

Sewer Use Ordinance

**Belgrave Water Pollution Control District
Town of North Hempstead
Great Neck, New York**

Board of Commissioners

**Elizabeth L. Feaster — Chairperson
Brian J. Levings — Treasurer
John Dolan — Secretary**

Enacted: March 1989

As Amended through: May 2015

Belgrave Water Pollution Control District
Town of North Hempstead, State Of New York

This ordinance is enacted by the Board of Commissioners (the "Board") of the Belgrave Water Pollution Control District of the Town of North Hempstead, Nassau County, New York, pursuant to the provisions of Articles 12 and 13 of the Town Law and to a delegation of authority resolution adopted by the Town Board of the Town of North Hempstead pursuant to Town Law § 215(19), on March 19, 1934. The provisions of this ordinance shall govern the use of the facilities and the services of the Board of Commissioners of the Belgrave Water Pollution Control District.

Article I. — Definition of Terms

Unless the context specifically indicates otherwise, the meaning of the terms and phrases as used in this ordinance shall be as follows:

"Biochemical Oxygen Demand" or "BOD" shall mean the quantity of the oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade (68 degrees Fahrenheit) expressed in milligrams per liter (mg/ l).

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

"Building Sewer" shall mean a sewer conveying wastewater from the premises of a user to a public sewer.

"Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

"Cooling Water" shall mean the water discharged from any use to which the only pollutant added is heat, such as air conditioning, cooling or refrigeration.

"CWA" shall mean the federal Water Pollution Control Act, a/k/a Clean Water Act, at 33 U.S.C.A.

"District" shall mean the Board OF Commissioners of the Belgrave Water Pollution Control District, Town of Nonh Hempstead.

"Environmental Protection Agency or EPA" shall mean the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

"Facilities" of the District shall mean all works constructed and/or installed by or for the District for the collection, treatment and disposal of sanitary sewage.

"Garbage" shall mean solid wastes from domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"Grab Sample" shall mean a sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and without consideration of time.

"Industrial Wastes" shall mean any liquid, gaseous, solid or other waste substance or a combination thereof, resulting from any process of industry, manufacture, trade or business, or from the development or recovery of any natural resource, as distinct from sanitary wastewater.

"National Categorical Pretreatment Standard or Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with S 307(b) and (c) of the CWA, which applies to a specific category of Industrial Users.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

"Person" shall mean any individual, partnership, limited liability company, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns.

"pH" shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

"Pollutant" shall mean any chemical wastes, biological materials, radioactive materials, heat, solid material or dissolved material discharged into water.

"Pretreatment or Treatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants to the Treatment Works.

"Pretreatment Requirements" shall mean any substantive or procedural requirements related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

"Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the District or a Village served by the District.

"Sanitary Sewer" shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm, and surface water that are not admitted intentionally.

"Sewage" shall mean the usual water-carried wastes from toilets, water closets, urinals, bathtubs, shower baths, wash basins, laundry tubs, kitchen sinks, and similar plumbing fixtures installed in a building and shall not include any other liquid or solid matter whatsoever.

"Sewer" shall mean a pipe or conduit for carrying sewage or wastewater.

"Shall" is mandatory; "May" is permissive.

"Slug" shall mean any discharge of water, sewage or industrial waste from a building sewer into a public sewer which for a period of time greater than fifteen (15) minutes: (a) has a concentration of any given constituent therein exceeding five (5) times the average concentration of such constituent in said discharge, or (b) has a volume of flow exceeding five (5) times the average volume of flow for such a discharge. The average concentration of any given constituent and the average volume of flow shall mean the average determined by the District over a 24 hour period during normal operations.

"SPDES Permit" shall mean the State Pollutant Discharge Elimination System Permit issued by the New York State Department of Environmental Conservation pursuant to Title 7 and 8 of Article 17 of the Environmental Conservation Law.

"Storm Water" shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

"Superintendent" shall mean the Superintendent of the Belgrave Water Pollution Control District, or his authorized deputy, agent or representative.

"Suspended Solids" shall mean the suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquids and which is removable by laboratory filtering.

"Toxic Pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a).

"User" shall mean any person who contributes, causes or permits the contribution of wastewater into the sewer system of the Belgrave Water Pollution Control District.

"Wastewater" shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the sewer system.

"Water Pollution Control Plant" shall mean an arrangement of devices and structures for the control of waterborne pollution.

Article II. — Use of the Public Sewers Required

1. The owner of every house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the District 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 sanitary sewer of the District is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within ninety (90) days after the date of official notice to do so. No Private sewage disposal systems are permitted in the District.

