

LOCAL LAW
INTRODUCTORY NO. 4 - 1981
LOCAL LAW NO. 1 - 1982

A LOCAL LAW AMENDING LOCAL LAW NO. III OF THE YEAR 1962, AS AMENDED BY LOCAL LAW NO. II OF THE YEAR 1969, CHANGING THE METHOD OF COMPENSATION OF COUNTY CORONERS

BE IT ENACTED by the Legislature of the County of Herkimer as follows:

Section 1. Local Law No. III of 1962, as amended by Local Law No. II of the Year 1969, of this County entitled, "A LOCAL LAW INCREASING THE NUMBER OF COUNTY CORONERS FOR HERKIMER COUNTY AND ESTABLISHING THE SALARY THEREOF," is hereby amended to read as follows:

FOURTH: The salary of said position (shall be on a per diem basis) shall be on a per call basis at a rate to be fixed by resolution of the Legislature of the County of Herkimer.

Section 2. This Local Law shall take effect January 1, 1982.

Dated: November 9, 1981.

Adopted: November 23, 1981.

Effective: January 7, 1982.

LOCAL LAW
INTRODUCTORY NO. 5-1981
LOCAL LAW NO. 2 -1982

A LOCAL LAW INCREASING THE SALARIES OF SOME COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE

BE IT ENACTED by the Legislature of the County of Herkimer as follows:

Section 1. The base annual salary of the County Administrator shall be the sum of Twenty Eight Thousand Five Hundred Dollars (\$28,500).

Section 2. The base annual salary of the County Clerk shall be the sum of Eighteen Thousand Two Hundred Seventy Nine Dollars (\$18,279).

Section 3. The base annual salary of the County Treasurer shall be the sum of Eighteen Thousand Two Hundred Seventy Nine Dollars (\$18,279).

Section 4. The base annual salary of the Director of Real Property Tax Service Agency shall be the sum of Twenty Thousand Five Hundred Dollars (\$20,500).

Section 5. The base annual salary of the Commissioners of Elections shall be the sum of Nine Thousand Sixty Five Dollars (\$9,065).

Section 6. The base annual salary of the Commissioner of Social Services shall be the sum of Twenty Seven Thousand Eight Hundred Thirty Five Dollars (\$27,835).

Section 7. The base annual salary of the Manager of Data Processing shall be the sum of Twenty One Thousand Dollars (\$21,000).

Section 8. The base annual salary of the Director of the Office for the Aging shall be the sum of Fifteen Thousand Four Hundred Twenty Five Dollars (\$15,425).

Section 9. The base annual salary of the Superintendent of Highways shall be the sum of Thirty Three Thousand Five Hundred Dollars (\$33,500).

Section 10. The base annual salary of the Fire Coordinator shall be the sum of Three Thousand Six Hundred Fifty Dollars (\$3,650).

Section 11. The base annual salary of the Civil Service Commissioners shall be the sum of One Thousand Six Hundred Dollars (\$1,600).

Section 12. The rate of compensation of the County Coroners shall be the sum of Forty Dollars (\$40) per call.

Section 13. The Salary Schedule for the Year 1982 shall include the annual increments and longevity increments as they apply to each officer and employee listed in Sections 1 through 12 and shall take effect January 1, 1982.

Section 14. This Local Law shall take effect forty-five days after its adoption.

Dated: November 13, 1981

Amended: November 23, 1981

Adopted: November 23, 1981

Effective: January 7, 1982

Amendment: In Section 13 to delete, "each officer and employee listed in Sections 1 through 12" and replace with "the Commissioners of Elections".

LOCAL LAW
INTRODUCTORY NO. 1 - 1982
LOCAL LAW NO. 3 - 1982

A LOCAL LAW INCREASING THE SALARY OF THE COUNTY ATTORNEY OF THE COUNTY OF HERKIMER DURING HIS TERM OF OFFICE

BE IT ENACTED by the County Legislature of the County of Herkimer as follows:

Section 1. The base annual salary of the County Attorney of the County of Herkimer shall be the sum of Nineteen Thousand Dollars (\$19,000).

Section 2. This Local Law shall take effect forty-five days after its adoption.

Dated: February 22, 1982.
Adopted: February 22, 1982.
Effective: April 8, 1982.

LOCAL LAW
INTRODUCTORY NO. 2 - 1982
LOCAL LAW NO. 4 - 1982

A LOCAL LAW AMENDING LOCAL LAW NO. 1 FOR THE YEAR 1971, AS LAST AMENDED BY LOCAL LAW NO. 1 FOR THE YEAR 1981, INCREASING THE ALLOWABLE INCOME FOR REAL PROPERTY OWNERS TO QUALIFY FOR AN EXEMPTION FOR ANYONE WHO IS 65 YEARS OF AGE OR OVER

BE IT ENACTED by the County Legislature of the County of Herkimer as follows:

Section 1. Local Law No. 1 for the year 1971, as last amended by Local Law No. 1 for the year 1981, entitled, "A Local Law to Provide for the Exemption from Taxation by the County of Herkimer to the Extent of Fifty Percentum of the Assessed Valuation of Real Property Owned by One or More Persons 65 Years of Age or Over, or Real Property Owned by Husband and Wife, one of Whom is 65 Years of Age or Over," is hereby amended to read as follows:

Section 3. No exemption, as described in Section 1 hereof, shall be granted in the event that the income of the owner or the combined income of the owners of the property for the tax year immediately preceding the date of making application for exemption exceeds the sum of \$7,000.

