

Chapter 141. Sewers

§ 141-1 Title.

This chapter and any subsequent amendments thereto shall be known and may be cited and referred to as the "Sewer Law."

§ 141-2 Sewerage System.

- A. Pursuant to the authority of § 14-1400 of the Village Law, as amended, the Village of Westhampton Beach established a sewerage system, known as the Incorporated Village of Westhampton Beach Sewer System," (the "Sewer System") the bounds of which coincide with the corporate limits of the Village, and which includes all property within the Incorporated Village of Westhampton Beach.
- B. Those areas of the Sewer System where a connection to the public sewer is available shall be designated herein as "service areas." All costs and expenses relating to the maintenance and use of the public sewer, as defined herein, shall be borne solely by the owners of using premises without any cost or expense to the Village.
- C. Those areas of the Sewer System which are outside of the service areas are designated herein as "nonservice areas." The nonservice areas shall be serviced by private on-site wastewater disposal systems. All costs relating to private on-site wastewater disposal systems shall be borne by the owners of those systems without any cost or expense to the Village.
- D. The Board of Trustees, in its sole discretion, upon a determination that it is necessary to do so in order to preserve or further the health, safety and welfare of the Village, may amend § 141-3 hereof and thereby expand the service areas of the Sewer System. Within the time period designated herein, the owners of premises within service areas shall, at their own expense, legally abandon private on-site wastewater disposal systems upon the premises and shall connect the premises to the public sewer.
- E. The Sewer System is not located within the boundaries of any municipal sewer district, and therefore, the Village entered into an agreement with the County of Suffolk (the "County") to allow the Village to connect the Phase One service area of its Sewer System to Suffolk County Sewer District No. 24- Gabreski Municipal, subject to the terms of said agreement which is entitled, "Intermunicipal Agreement for Sewer Construction and Connection for Incorporated Village of Westhampton Beach" to Suffolk County Sewer District No. 24- Gabreski- Municipal," dated March 3, 2021.
- F. Pursuant to said Intermunicipal Agreement, the Incorporated Village of Westhampton Beach will dedicate the Phase One service area collection and conveyance system, including but not limited to all pipes, pumps and easements thereof, to the County of Suffolk. After dedication of the Phase One service area collection and conveyance system to the County all costs associated with the Phase One service area shall be the County's obligation and the County shall bill each individual connectee for any usage or assessment for the public sewer in the Phase One service area. The County of Suffolk shall oversee the usage and assessment of the Phase One service area.

§ 141-3 Service areas.

The following areas of the Sewer System where connection to the public sewer is available shall constitute a service area or service areas:

- A. The Phase One service area generally consists of the central portion of the Main Street commercial district from Potunk Lane to Beach Road/Beach Lane. The northern boundary of the service area is located north of Main Street with the southern boundary running along Stevens Lane, and contains the premises identified by Suffolk County Tax Map number on Schedule A of this Chapter and only those premises.
- B. (Reserved)

§ 143-4 Definitions.

As used in this chapter, the following terms are hereby defined as follows:

ADMINISTRATOR

The Building and Zoning Administrator of the Department of Building and Zoning of the Village of Westhampton Beach, or his or her authorized deputy, agent or representative.

BUILDING SEWER

The sewer extending from the lowest point of the wastewater plumbing system within the perimeter line of any building or structure to the point of interconnection with any public sewer.

DWELLING UNIT

Any residence, room, apartment or suite in a duplex house, apartment building, rooming house or multiple dwelling which is used, occupied or offered for rental, use or occupancy as a dwelling or habitation for an individual or a single family.

GARBAGE

Solid waste from domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

HOUSE CONNECTION

The point of interconnection between the building sewer and the public sewer, irrespective of whether the premises are used for residential, commercial or industrial or other purposes.

INTERSECTION

As applied to the intersection of two streets, the point of intersection of the center lines of the respective streets.

NONSERVICE AREA

Has the meaning set forth in § 141-2C.

PART

As used in relation to the term "public sewer system," any lateral sewer, branch sewer, interceptor sewer, trunk sewer or sewage treatment or disposal works, each part with necessary appurtenances, including stations.

PERMANENT CHANGE OF USE

Any change or alteration that would affect the sewer usage applicable to any premises which is not of a temporary or seasonal nature or with regard to which the owner of the premises certifies an intent not to resume or reestablish any previously existing use.

PREMISES

Any lot, parcel, plot, piece or tract of land.

PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM

Any cesspool, septic tank, leaching field or other private wastewater treatment facility servicing the premises upon which it is installed which recharges wastewater to groundwater and is not connected to the public sewer system.

PUBLIC SEWER

A sewer, other than a building sewer, which forms a part of the public sewer system of the Village.

PUBLIC SEWER SYSTEM

All sewer pipes and other appurtenances which are used or useful, in whole or in part, in connection with the collection, conveyance, treatment or disposal of sewage, industrial waste and other waste and which are owned, operated or maintained in the Village of Westhampton Beach by the County of Suffolk, including sewage pumping stations and sewage treatment and disposal works, but does not include a building sewer.

SERVICE AREA

Has the meaning set forth in § 141-3.