2. All applications to construct, install, alter, replace, modify, or change a building sewer, shall be made and submitted to the District in writing, upon the form provided for such purpose by the District. The permit fee, in the amount stated on the application form, as established by resolution of the Board as adopted from time to time, shall accompany such application.

3. No work shall be commenced on any building sewer until the permit applied for has been issued by the District, and in any event, such commencement shall be preceded by three (3) days notice to the District of intent to commence.

4. The owner shall obtain all necessary permits to open any highway for the connection to the sewer main, and shall be responsible for all damage to persons or property occasioned by such opening. Sidewalk, curb and pavement replacement shall conform to the requirements of the authority having jurisdiction of the area involved.

5. It shall be the responsibility of the owner of a house, building or property (herein referred to as the owner's property) served by a public sewer to maintain the entire length of the building sewer free and clear of all obstructions. It shall also be the responsibility of said owner to make all necessary repairs to, and to replace as necessary, those sections of the building sewer which are on the owner's property and those sections of the building sewer which are between the owner's property and the District sewer main to which such building sewer connects, including without limitation, all portions that lie under sidewalks, curbs and paved public or private roads.

6. All private sewer systems must be discontinued when the property it serves is connected to a public sewer in accordance with the requirements of the Nassau County Department of Health. All cesspools, including precast, leaching pools and septic tanks, etc. must be backfilled so there is no potential of collapse.

7. No permits for such work shall be issued and no work pursuant to a permit shall be continued unless the applicant shall be in compliance with the indemnification, insurance and security requirements of the District.

Article III. — Building Sewer Construction Specifications:

1. All work shall conform to the plumbing code of the municipal subdivision having jurisdiction which includes, but is not limited to:

The Town of North Hempstead

The Incorporated Village of Great Neck Plaza
The Incorporated Village of Thomaston
The Incorporated Village of Russell Gardens
The Incorporated Village of Lake Success

2. Only those persons licensed to perform plumbing in the Town of North Hempstead and/or applicable municipal subdivision above listed, shall be authorized to perform such plumbing and/or make connections to the public sewer.
3. The point of connection to the sewer main shall be as designated by a representative of the District. The building sewer shall run directly from said point to the sanitary sewage outlet of the connected building.
4. The building sewer shall be extra heavy cast-iron soil pipe conforming to ASTM specification A74-69; PVC Sewer Pipe meeting the requirements of ATSM specification D-3034 (SDR 35) Type PSM Polyvinyl Chloride, or equal; or other suitable material approved by the Superintendent. All joints shall be water tight and gas tight.
5. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than five (5) inches. The slope of said pipe shall be not less than one quarter (1/4) inch per foot, unless approved by the Superintendent.
6. The building sewer shall have a proper clean out provided on the street side of the housetrap at a location designated by the Superintendent.
7. No part of the building sewer shall be covered with backfill until it has been inspected by a representative of the District. The actual connection to the sewer main or manhole of the District shall be made only in the presence of, and in the manner directed by, said representative.
8. All excavation and backfilling adjacent to any part of the street sewer system shall be done by hand labor only, and the trench backfill shall be hand tamped, to a depth of two (2) feet over the top of the pipe.
9. Shoring or sheeting shall be installed in the building sewer excavation in accordance with requirements of the Federal Occupational Safety and Health Administration and the State Labor Laws. If so ordered by a representative of the District, such shoring or sheeting shall be left in place, and cut off two (2) feet below the surface of the ground.
10. Whenever the representative of the District considers that the bottom of any trench is too unstable to support the sewer line to be installed therein, he may require that a suitable foundation be first installed in such trench.

11. When, in the opinion of the Board, any extraordinary conditions exist, the Board shall determine the specifications and methods under which sewer connections shall be made, or building sewers installed.

Article IV. — Prohibited Detrimental Wastes

The following detrimental wastes and substances shall not be discharged into any building sewer, or any portion of the sewerage system of the District:

1. Stormwater, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water.
2. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Article I.
3. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
4. Any solids, liquids or gases, which alone or by reaction with other substances shall cause fire, and/or explosion, or in any way, be injurious to persons, property, or the facilities of the District, or to the operation and/or process of the District treatment plant.
5. Any noxious and/or malodorous solids, liquids or gases, which alone or by reactions with other substances, will create a public nuisance or hazards to persons or prevent entry to either the sewerage system and/or treatment facilities of the District by District personnel or personnel of public emergency forces.
6. Any solids, greases, slurries or viscous material, that is capable of obstructing flow in either the sewerage system or treatment facilities of the District, or interfere with the operation and/or processes at the District treatment plant. This includes, but is not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal entrails or tissues, paunch manure, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, glass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt, residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
7. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic affect in the receiving waters, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to S 307 (a) of the CWA.