Section 2. This Local Law shall take effect forty-five days after its adoption.

Dated: March 15, 1982.
Adopted: March 15, 1982.
Effective: April 28, 1982.

LOCAL LAW
INTRODUCTORY NO. 3 -1982
LOCAL LAW NO. 5 -1982

A LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, INSTALLATION AND CONNECTION OF BUILDING LATERALS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE HERKIMER COUNTY SEWER DISTRICT, COUNTY OF HERKIMER, STATE OF NEW YORK; AND REPEALING LOCAL LAW NO. 2 FOR THE YEAR 1974

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ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used in this Local Law shall be as follows:

SECTION 101. "District" shall mean the Herkimer County Sewer District serving the Villages of Frankfort, Ilion, and Mohawk and portions of the Town of Frankfort and the Town of German Flatts.

SECTION 102. "Sewage Works" shall mean all District and Environmental Facilities Corporation facilities for collecting, pumping, treating and disposing of wastewater. Also see "Publicly Owned Treatment Works (POTW)".

SECTION 103. "Administrator" shall mean the person recommended by the Herkimer County Sewer Board, subject to confirmation by the Herkimer County Legislature, pursuant to applicable statutes, to direct the activities and administer the policies of the Sewer Board.

SECTION 104. "Engineer" shall mean the Professional Engineer designated by the Herkimer County Sewer District.

SECTION 105. "Board" (or "Sewer Board") shall mean the duly appointed Herkimer County Sewer Board as set forth in resolution adopted by the Herkimer County Legislature.

SECTION 106. "Wastewater" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

SECTION 107. "Sewer" shall mean a pipe or conduit for carrying wastewater.

SECTION 108. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

SECTION 109. "Sanitary Sewer" shall mean a sewer which carries wastewater and to which storm, surface and groundwaters are not intentionally admitted.

SECTION 110. Public "Storm Sewer" or "Storm Drain" shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes.

SECTION 111. "Combined Sewer" shall mean a sewer receiving both surface runoff and wastewater.

SECTION 112. "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating wastewater.

SECTION 113. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from wastewater.

SECTION 114. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

SECTION 115. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has 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 inch (1/2") in any dimension.

SECTION 116. "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 three feet (3') outside the outer face of the building wall.

SECTION 117. "Building Sewer" shall mean the extension from the building drain to the public sanitary sewer or other place of disposal.

SECTION 118. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C., expressed in milligrams per liter.

SECTION 119. "pH" shall mean the logarithm of reciprocal of the concentration of hydrogen ions in grams-ionic weights per liter of solution.

SECTION 120. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering and expressed as dry weight in terms of mg/L.

SECTION 121. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

SECTION 122. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 123. "Person" shall mean any individual, firm, company, association, society, corporation or group.

SECTION 124. "Owner" shall mean any individual, firm, company, association, society, person, or group having title to real property or its assignee, grantee or successor in interest to such real property with wastewater facilities which discharge, or will discharge to the Herkimer County Sewer District Sewage Works.

SECTION 125. "Developer" shall mean any person, persons or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision.

SECTION 126. "Builder" shall mean any person, persons or corporation who undertakes to construct, either under contract or for resale, any habitable building.

SECTION 127. "Property Line" shall mean a point on public property within five feet (5') of the street right-of-way if the building sewer is to connect with the public sewer in a public street. "Property Line" shall mean within five feet (5') of the edge of a sewer right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.

SECTION 129. "Contractor" shall mean any person, firm or corporation-licensed to do work in the District.

SECTION 130. "A.S.T.M." shall mean American Society for Testing and Materials.

SECTION 131. "N.Y.S.D.T." shall mean New York State Department of Transportation.

SECTION 132. "Municipality" shall mean any Town or Village within the Herkimer County Sewer District.

SECTION 133. "Sewer User" shall mean the owner of any house, building or property used for human occupancy, employment, recreation or other purposes situated within the District and abutting any street, alley or right-of-way in which there is located a public sanitary sewer within 100 feet (100') of the property line whether connected or unconnected to such public sanitary sewer.

SECTION 134. "Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by Section 212 of the Act (33 USC 1292). Includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

SECTION 135. "Contamination" shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

SECTION 136. "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

SECTION 137. "Pretreatment" shall mean the reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6 General Pretreatment Regulations for Existing and New Sources of Pollution.

SECTION 138. "New York State Department of Environmental Conservation of NYSDEC" shall mean the NYS Department of Environmental Conservation or other duly authorized official of said Department.

SECTION 139. "United States Environmental Protection Agency or USEPA" shall mean the U.S. Environmental Protection Agency or where appropriate, a designation for the administrator or other duly authorized official of said agency.

