on all issues presented in the matter and shall have the right to present documentary evidence, and the statements of any person or persons on his behalf. The Board may also allow any other person to be heard with respect to the matters at issue. At the hearing, the proper person shall provide the Board with a telephone number where he/she can be reached to be informed of the Board's finding after the hearing. The Village Clerk or other designated agent shall take minutes at the hearing but a stenographic transcript shall not be required.
- (c) After the hearing, the full Board shall consider the matters raised at the hearing. If the Board finds that the proper person has in fact failed to pay sewer rents, it shall confirm the order of termination as set forth in the previous notice to the proper person and service shall be terminated. If the Board finds that the proper person has not failed to pay sewer rents, the Board may modify or rescind its prior findings and order on such terms as may be just. The Board's determination after the hearing shall be communicated to the proper person either in person or by telephone, and a copy shall also be sent to the proper person by regular mail.

- (13) Receipt of a subsequently dishonored check or other negotiable instrument in response to a notice of discontinuance shall not constitute payment of the proper person's account, and the village shall not be required to issue additional notice prior to discontinuance.
- (14) Disconnection of sewer.
  - (a) Upon a determination of the Board that the sewer should be disconnected, the disconnection shall take place on or after the date set forth in the original notice.
  - (b) Actual disconnection shall not take place until:
    - [1] It shall have verified that payment has not been received through the end of the notice period required by this chapter; and
    - [2] It shall have verified on the day disconnection occurs that payment has not been posted to the proper person's account as of the opening of business on that day.
    - [3] If necessary in order to disconnect the sewer, village personnel shall be authorized to enter the property of the proper person for the sole purpose of disconnecting the sewer system to the minimum extent necessary to make such disconnection.
- (15) Violations and penalties.
  - (a) Any person who connects to the Cold Spring Sewer System after sewer service has been disconnected under this chapter, unless a reconnection has been authorized under the provisions of Subsection B (16), shall be guilty of a violation under the Penal Law.
  - (b) A conviction of a violation under this section shall be punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment. Each week of such connection shall constitute a separate violation.

## (16) Reconnection.

(a) After sewer service has been disconnected for nonpayment, the village shall have the right to refuse to grant any application for reconnection.

(b) In the event that the Board does grant an application for reconnection, such reconnection shall not be granted unless accompanied by:

[1] Payment in full of all past due sewer rent amounts, including any applicable penalties, and;

[2] A reconnection fee. Such fee shall consist of the sum of:

[a] The actual cost to the Village of Cold Spring in disconnecting the sewer system and restoring the street, and

[b] The actual or estimated cost of reconnecting the sewer system, and restoring the street, as determined by the Board of Sewer Commissioners.

[3] A deposit fee for reconnection found in the Master Fee Schedule~~in the amount of one hundred fifty dollars (\$150)~~ to be held by the village as security for the prompt payment of future sewer rents. If the Village Clerk or Treasurer invests these deposit funds in an interest-bearing account, the interest shall be credited to the nonresident user. The Village Board may change the amount of the reconnection fee from time to time by resolution.

(c) All applications for reconnection shall be made in writing to the Board. If, after review of the application, the Board determines to grant the application to reconnect, then the Board shall inform the applicant of the amounts which must be paid under Subsection B (16)(b) prior to reconnection. Upon such payment by cash or certified check, the sewer service will be reconnected.