8. Any liquids having a pH lower than 5.5 or greater than 8.5, or having a corrosive ability of causing damage to any District sewerage or treatment facility.
9. Any liquid or vapor having a temperature greater than 150 degrees Fahrenheit.
10. Any wastes containing more than 100 ppm by weight, of fats, oils or greases.
11. Any wastes from gasoline or diesel engine cleaning operations.
12. Paints, paint solvents or paint wastes.
13. Any plating bath wastes, sulfides, formaldehyde and carbide wastes.
14. Wastes containing over 10 ppm of hydrogen sulfide, sulfur dioxide, nitrous oxide or any halogen.
15. Substances having a flash point lower than 187 degrees Fahrenheit.
16. Any waters containing concentrations in excess of the following:

Specific Pollutant Limitations for Discharge to Sanitary Sewers	
Substance	Concentration Limit Milligrams per Liter
Aluminum	2.0
Arsenic	0.1
Barium	2.0
Cadmium	0.2
Available Chlorine	0.5
Chromium, Hex	0.1
Chromium, Total	2.0
Copper	0.4
Cyanide — Free	0.2
Cyanide — Complex	0.8
Fluorides	3.0
Gold	0.1
Iron	4.0
Lead	0.1
Manganese	2.0
Mercury	0.1
Nickel	2.0
Ammonia Nitrogen	20.0
Selenium	0.1

Silver	0.1
Sulfide	3.0
Zinc	1.0

Article V. — Pretreatment requirements:

1. If any waters or wastes are discharged, or are proposed to be discharged into the public sewers, which in the judgment of the Superintendent, may have a deleterious effect on the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, then the Superintendent may:

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers; and/or
- c. Require control over the quantities and rates of discharge.

2. If the Superintendent permits the pretreatment or equalization of the waste flows, then the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and to the requirements of all applicable laws, rules, regulations, codes, and ordinances.

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

4. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

5. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and 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 Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

6. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," 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 provided, 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 the constituents upon the sewage works, and to determine the existence of hazards to life, limb and property.

Article VI. — Protection From Damage

1. No person shall maliciously, willfully, or negligently break, damage, destroy, cover or uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the sewage works or District property.
2. No unauthorized person shall loiter in or about any District property at any time, nor shall any unauthorized person trespass upon the same and cause damage or harm or attempt to cause damage or harm to any District equipment, facility, structure or property in general, including property belonging to another that is lawfully on District property.
3. No person shall at any time deliberately or otherwise prohibit, interfere with or prevent any District employee or vehicle from carrying on the duties and function of the District.
4. All individuals, except for District personnel and general contractors, found to be on any District property at any time without authorization, shall be considered trespassers and shall be subject to prosecution.
5. Any person found violating the foregoing provisions of this Section shall be subject to arrest and prosecution under the charge of disorderly conduct.

Article VII. — Powers and Authority of Inspectors

1. The Superintendent and other duly authorized employees, representatives or agents of the District bearing proper credentials and identification shall be permitted to enter all private and other premises for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. The Superintendent or his representatives shall have authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries that have direct bearing on the kind and course of discharge to the sewers or waterways or facilities for waste treatment.
2. The Superintendent and other duly authorized employees, representatives or agents of the District, bearing proper credentials and identification shall be permitted to enter upon and into all private and other premises over which the District holds an easement or other right of access, or which are connected with the District's sewer system whether located within or without the District for the purposes of such inspection, observations, measurements, sampling, and testing in accordance with the provisions of this Ordinance and, in the case of premises over which the District holds an easement or other right of access, repair and maintenance of the sewage works lying within the said easement or access area.

3. The Superintendent and other duly authorized employees are hereby authorized to issue notices of violation and summonses or appearance tickets for violations of this Ordinance.

Article VIII. — Repair or Disconnection of Building Sewer

1. No person shall make or cause to be made any repair or replacement of a building sewer or any portion thereof without having first notified the District in writing.

2. In the event that a building that is connected to the District Sewer System is to be abandoned or demolished, or the Certificate of Occupancy is withdrawn, the connection to the sewer is to be disconnected at a point designated by the Superintendent or his representative. The District Sewer is to be plugged in a manner and with a plug that is satisfactory to the District. The sewer is to be disconnected, plugged and inspected prior to the start of any other work on the site.