SECTION 140. "Significant Industrial User" shall mean any user connected to the Herkimer County Sewer District Sewage Works who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the municipality's wastewater system, or (iii) has in his waste, toxic pollutants as defined pursuant to Section 307 of the Act, or (iv) has been identified as one of the 21 industrial categories pursuant to Section 307 of the Act, or (v) is found by the County to have significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

SECTION 141. "Residential User" shall mean all premises used only for human residence and which are connected to the Herkimer County Sewer District Sewage Works.

SECTION 142. "Standard Methods" shall mean the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

SECTION 143. "State" shall mean the State of New York.

SECTION 144. "Act" shall mean the Federal Clean Water Act, as amended.

SECTION 145. "Easement" shall mean an acquired legal right for the specific use of land owned by others.

SECTION 146. "NPDES" shall mean National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the State of New York.

SECTION 147. "Industrial User" shall mean a source of direct discharge to the Herkimer County Sewer District's Sewage Works which does not constitute a "Discharge of Pollutants" under regulations issued pursuant to Section 402 of the Act.

SECTION 148. "Indirect Discharge (33 U.S.C. 1342)" shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

ARTICLE II

Use of Public Sewers Required

SECTION 201. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of said District, any human excrement or other objectionable waste.

SECTION 202. It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer within the District, or in any area under the jurisdiction of the District, any wastewater, industrial wastes, or other polluted waters. Use of separate storm sewers and sanitary sewers is mandatory for all future construction in the District. No combined sewers shall be constructed in the future.

SECTION 203. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

SECTION 204. The owner of any house, building or property used for human occupancy, employment, recreation or other purpose, 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, 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 Local Law, within ninety (90) days after the date of official notice to do so, provided that the public sewer is located within one hundred feet (100') of the property line.

ARTICLE III

Private Wastewater Disposal

SECTION 301. Where a public sanitary sewer is not available under the provisions of Section 204, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of the New York State Department of Health & local laws, ordinances and codes dealing with septic tank installations.

SECTION 302. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 204, a direct connection shall be made to the public sewer in compliance with this Local Law, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned and filled with suitable material, within a reasonable time.

SECTION 303. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the New York State Department of Health.

ARTICLE IV

Building Sewers, Connections and Fees

SECTION 401. No person shall uncover, make any connections with or open into, use, alter or disturb any public sanitary sewer or appurtenance thereof owned by or leased to the District without first obtaining a written permit from the District.

SECTION 402. There shall be three classes of building sewer permits: (1) for residential sewers; (2) for commercial and industrial sewer connections; and (3) for private wastewater disposal. The owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent. A building sewer permit and inspection fee fixed by the District shall be paid to the District or Municipality at the time an application is filed. The District shall fix a permit and inspection fee for each commercial, industrial, or other non-residential building, based on the size and nature of the operation proposed in such commercial, industrial or other non-residential building as compared to the demands of a single residential structure. And in the case of multiple dwelling structure, shall fix a fee based upon the approved number of living units served by a separate building sewer as compared to the demands of a single residential structure.

SECTION 403. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where building sewers are to serve multiple dwelling structures, the number of living units served by a separate building sewer shall be approved by the Administrator.

SECTION 404. (a). In the event an existing building sewer shall be repaired or replaced, the same requirements contained herein shall be applicable thereto and shall be complied with by the owner or his agent.

SECTION 405. The building sewer shall be tar-coated, extra-heavy cast iron soil pipe, conforming to ASTM Specification A74, an American Standards Association (ASA) Specification A-40.1; or asbestos-cement house connection pipe conforming to ASTM Specification C-428, Type II, minimum Class 2400, or polyvinyl chloride (PVC) pipe conforming to ASTM D-3034 providing a minimum SDR ratio of 35 and a minimum pipe stiffness of 46 at 5 per cent deflection. Joints shall be tight and waterproof. All building sewer pipe shall have a maximum spacing of five (5) feet between joints if iron pipe is used and ten (10) feet between points if PVC pipe is used.

SECTION 406. The size and slope of the building sewer shall be subject to the approval of the Administrator, but in no event shall the diameter be less than four inches (4"), nor shall the slope of the pipe be less than one-eighth inch (1/8") per foot.

SECTION 407. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three (3') feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but in no event shall be less than three feet (3'). The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewer which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug or other approved means.

SECTION 408. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater or industrial wastes carried by such drain shall be lifted and discharged to the building sewer, by mechanical means approved by the Engineer, at the expense of the owner.

SECTION 409. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Administrator. Pipe laying and backfill shall be performed in accordance with Sections 3 and 6 of ASTM Specification C12 except that no backfill shall be placed until the work has been inspected, and except that trench width measured at the crown of the installed pipe shall not exceed the outside diameter of the pipe plus 24 inches.

Trench backfill shall consist of: (1) a bedding of compacted pea stone, or crushed stone or crusher run limestone, with one inch (1") maximum size stone, four inches (4") under, and six inches (6") over the pipe; and (2) the balance of trench backfilled with suitable material and compacted to minimize trench settlement.

Installation of the building sewer pipe and the four inches (4") of bedding under the pipe shall be complete prior to inspection by the Administrator.