SEWER

A pipe or conduit carrying wastewater. Unless the context clearly implies otherwise the use of the word "sewer" without a modifier means a public sewer.

SEWER CHARGES

A scale of charges established and imposed by the Suffolk County Sewer Agency, for the use, operation and maintenance of a public sewer system or any part thereof.

STORMWATER

Wastewater which results from precipitation, such as rain or snow, and collects on premises or runs off or drains away from premises during or after such precipitation.

UNLAWFUL ACT OR OMISSION

Any act or omission which violates any provision of this chapter, or which violates the terms or conditions of any permit issued pursuant to § 141-9A of this chapter.

USER

Any person who causes, suffers or permits any matter to be discharged into any public sewer or appurtenance thereto, including the owner of record of any using premises.

USING PREMISES

Any premises actually and physically interconnected with the public sewer system or any part thereof.

WASTE

Rejected, unused or superfluous substances, in liquid, gaseous or solid state, resulting from domestic, agricultural or industrial activities.

WASTEWATER

The spent water of the Village. From the standpoint of sources, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

§ 141-5 General Provisions.

- A. The provisions of Article 5 (General Sanitation), and specifically § 760-502 (Sewage Disposal) of the Suffolk County Sanitary Code and Chapter 740 (Sewers) of the Suffolk County Code as currently in effect and as amended from time to time, are incorporated herein by reference and made applicable throughout the Village.
- B. The Village delegates to the Suffolk County Department of Health Services and the Suffolk County Department of Public Works authority to enforce within the corporate limits of the Village those provisions of the Suffolk County Sanitary Code and Suffolk County Code made applicable by Subsection A of this section.
- C. The provisions of this article shall be construed in aid of and not in derogation of any provision of like or similar purport set forth in the Suffolk County Sanitary Code and Suffolk County Code, both as the same is presently constituted and as the same may be hereafter amended.

§ 141-6 Site Plan for Sewer Connection Required.

- A. No person shall cause, suffer or permit any matter or substance of any kind to be discharged into any public sewer or shall otherwise use, suffer or permit the use of any public sewer or shall make interconnection with or cause, permit or suffer interconnection to be made with any public sewer or any part or extension thereof unless there shall be in full force and effect with respect to such use and interconnection a Site Plan for Sewer Connection therefor issued pursuant to §197-63.S.
- B. The Administrator shall give the owner of premises located in a service area written notice that the premises must be connected to the public sewer.
- C. Within 60 days of receipt of the notice referred to in subsection B, above, the owner shall submit an application for Site Plan for Sewer Connection for the premises as set forth in §197-63.5

§ 141-7 Mandatory use of public sewers.

A. The owner of premises used for human occupancy, employment, recreation or other purposes situated within a service area of the Village (as set forth in §141-3) is hereby required at the owner's expense to connect said premises to the public sewer in accordance with the provisions of this article within 90 days after receiving approval of a Site Plan for Sewer Connection pursuant to §197-63.S from either the Administrator or the Planning Board, whichever is applicable.

B. (Reserved)

§ 141-8 (Reserved)

§ 141-9 Condition of lawful occupancy.

A. Within service areas, as set forth in § 141-3 above, no building permit or other permit shall be issued for any new construction, repair, renovation, alteration, addition or change of use on any premises subject to § 141-7 until:

- (1) The Administrator has issued Site Plan for Sewer Connection or received from the Planning Board a site plan approval for the project; and
- (2) The owner has received all required approvals/permits from (i) Suffolk County Department of Public Works and (ii) Suffolk County Department of Health Services; and (iii) any other governmental agency having jurisdiction.

B. No certificate of occupancy or preexisting use certificate shall be issued with respect to any premises subject to § 141-7 until a Certificate of Approval or other required approval/permit from Suffolk County Department of Public Works and Suffolk County Department of Health Services is submitted to the Village Building Inspector.

C. The owner of any premises in a service area with respect to which there is expected to be a change of use or a change in the volume or quality of wastewater so as to require the modification of any specification, restriction or condition set forth in a previously approved Site Plan for Sewer Connection shall, prior to any such change of use or change in volume, apply to the Administrator, on a form approved by the Board of Trustees authorizing such change or use or volume for an amended Site Plan for Sewer Connection.

§ 141-10 Building sewers and connections.

A. No person shall uncover, make any connection with or opening into, alter or disturb any public sewer without first obtaining a written permit from the Administrator. Such permit shall be issued without charge. Any excavation which disturbs or alters the pavement of any public street, road or sidewalk shall comply with the requirements of §146-3 of the Village Code.

B. There shall be installed on every premises within a service area, at the expense of the owner and at no cost or expense to the Village, a separate building sewer conforming to the requirements set forth in Subsection **D** of this section.

C. All work done and materials provided in connection with the installation of a building sewer shall conform Suffolk County regulations issued for building sewer connections.