3. No person shall make or cause to be made any disconnection of the sewer without having first obtained a disconnection permit from the District.

Article IX. — Additional Requirements

1. The issuance of a permit for the making of a connection shall not relieve the permittee, or any other person presuming to act under the authority of such permit, from obtaining any additional permits required by law, rule, regulation, code or ordinance, for the opening of streets or roads, the construction of buildings, or the like.

2. The owner shall obtain all necessary permits to open any highway for such connection and shall be responsible for and hold the District harmless from all damages to person or property occasioned by such opening.

3. A condition of the permit to connect to the sewer laterals shall be that the owner or lessee must maintain and keep operative any and all special appurtenances such as grease traps, grit collectors, oil separators, etc., required under said permit.

4. Applications for permits shall be accompanied by such fees and security as shall be established from time to time by Board resolution pursuant to this Ordinance.

Article X. — Penalties

1. Any person found to have violated or be violating any provisions of this Ordinance except for Article VI shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, cease and cure all violations.

2. Any person who shall continue any violation, or who shall suffer or permit the continuation of any violation on premises that such person owns or occupies, beyond the time

limit above stated shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding Five Hundred (\$500) Dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Any person violating any provision of this Ordinance shall become liable to the District for any expense, loss, or damage occasioned the District by reason of such violation.

Article XI. - Validity

1. All Ordinance or parts of Ordinances in conflict herewith, are hereby repealed.
2. The invalidity of any section, clause sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.
3. The District reserves the right to change or amend this Ordinance in accordance with the provisions provided therefor in the Town Law of the State of New York.

Article XII. — Ordinance in Force

1. This Ordinance, as amended through May 21, 2015, shall be in full force and effect until such time it is amended or modified by subsequent action of the Board.

INSERT TO MINUTES OF
MEETING OF April 30, 2015
BOARD OF COMMISSIONERS
BELGRAVE WATER POLLUTION CONTROL DISTRICT
AMENDING SEWER USE ORDINANCE TO ADDRESS
RESPONSIBILITY FOR BUILDING SEWER

The Commissioners discussed an amendment adopted in 1997 to the District's Sewer Use Ordinance, which shifted responsibility for repairs and replacements to the portions of building sewers between private property lines and District mains, from the owners of the private parcels serviced by such building sewers to the District. Superintendent Steban noted that the Sewer Ordinances of both the Great Neck Water Pollution Control District and the Port Washington Water Pollution Control District impose that obligation on the private property owners.

It was the unanimous consensus of the Commissioners that responsibility for the repair and replacement of such portions of building sewer lines should be borne by private property owners, as is the case in other neighboring Districts. The restoration of responsibility to private property owners enables the District to avoid an uncertain cost-expense each year when budgeting for future years, while conforming its practice to that of similarly situated water pollution control districts.

Chairperson Feaster distributed copies of a proposed amendment to the Sewer Use Ordinance designed to address this issue, as prepared by Christopher Prior, counsel to the Board.

The authority of the Board of Commissioners of the District to enact and amend a general sewer use ordinance is set forth in Town Law Section 215.13, as well as pursuant to a resolution adopted by the Town Board of the Town of North Hempstead on February 5, 1935, delegating to the Board of Commissioners of the District the powers that the Town Board possesses under Article 12 of the Town Law with respect to sewer (now known as water pollution control) districts.

On motion of Brian J. Leving, seconded by John Dolan the following resolution was adopted:

RESOLVED,

R-043015

WHEREAS, the Board of Commissioners of Belgrave Water Pollution Control District (the "Board of Commissioners") is considering a proposed amendment to the District's Sewer Use Ordinance which would return responsibility for repair and replacement of those sections of building sewers which are beneath public roadways from the District to private property owners, and

WHEREAS, the amendment proposed involves adoption of a new policy governing responsibility for the repair and/or replacement of sewer lines in public roadways, in kind and in the same location.

NOW, THEREFORE, the Board of Commissioners:

1. designates itself as lead agency under the State Environmental Quality Review Act (SEQRA), and
2. determines that the adoption of the proposed amendments are a Type II action under SEQRA and the regulations implementing it [6 NYCRR §617.5(27),(1) & (5)], and requires no further proceedings by the Board of Commissioners under SEQRA; and
3. schedules a public hearing to consider the proposed amendments, the form of which is annexed hereto as Exhibit A, to be held at 7:00 P.M. on Thursday, May 21, 2015 at the District's office.