SECTION 410. All joints and connections shall be made gastight and watertight. No cement joints will be permitted. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between any two types of pipe or other pipe material shall be made with special adaptors and joint materials approved by the Administrator.

Pre-molded gasket joints for hub and plain-end cast iron pipe, asbestos-cement, and PVC pipe shall be used with a neoprene compression-type gasket which provides a positive double seal in the assembled joint. The gasket shall be pre-molded, one-piece unit, designed for joining the pipe and plain-end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub itself. Lubricant shall be bland, flax-base, non-toxic material and shall not chemically attack the gasket material.

SECTION 411. The connection of the building sewer into an existing public sewer shall be made at the property line. Except as provided under Sections 502 and 503, if the portion of the building sewer located in the street or right-of-way has not previously been provided, such will be constructed from the existing public sewer to the property line by the Municipality (or the District by contractual agreement) upon submittal of a proper request by the owner and upon deposit of the estimated cost thereof. All costs and expense incident to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the District and the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method connection of the building sewer to the public sewer (at the property line) will be dependent upon the type of pipe material used and in all cases shall be approved by the Administrator.

SECTION 412. The applicant for the building sewer permit shall notify the Administrator at least 24 hours in advance of when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Administrator, or his representative.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Administrator before the trenches are filled; and the person performing such work shall notify the Administrator when the installation of the building sewer is completed. The filling of a trench before inspection is made will subject the person to whom a permit is issued to a penalty of \$25.00 for each offense, and such person will expose the pipe at his own expense until inspected by the Administrator.

SECTION 413. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the Municipality.

SECTION 414. When any building sewer is to serve a school, hospital or similar institution or public building, or is to serve a complex of industrial or commercial buildings or which, in the opinion of the Engineer will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Engineer shall determine if and where this type of connection to the public sewer is required. Plans shall be submitted to the Engineer for approval prior to issuance of a permit. Connections to existing manholes shall be installed in the public sewer pursuant to Section 503 and the building sewer connection made thereto as directed by the Administrator.

ARTICLE V

Sewer Extensions

SECTION 501. All extensions to the sanitary sewer system owned and maintained by the District or the Municipality shall be properly designed in accordance with the Recommended Standards for Sewage Works of the New York State Department of Health. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from the Engineer, and the New York State Department of Health, before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

SECTION 502. If the District or Municipality does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the District and Municipality in accordance with the requirements of Section 501. He, or they, must pay for the entire installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Section 503. The installation of the sewer extension must be subject to periodic inspection by the Engineer and the expenses for this inspection shall be paid for by the owner, builder or developer. The engineer's decision shall be final in matters of quality and method of construction. The sewer, as constructed, must pass the exfiltration test required in Section 504 before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers.

SECTION 503. Sewer design shall be in accordance with the following provisions. Pipe material shall be either asbestos-cement conforming to ASTM Specification C-428; Type II extra-strength vitrified clay conforming to ASTM Specification C-200; or reinforced concrete conforming to ASTM Specification C-76. No standard strength clay pipe or non-reinforced concrete pipe shall be used. Pipe manufactured using other materials may be installed only if prior approval is obtained from the Engineer. Minimum internal pipe diameter shall be eight inches (8"). Joints for each kind of pipe shall be designed and manufactured such that "O" ring gaskets of the "snap-on" type are employed. Gaskets shall be continuous, solid, natural or synthetic rubber and shall provide a positive compression seal in the assembled joint such that the requirements of Section 504 are met. Joint preparation and assembly shall be in accordance with the manufacturer's recommendations. Wye branch fittings shall be installed for connection to building sewers discussed in Section 403. Trench widths as measured just above the crown of the pipe shall not exceed the following:

<u>Pipe Diameter</u>	<u>Trench Width</u>
8"	3' - 3"
10"	3' - 6"
12"	3' - 9"
14"	4' - 0"

If the trench widths are found, during field inspection, to exceed the limits in the above table, the sewer pipe shall be encased with a minimum of six inches (6") of concrete. Pipe shall be firmly and evenly bedded on a minimum of three inches (3") of #1A or #1 crushed stone (NYSDT Specification). Pipewell thickness and field strength shall be calculated on the following criteria:

Safety Factor	1.5 (minimum)
Load Factor	1.7 (maximum)
Weight of Soil	120 lbs./cu.ft.
Wheel Loading	16,000 lbs.

Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers".

Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet. The manholes shall be constructed with a poured 3,000 psi concrete base twelve inches (12") thick, steel troweled concrete or mortar bench walls and inverts, and precast 4-foot diameter concrete manhole barrel sections with concentric tapered top section, as specified by ASTM C-478 or shall be constructed of material of equal quality with the approval of the Engineer. Precast concrete bases may be used when approved by the Engineer. The manhole frame and cover shall be the standard design of the District and shall be set with no less than two courses of brick underneath to allow for later adjustment in elevation. All joints shall be sealed against infiltration. No manholes shall be constructed with steps or ladder rungs.

