

DRAFT Local Law to amend Section 240-7

A LOCAL LAW to amend Chapter 240 of the Code of the Town of Yorktown entitled "SEWERS AND SEPTIC SYSTEMS" by amending §240-7 entitled "TESTING AND VERIFICATION" to add new subsections F, G, H, I, J, K and L

Be it enacted by the Town Board of the Town of Yorktown as follows:

Section I. Statement of Authority.

This Local Law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Chapter 240 of the Town Code entitled "**Sewers and Septic Systems**" is amended by the amendment of **§240-7** entitled "**Testing and Verification**" by adding new subsections **F, G, H, I, J, K and L** to read as follows:

- F. Grease trap/interceptors shall be installed in all commercial and industrial establishments subject to this chapter when there is the presence of, or potential presence of, fats, oils, grease and/or other objectionable substances that may adversely affect the public sewer system. All grease trap/interceptors shall be of a type and capacity approved by the Town Engineer, except such grease trap/interceptors shall not be required for private living quarters or dwelling units. Each grease trap/interceptor shall be readily accessible for cleaning and maintenance.
- G. Proprietors of establishments and owners of all properties subject to this chapter shall inspect and/or clean grease trap/interceptors a minimum of once every 180 days, unless more frequent cleaning is required by the type of usage at the location or when dictated by health department or other regulatory standards. Such inspection and/or cleaning shall ensure that all accumulated fats, oils and grease do not enter the public sewer system.
- H. All fats, oils and grease removed shall be disposed of in an acceptable and legal manner by a professional service company, duly licensed to haul such waste. All documentation of inspections and cleanings shall be maintained on the premises

and available for inspection by the Town Engineer or his authorized representative. Such documentation shall be maintained for a period of not less than five (5) years.

- I. A yearly compliance report shall be filed with the Town's Engineering Department by October 31st of each calendar year or the next business day if October 31 falls on a day that Town Hall is closed for business. At a minimum, the compliance report shall include dates of inspection, quantity of material removed (if any), copy of receipt(s), any deficiencies noted, name and license number of the service company that performed the service and location of waste disposal/recycle facility. Such report shall be verified as true by proprietors of establishments and owners of all properties subject to this chapter. The Town Engineer will provide an inspection report template upon request.

- J. Inspection;

At any reasonable hour of the day, or if a problem related to fats, oils and/or grease is identified downstream of an establishment with a grease trap/interceptor, the Town Engineer or other duly authorized employee of the Town bearing proper credentials and identification may require access to inspect the grease trap/interceptor and to inspect the records of maintenance or cleaning of said grease trap/interceptor. The Town Engineer may require that nonfunctioning grease trap/interceptor be replaced or repaired when it is determined that the fats, oils and/or grease collecting efficiency and/or maximum effective vessel capacity is not acceptable either by size, type, design or condition. It shall be unlawful to attempt cleaning of any interceptor through the introduction of any caustic, acid or other toxic chemicals for such purposes. The Town reserves the right at the discretion of the Town Engineer to require a Maintenance Agreement with an appropriate escrow, which the Town may use in subsequent years to ensure the required inspection, maintenance and reporting requirements are followed.

- K. Whenever any person desires to make or maintain any new connection to a grease trap/interceptor to the public sewer for the purpose of discharging sewage or waste which contains fats, oils, grease and/or other objectionable substances, such person shall apply to the Town's Engineering Department for a connection permit for said purpose. Said connection permit shall be issued only when the Town Engineer is satisfied that an adequate grease trap/interceptor has been provided to prevent such fats, oils, grease and/or other objectionable substances from entering the public sewer. Said permit shall be issued only upon payment to the Engineering Department of the sum as set in the Master Fee Schedule and shall expire one (1) year after the date of its issuance.

- L. Fines

Any person, firm or corporation convicted of a violation of the provisions of this chapter, for failing to comply with filing the compliance report within thirty (30) days of the established deadline date, shall be guilty of a violation and punishable by a fine not exceeding \$250.00; for a second conviction, punishable

by a fine not exceeding \$750.00; for a third or any subsequent conviction, punishable by a fine not exceeding \$1,000.00. Every day that the violation existed shall be deemed a separate violation.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section VII. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section VIII. Effective Date.

This Local Law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.