- D. Each and every building sewer shall conform to the technical specifications and requirements set forth by Suffolk County, as may be amended.
- E. In the event that a building or structure connected to a public sewer is to be abandoned or demolished or the certificate of occupancy therefor is revoked, the building sewer shall be disconnected at its original point of interconnection with the public sewer, and the public sewer shall be sealed with a watertight plug-in accordance with Suffolk County Code Chapter 740(Sewers), as amended.
- F. **§ 141-11 Prohibited wastes.**
- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of said Village any human or animal excrement, garbage or objectionable waste.
- B. No person shall introduce or cause, suffer or permit to be introduced into the public sewer system any matter or substance of any kind which would, either singly or in combination with other substances, interfere in any way with the operation of the system or any part thereof.

§ 141-12 Failure to make required application and connection.

The owner of any premises subject thereto who shall violate § 141-6 and/or § 141-7 shall be liable for the penalties prescribed in this Chapter and for the penalties prescribed for violation of the applicable provisions of the Suffolk County Sanitary Code and Chapter 740 (Sewers) of the Suffolk County Code, as amended.

§ 141-13 Unlawful use of public sewers.

The owner of any using premises who shall violate § 141-11 or any other person who shall knowingly violate § 141-11 shall be guilty of an offense and, upon conviction thereof, may be fined in an amount not to exceed \$250. Each day during which any such violation shall occur shall be deemed a separate offense.

§ 141-14 Civil penalties.

The owner of any using premises with respect to which a violation of any provision of this chapter, shall continue for more than 10 days after the Administrator has given such owner written notice thereof shall be liable to the Village for a civil penalty in the amount of \$100 for each and every day during which such violation shall so continue, which penalty shall be in addition to and not in lieu of any other remedy of the Village or any other penalty which may lawfully be imposed under this article.

§ 141-15 Recovery for work at Village expense.

- A. With respect to any violation of any provision of this chapter which shall continue for more than 20 days after the Administrator has given the owner of the premises written notice thereof, the Board of Trustees may, by resolution, direct the Administrator to remedy such violation or to disconnect the premises from the sewer system at public expense.

- B. The owner of any premises with respect to which any work has been performed at public expense pursuant to Subsection A of this section shall be liable to the Village for all costs and expenses associated therewith.

§ 141-16 Indemnification and recovery of expenses and costs.

- A. Any person whose unlawful act or omission shall occasion or contribute to the imposition of any fine or penalty of any kind upon the Village in connection with the operation of the public sewer system or the discharge of any treated wastewater therefrom shall be liable to the Village for the whole amount of any such fine or penalty.
- B. Any person whose unlawful act or omission shall require the defense by the Village of any action or proceeding at law or in equity or which shall occasion or contribute to the payment by the Village of damages resulting from loss of life, personal injury or property damage in connection with the operation of the public sewer system or the discharge of treated wastewater therefrom shall be liable to the Village to the full extent of any such damages and any and all litigation expenses or costs of any kind or nature, including attorneys' fees, incurred by the Village in defending any such action or proceeding.
- C. The liability of two or more persons who shall be liable to the Village pursuant to Subsection A, or B of this section shall be joint and several. As to such liability to the Village, there shall be no apportionment between such persons in proportion to the degree of fault or otherwise. Nothing herein contained shall be construed to prevent the enforcement of any right of contribution between such persons, inter se, or to prevent the impleading of any additional party in any action brought by the Village.

§ 141-17 Injunctive relief.

In addition to or in lieu of any other remedy of the Village or any other penalty which may lawfully be imposed under this article, the Village may institute a proceeding for a mandatory or prohibitory injunction against any person to enforce compliance with any provision of this chapter.

§ 141-18 Construction.

Insofar as possible, this chapter shall be construed in harmony with all federal, state or county laws, statutes and administrative rules and regulations issued pursuant thereto affecting or pertaining to the same subject matter as the provisions of this chapter. In the event of any conflict between the provisions of this chapter and the provisions of any such laws, statutes or administrative rules or regulations, then it is the intent of the Board of Trustees of this Village that the most stringent or restrictive of such provisions be deemed controlling, any more permissive provision of this chapter to the contrary notwithstanding.

§ 143-20 Service of notice.

Service of any notice required to be given by any provision of this chapter shall be deemed sufficient if made in any of the following ways:

- A. Upon a natural person:
- (1) By in-hand personal service,
 - (2) By certified mail addressed to such person's last known address, or
 - (3) By leaving such notice at such person's usual residence or usual place of business in the care of a person of suitable age and discretion.

B. Upon a corporation:

- (1) By in-hand personal service upon any officer, managing agent or agent designated for the service or process,
- (2) By certified mail addressed to the corporation at its principal place of business, or
- (3) By personal service upon the Secretary of State of the State of New York.

C. Upon the owner or tenant of any premises, whether a natural person or a corporation, by conspicuously fastening such notice on the premises.

§ 141-21 Rules and regulations.

The Board of Trustees may, by resolution, adopt rules and regulations not inconsistent with the provisions of this chapter and reasonably calculated to further the purposes hereof.

§ 141-22 Nonliability.

The Village and all officers and employees thereof, assume no liability or responsibility for losses, injuries, leakage or damages, including incidental and consequential damages, that may result from increases or decreases in volume of flow in the sewer system and, within the system as a whole or any part thereof, service may be decreased or discontinued at any time without prior notice to any user.