SECTION 504. All sewers shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the District. The method employing air exfiltration test consists of filling the pipe with water to provide a head of at least five feet (5') above the top of the pipe or five feet (5') above groundwater, whichever is higher, at the highest point of the pipe line under test, and then measuring the loss of water from the line by the amount which must be added to maintain the original level. In this test, the line must remain filled with water for at least twenty-four (24) hours prior to the taking of measurements. Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end, or in one of the sewer manholes available for convenient measuring.

When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must be some positive method of releasing entrapped air in the sewer prior to taking measurements. The test length intervals for either type of test shall be as ordered or approved but in no event shall they exceed 1,000 feet. In the case of sewers laid on steep grades, the length of line to be tested by exfiltration at any one time may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the line. The test period, wherein the measurements are taken, shall not be less than two (2) hours in either type of test.

The total leakage of any section tested shall not exceed the rate of 100 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. For purposes of determining the maximum allowable leakage, manholes shall be considered as sections of 48-inch diameter pipe, five feet (5') long. The equivalent leakage allowance shall be 4.5 gallons per manhole per 24 hours, for 48-inch diameter manholes. If leakage exceeds the specified amount, the necessary repairs or replacements required shall be made to permanently reduce the leakage to within the specified limit, and the tests shall be repeated until the leakage requirement is met.

SECTION 505. All sewer extensions constructed at the property Owner's, Builder's or Developer's expense, after final approval and acceptance by the Engineer, shall become the property of the District or Municipality and shall thereafter be maintained by the District or Municipality. Said sewers, after their acceptance by the District, shall be guaranteed against defects in materials or workmanship for eighteen (18) months. The guarantee shall be in a form provided by the District. At the sole discretion of the District, a completion bond or certified check may be demanded as part of the guarantee.

SECTION 506. No Builder or Developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the District, unless a suitable and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers.

ARTICLE VI

Use of the Public Sewers

Section 601. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

Section 602. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a watercourse.

SECTION 603. Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

- (a) Any liquids or vapors which contain heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the wastewater sewer or inhibit biological activity in the wastewater treatment facilities, but in no case shall the discharge of heat cause the temperature in the District wastewater sewer to exceed 65.5°C (150°F) or the temperature of the influent to the treatment facilities to exceed 40°C (104°F) unless the facilities can accommodate such heat;
- (b) Any waters or wastes which contain grease or oil or other substance that will solidify or become discernible viscous at temperatures between 32 and 150 degrees Fahrenheit.
- (c) Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, exceeding an average of 50 milligrams per liter (417 pounds per million gallons) ether soluble matter.
- (d) Any liquid which could create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or any liquid, solids or gases which by reason of their nature or quality are sufficient either alone, or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.
- (e) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide, or nitrous oxide or other substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- (f) Any garbage that has not been properly shredded so that no particle is greater than one-half inch (1/2") in any dimension. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Administrator.
- (g) Any ashes, lint, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, sawdust, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, grain processing wastes, acetylene generating sludge, whey, chemical residues, paint residues or acid residues, cannery waste, food processing, bulk solids, snow, ice or any other solid or viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewers or treatment works.
- (h) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, sewers, equipment and personnel. Free acids and alkalies must be neutralized at all times, within a permissible pH range of 6.0 to 9.5.
- (i) Any cyanides, in excess of 2 milligrams per liter by weight as CN.
- (j) Any long half-life (over 100 days) of toxic radio-active isotopes, or any radio-active wastes or isotopes of such half-life or concentrations as may exceed limits established by applicable State or Federal regulation without a special permit.
- (k) Any waters or wastes that for a duration of 15 minutes have a concentration greater than 5 times that of "normal" wastewater as measured by suspended solids and BOD and/or which are discharged continuously at a rate exceeding 1,000 gallons per minutes except by special permit. Normal wastewater shall be construed to fall within the following ranges:
- | <u>Constituents</u> | <u>Permissible Range</u> |
|-----------------------|--------------------------|
| Suspended solids | 180 to 350 mg/L |
| BOD | 140 to 300 mg/L |
| Chlorine Requirements | 5 to 15 mg/L |
- (l) Any storm water, including that from construction sites, roof drains, spring water, cistern or tank overflow, footing drain, discharge from any vehicle or motor water, or the contents of any privy vault, septic tank or cesspool, or discharge or effluent from any air conditioning machine or refrigeration unit, shall not be discharged to any public sanitary sewer.

(m) No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the District wastewater treatment plant. Such toxic substances shall be limited to the average concentrations listed hereinafter in the wastewater as it arrives at the point of entry to the public sewers and at no time shall the hourly concentration exceed three times the average concentration.

Limits of Toxic Substances in Wastewater

Iron, as FE	5.0 mg/L
Chromium, as Cr(Hexavalent)	3.0 mg/L
Copper, As Cu	1.0 mg/L
Chlorine Requirements	20.0 mg/L
Phenol	10.0 mg/L
Cyanide, as CN	2.0 mg/L
Cadmium, as Cd	0.3 mg/L
Zinc, as ZN	0.3 mg/L
Nickel	0.5 mg/L
Sulfides, as H ₂ S	10.0 mg/L

(n) Liquids which contain any odor or color producing substances exceeding concentration limits which may be established by the District for purposes of meeting the District's NPDES permit.