This RESOLUTION was adopted by the Board of Commissioners as indicated:

E. Feaster, Chairperson; Aye
B. Levings, Treasurer; Aye J.
Dolan, Secretary; Aye

A copy of this Resolution will be forwarded to the Town of North Hempstead.

Board of Commissioners, BWPCD,


J. Dolan, Secretary

EXHIBIT A

Proposed Amendment to Sewer Use
Ordinance of Belgrave Water Pollution
Control District

51. Section 5 of Article II of the Sewer Use Ordinance of the Belgrave Water Pollution Control District of the Town of North Hempstead, State of New York (hereinafter referred to as the "Sewer Use Ordinance") is hereby amended to read as follows:

"5. It shall be the responsibility of the owner of a house, building or property (herein referred to as the owner's property) served by a public sewer to maintain the entire length of the building sewer free and clear of all obstructions. It shall also be the responsibility of said owner to make all necessary repairs to, and to replace as necessary, those sections of the building sewer which are on the owner's property and those sections of the building sewer which are between the owner's property and the District main to which such building sewer connects, including, without limitation, all portions that lie under sidewalks, curbs and paved public or private roads."

p. Article II of the Sewer Use Ordinance is hereby amended by the deletion therefrom in its entirety of existing Section 8.

53. The foregoing amendments to the Sewer Use Ordinance shall take effect immediately.

INSERT TO MINUTES OF
MEETING OF MAY 21, 2015
BOARD OF COMMISSIONERS
BELGRAVE WATER POLLUTION CONTROL DISTRICT
AMENDING SEWER USE ORDINANCE TO ADDRESS
RESPONSIBILITY FOR BUILDING SEWER
R- 052115

After concluding a public hearing duly called and noticed, addressing possible amendment to the District's Sewer Use Ordinance, the Commissioners discussed with Superintendent Chet Steban the proposed amendment, which would impose responsibility for the repair and replacement of portions of building sewer lines between private property lines and District mains, on private property owners, as is the case in other neighboring Districts. Imposing that responsibility on private property owners enables the District to avoid an uncertain cost-expense each year when budgeting for future years, while conforming its practice to that of similarly situated water pollution control districts. Mr. Steban noted that, until a 1997 Ordinance Amendment, that responsibility had historically been imposed on private property owners in the District, as well.

The Commissioners considered the form of the proposed amendments to the Sewer Use Ordinance as prepared by Christopher Prior, counsel to the Board.

Mr. Prior noted that the authority of the Board to enact and amend a general sewer use ordinance is set forth in Town Law 215.13, as well as pursuant to a resolution adopted by the Town Board of the Town of North Hempstead on February 5, 1935, delegating to the Board of Commissioners of the District the powers that the Town Board possesses under Article 12 of the Town Law with respect to sewer (now known as water pollution control) districts.

On motion of Commissioner Levings, seconded by Commissioner Dolan, the following resolution was adopted:

RESOLVED,

WHEREAS, the Board of Commissioners of Belgrave Water Pollution Control District (the "Board of Commissioners") has considered at a duly called and noticed public hearing a proposed amendment to the District's Sewer Use Ordinance which would return to private property owners responsibility for repair and replacement of those sections of building sewers which are between the private property owner's parcel and the District main; and

WHEREAS, in the course of reviewing the Sewer Ordinance, counsel has recommended certain other language changes, which do not otherwise implicate District Policy, all of which are reflected in the proposed form of Amended Sewer Ordinance annexed to these minutes as Exhibit A; and

WHEREAS, the Board previously designated itself as lead agency under the State Environmental Quality Review Act (SEQRA), and designated that the adoption of the proposed amendments are a Type II action under SEQRA and the regulations implementing it [6 NYCRR §617.5(27),(1) & (5)], requiring no further proceedings by the Board under SEQRA; and

WHEREAS, the Board determines that the best interests of the District, its residents and property owners are served by adopting the Amended Sewer Ordinance in the form annexed hereto;

NOW, THEREFORE, the Board hereby adopts, effective immediately, the Amended Sewer Ordinance in the form annexed hereto as Exhibit A.

This RESOLUTION was adopted by the Board of Commissioners as indicated:

E. Feaster, Chairperson; Aye
B. Levings, Treasurer;
Aye J. Dolan,
Secretary; Aye

A copy of this Resolution will be forwarded to the Town of North Hempstead.

Board Z9-Z C mmi 14)s •oner ,
BWPCD,

J, Dolan, Secretary

EXHIBIT A

**Proposed Amended to Sewer Use Ordinance
of Belgrave Water Pollution Control District**

[See pages that follow]