SECTION 604. Grease, oil and sand interceptors shall be provided when the above set limits for those substances are exceeded or when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the District, and shall be located so as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

SECTION 605. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation and shall be readily accessible and open to inspection by the Administrator at any time.

SECTION 606. The admission into the public sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300 milligrams per liter, or (b) containing more than 350 milligrams per liter of suspended solids, or (c) containing more than 15 milligrams per liter of chlorine requirement, or (d) containing any quantity of substances having the characteristics described in Section 603, or (e) having an average daily flow greater than two percent (2%) of the average daily wastewater flow of the District, or (f) being of such nature and delivered at such quantity and quality and at such a rate as to impair the hydraulic capacity, strength or durability of the sewer structures, equipment or treatment works, shall be subject to the review and approval of the Engineer. Where, in the opinion of the Engineer, the water or waste admitted to the system may have a deleterious effect upon the sewage treatment plant, process equipment, or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the District may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge and require payment to cover the added cost of handling and treating wastes, such charges being in addition to the regular charges, as determined from the largest ratio of strength of the waste in question to the strength of domestic sewerage as given in (a), (b) and (c) above.

SECTION 607. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

SECTION 608. When required by the Engineer, the Owner of any property served by a building sewer carrying industrial wastes shall install at his expense, a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be constructed in accordance with plans approved by the Engineer, and shall be accessibly and safely located and shall be maintained by the Owner.

SECTION 609. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 603 and 606, shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", upon suitable samples taken at the control manhole provided for in Section 608. 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 which the building sewer is connected.

SECTION 610. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor by the industrial concern.

SECTION 611. All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary wastewater system and any chemical or mechanical corrective treatment required must be accomplished before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Sewage", published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. However, alternate methods for the analyses of industrial wastes may be used subject to mutual agreement between the District and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a 24-hour period. However, more frequent and longer periods may be required at the discretion of the District.

ARTICLE VII

Protection from Damage

SECTION 701. Each applicant must present a certificate of insurance showing suitable liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or private wastewater disposal and shall pay a prescribed fee for insurance coverage protecting the District of Municipality, in the amount of at least Ten Thousand Dollars (\$10,000) to cover damage to District Facilities or users' facilities.

ARTICLE VIII

Powers and Authority of Inspectors

SECTION 801. The Administrator, Engineer and other duly authorized employees of the District, including USEPA and NYSDEC representatives, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purpose of inspection, observation, measurement and sampling of the wastewater discharge to ensure that discharge to the District wastewater facilities is in accordance with the provisions of this and other applicable laws.

SECTION 802. The Administrator, Engineer and other duly authorized employees of the District, including USEPA and NYSDEC representatives, bearing proper credentials and identification, shall be permitted to enter all private property through which the District holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any of the District wastewater facilities lying within the easement. All entry and any subsequent work on the easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

ARTICLE IX

Penalties and Enforcement

SECTION 901. 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 District's or Municipality's sewers or treatment works. Any person violating this provision shall be subject to arrest, under the applicable provisions of the Penal Law provided in the circumstances. Prosecution of violators hereunder shall be by the District Attorney of Herkimer County or by the attorney for the District upon due authorization.

SECTION 902. Any person found to be violating any provision of this Local Law, except Section 901, may 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 time period stated in such notice, correct the violation and shall permanently cease all violations.

SECTION 903. Any person who violates any provision of this Local Law other than those provisions pertaining to the payment of charges for services established herein, in addition to being subject to prosecution under Section 901, if circumstances so warrant, may be subject to a civil penalty in the amount of not more than Fifty Dollars (\$50.00) for each violation. The continued violation of any such provision of this Local Law shall constitute a separate violation for each and every day such violation shall continue and the violator may be subject to such civil penalty accordingly.

SECTION 904. This District may institute through the proper authorities any appropriate civil action to effect recovery of penalties or damages and may institute any suit or proceeding for equitable or injunctive relief to prevent violations of any provisions of the Local Law.

SECTION 905. Any person violating any of the provisions of this Local Law shall become liable to the District for any expense, loss or damage occasioned the District or Municipality by reason of such violation.

SECTION 906. The District shall sue, or be sued, in the name of the County of Herkimer.

ARTICLE X

Assessments and Charges

SECTION 1001. The source of a portion of the revenues for retiring debt service, capital expenditures, operation and maintenance of the District's Sewage Works shall be a combination of Benefit Assessment and Sewer Service Charge assigned to Owners of property and users of the system within the District, established and assessed in accordance with Article 5-A of the County Law of the State of New York.

SECTION 1002.

(a) Revenues to pay the annual installment of principal of, and interest on, obligations issued for the purpose of the Sewer District, together with approved capital expenditures, (known as the Capital Budget) shall be derived from a benefit assessment levied on all property within the District. The benefit assessment shall be determined by applying the latest adopted equalization rate for each town as established by the Herkimer County Legislature to the "adjusted assessed valuation" of each parcel to reach full value. The amount to pay the Capital Budget shall be divided by the total full value to obtain the tax rate per one dollar of full value. This full value rate will then be multiplied by the full value of each individual town to determine that town's share of the Capital Budget. The town's share will then be divided by that town's adjusted assessed valuation to determine the equalized tax rate per thousand for each individual parcel. This formula shall be followed for both users and non-users.

(b) A percentage of the Capital Budget as determined by the Board each year, shall be thus derived from users defined as properties connected to (or capable of being connected to within the appropriate definitions as set out in this law) and/or discharging wastewater into the District's sewage works; and the remaining portion shall be derived from non-users defined as properties not so connected (and not capable of being connected within the appropriate definitions as set out in this law) and not discharging wastewater into the District's sewage works. The proportionate share of the Capital Budget to be paid by users and non-users shall be determined by the Sewer District each year, subject to the review of the Legislature, as provided by the County Law.

(c) The "adjusted assessed value" of each parcel shall be assessed value except that the District may adjust the assessed value to reflect as nearly as possible the benefit to be received by each parcel as follows:

(a) the assessed value of a property both within and without the District shall be adjusted to include only the value within the Sewer District.

(b) up to fifty percent of the assessed value of parcels currently being used as schools and churches and other tax exempt properties may be waived.

(d) The proportionate share of the Capital Budget to be paid by users and non-users, and the adjustments made to arrive at the "adjusted assessed valuation" shall be listed in schedules and such schedules shall be approved by the Herkimer County Sewer Board and submitted with its assessment roll to the Herkimer County Budget Officer.

SECTION 1003. Revenues for defraying operation and maintenance costs shall be raised by assigning a Sewer Service Charge to all users of the District's Sewage Works. Each user's normal charge shall be calculated by multiplying the volume of wastewater discharged to the Sewage Works by the User Rate established by the District Board. Volume of wastewater shall be determined in accordance with the following parameters:

(a) For users connected to a public water supply with no other source of supply, metered water consumption shall be used to determine the volume.

(b) For users not connected to a public water supply, volume shall be as estimated or measured by the Administrator.

(c) For users with both a public and private water supply, metered water consumption shall be used to determine volume unless the actual volume, as measured by the Administrator, exceeds the metered volume, in which case the measured volume shall be used to calculate the charge.

SECTION 1004. Industrial and commercial users discharging wastewater to the District's Sewage Works, which exceeds the strength of "normal sewage" as defined in Section 603, shall be assigned a surcharge in addition to their normal charge. The surcharge shall depend on the volume, strength and character of the wastewater, as determined from measurement and sampling by the Administrator, and shall be calculated using the following formulas when the concentrations of suspended solids (SS) exceed 350 mg/liter and/or biochemical oxygen demand (BOD) exceeds 300 mg/liter.

$$S_1 = NC \times (K_1 \times \frac{SS-350}{350}) \quad S_2 = NC \times (K_2 \times \frac{BOD-300}{300})$$

where:

S_1 = Monthly surcharge, in dollars, for suspended solids.

S_2 = Monthly surcharge, in dollars, for biochemical oxygen demand.

NC = Normal Charge, in dollars, for the month when sampling done as calculated under Section 1003.

K_1 = A factor representing the apportioned cost of treatment of suspended solids (SS), as determined by the District Board.

K_2 = A factor representing the apportioned cost of treatment of biochemical oxygen demand (BOD) as determined by the District Board.

SS = Excessive suspended solids, in mg/liter, which shall be an average of at least four (4) separate samples taken during the calendar month.

BOD = Excessive biochemical oxygen demand, in mg/liter which shall be the average of at least four (4) separate samples taken during the calendar month.

SECTION 1005. A Benefit Assessment shall be assessed each calendar year in accordance with the County Law of the State of New York. Sewer Service Charges shall be computed and billed quarterly according to the procedures adopted by the Herkimer County Sewer District and confirmed by the Herkimer County Legislature as required by law.

Sewer Service Charges may be paid without penalty on or before the thirtieth (30th) day of the month in which the bills are issued. Bills may be paid at either the Ilion, Frankfort or Mohawk branches of the Oneida National Bank and Trust Company of Central New York or directly to the Herkimer County Sewer District by mail.

In the event any charge remains unpaid by the thirtieth (30th) day of October of any year, penalties shall be assessed and levied as provided for in Section 266 (3) of the County Law of the State of New York.

SECTION 1006. Measurement of volume, if necessary, and sampling of industrial wastes shall be accomplished once every three (3) months by the Administrator for a particular user, and the data obtained shall be utilized to calculate the user's normal charge and surcharge for said three-month period. If a particular user requests more frequent measurement and sampling, such additional measurement and sampling will be carried out by the Administrator and the cost thereof, as determined by the Herkimer County Sewer District Board, shall be borne by said user.

SECTION 1007.

(a) Every public hearing required to be held under Section 266 of the County Law by the Herkimer County Sewer Board by any law, rule, regulation or local law, shall be held in the following manner:

1. The date, time, place and purpose for holding any such hearing shall be determined by the Sewer Board by the passage of an appropriate resolution.
2. Notice of said public hearing shall be published at least two times in the official newspapers of the County of Herkimer, the first publication to be not less than five days before the date set for the hearing. The notice of hearing shall include a brief description of the purpose of the hearing.
3. A record shall be kept of all those persons speaking at the hearing and/or filing written statements. No stenographic record need be kept but a tape recording shall be made of the meeting.

4. The official of the Herkimer County Sewer District Board chairing said public hearing shall announce before the conclusion of the hearing the date when any decision based upon said public hearing will be made by the Sewer Board.

(b) Appeals. Within five days after any decision made as a result of a public hearing by the Herkimer County Sewer Board any person with an interest therein may appeal in writing from the effect of said decision upon them to the Herkimer County Legislature. Said appeal shall be filed with the Clerk of the Legislature.

1. The appeal shall be heard by the Committee on County Planning and Development of the Herkimer County Legislature. Said Committee may decide the appeal upon the written appeal so submitted or it may in its discretion allow the appellant to appear before it, consult with the Herkimer County Sewer District or its officials, or take such other steps as it considers necessary to reach a decision.
2. The County Planning and Development Committee shall file a written report of its decision upon said appeal with the Clerk of the Herkimer County Legislature within two weeks after said appeal was first received by the Legislature, and a copy of said decision shall be mailed to the appellant by said Clerk.

ARTICLE XI

License

SECTION 1101. Each and every person will be required to have a license issued or approved by the Herkimer County Sewer District or the municipality before he will be permitted to do any plumbing or related work affecting the sewage collecting and treating system in the District or municipality.

SECTION 1102. As part of the application for license to do work in the District, the applicant will present a license bond written by an indemnity or bonding company lawfully doing business in the State of New York, in a form provided by the District, or present proof of acceptance of a license bond by a municipality within the District, in the amount of at least Ten Thousand Dollars to cover damage to District facilities or users' facilities.

ARTICLE XII

Validity

SECTION 1201. All ordinances and local laws or parts of ordinances and local laws in conflict herewith are hereby repealed.

SECTION 1202. The invalidity of any section, clause, sentence or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

ARTICLE XIII

Local Law in Force

SECTION 1301. The Local Law adopted by this Legislature December 17, 1973, as Local Law No. 4 for the year 1973 which became effective January 31, 1974 and was filed in the Office of the Clerk of the Legislature as Local Law No. 2 for the year 1974, is hereby repealed in its entirety, said repeal to be effective on the date this Local Law becomes effective.

SECTION 1302. This Local Law shall take effect after enactment by the Herkimer County Legislature in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

Dated: May 10, 1982.
 Adopted: May 10, 1982.
 Effective: June 24, 1982.

LOCAL LAW
INTRODUCTORY NO. 4 - 1982
LOCAL LAW NO. 6 - 1982

A LOCAL LAW REQUIRING WRITTEN NOTICE OF DEFECTIVE, UNSAFE, DANGEROUS OR OBSTRUCTED CONDITIONS OR THE EXISTENCE OF SNOW OR ICE PRIOR TO MAINTENANCE OF ACTION AGAINST THE COUNTY OF HERKIMER FOR DAMAGES FOR INJURIES TO PERSON OR DAMAGES TO PROPERTY

BE IT ENACTED by the Legislature of the County of Herkimer as follows:

Section 1. (a) No civil action shall be maintained against the County of Herkimer for damages or injuries to person or property sustained by reason of any highway, bridge or culvert being defective, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition was actually given to the Clerk of the Herkimer County Legislature or to the Herkimer County Superintendent of Highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. Nor shall such action be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge or culvert unless written notice thereof specifying the particular place is actually given to the Clerk of the Herkimer County Legislature or to the Herkimer County Superintendent of Highways, and there was a failure or neglect to cause such snow and ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice. Said written notice shall include the name and address of the person giving the notice and specify the County Road number and/or the name of the highway where the condition exists and a description of the condition.

(b) The Herkimer County Superintendent of Highways shall transmit in writing to the Clerk of the Herkimer County Legislature within ten days after the receipt thereof all written notices received by him specifying any of the conditions set forth in subsection (a) hereof. The Clerk of the Herkimer County Legislature shall notify forthwith the Herkimer County Superintendent of Highways of the receipt of any written notice specifying any of the conditions set forth in subsection (a) hereof.

(c) The Clerk of the Herkimer County Legislature shall keep an indexed record, in a separate book, of all written notices, which he shall receive pursuant to this Local Law of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of snow or ice upon any county highway, bridge or culvert, which record shall state the date of the receipt of the notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received. The record of such notice shall be preserved for a period of five years after the date it is received.

Section 2. Every claim including a claim specified in Section 139 of the Highway Law of the State of New York, which may be made against Herkimer County for damages for wrong or injury to person or property or for the death of a person shall be made and served in compliance with Section 50-e of the General Municipal Law of the State of New York, and every action upon such claim shall be commenced pursuant to the provisions of Section 50-i of the General Municipal Law of the State of New York.

Section 3. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law or act, the provisions of this Local Law shall be controlling.

Section 4. This Local Law shall take effect immediately.

Dated: November 8, 1982.

Adopted: November 22, 1982.

Effective: November 22, 1982.