

LAW OFFICES  
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MEDINA, N. Y. 14103

NORRIS L. WEBSTER  
DAVID C. SCHUBEL

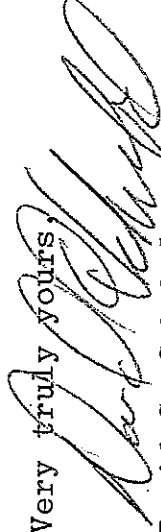
February 27, 1981

Mrs. Beverly M. Bacon, Clerk  
Main Street  
Village of Lyndonville  
New York 14098

Dear Bev:

Please find enclosed substitute pages 2, 10, 13, 14 and  
16 of Local Law No. 1 for your files.

Very truly yours,



David C. Schubel  
Village Attorney

DCS:dp

Enclosures

SECTION 1

9. "POTW Treatment Plant" shall mean that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
10. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
11. "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
12. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
13. "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 conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.
14. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
15. "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in parts per million by weight.
16. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
17. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.
18. "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake or other body of surface or ground water.
19. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
20. "person" shall mean any individual, firm, company, association, society, corporation or group.
21. "Shall" is mandatory; "May" is permissive.
22. "Village" shall mean incorporated Village of Lyndonville.
23. "Slug" shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, for any period of duration longer than fifteen (15) minutes, exceeds more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation, and shall adversely affect the collection system and/or performance of the wastewater treatment works.

## SECTION 5

- (1) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.
- (m) Any wastes or waters containing phenols or other taste producing substances, in such concentrations exceeding limits which may be established by the Village as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
4. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands, 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 Superintendent, and shall be located 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 temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.
5. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. They shall be emptied, cleaned and waste disposed of in a manner approved by the Superintendent.
6. The admission into the public sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300 parts per million by weight or (b) containing more than 350 parts per million by weight of suspended solids, or (c) containing any quantity of substances having the characteristics described in Section 5-3, or (d) a chlorine demand in excess of 15 parts per million by weight, or (e) having an average daily flow greater than 2% of the average daily sewage flow of the Village, shall be subject to the review and approval of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at his expense, such pretreatment as may be necessary to, (a) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 5-3 or,

SECTION 5

"Adequate ancillary sampling and measuring devices shall be incorporated to provide continuous surveillance and control of the pretreated flow to the Village's sewer system."

"The present limitations on waste flows are set forth in Section 5.6 as a guide to waste contributors in preparing pretreatment facilities. Each contributor shall determine current limitations from appropriate Village and/or health officials."

"Standard Methods" and current New York State Department of Environmental Conservation directives shall be followed in determining waste characteristics."

SECTION 6 - PROTECTION FROM DAMAGE

1. No unauthorized 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 POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION 7 - POWERS AND AUTHORITY OF INSPECTORS

1. The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this local law.
2. The Superintendent, officials of the United States Environmental Protection Agency and/or the New York State Department of Environmental Conservation bearing proper credentials and identification shall be permitted to enter upon any commercial and industrial property for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this local law.

SECTION 8 - PENALTIES

1. Any person found to be violating any provision of this local law except Section 6-1 shall be served by the Village 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, permanently cease all violations.

SECTION 8

2. Any person who shall continue any violation beyond the time limit provided for in Section 8-1 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding Two Hundred (\$200.00) Dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Any person violating any of the provisions of this local law shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

SECTION 9 - VALIDITY

1. Applicable provisions of the New York State Building Code, with revisions, remains in effect. All local laws, ordinances, rules, or regulations, or parts or portions thereof that conflict or are contrary to any provision of this local law are hereby repealed.
2. If any part or section of this local law shall be held to be unconstitutional or invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.

SECTION 10 - LOCAL LAW IN FORCE

1. This local law shall take effect immediately upon filing in the office of the Secretary of State.

SECTION 11 - CONNECTION FEES AND USER CHARGES

1. Every new industrial sewer service connection to the public sewer will be made by the Superintendent or his agent, extending to property line in accordance with Section 4 shall be subject to a one-time charge of \$1,000.00.
2. A users charge schedule is to be adopted and published by the Village Sewer District in a manner approved by the N.Y. State Comptroller and shall be chargeable to each user of the public sewer. It shall be based on the latest approved regulations of the U. S. Environmental Protection Administration.
3. Charges to Industrial/Commercial/Institutional users shall be determined by the sewer district in accordance with the latest Federal Guidelines - Industrial Cost Recovery Systems and N.Y. State Regulations, on a basis of use and shall be paid in a manner prescribed by the Village or the Superintendent. Such charges to include treatment costs established by the Superintendent for each such user and to be confirmed by written waste treatment contract between owner and the Village (district). Such charges to be subject to revision from time to time as the Village may determine to reflect any cost changes in the treatment of such waste.

SECTION 12.

4. All sanitary sewerage service may be disconnected without further notice if the sewer rents for such services are not paid within 30 days after rendition of the final bill therefor.
5. Revenues derived from such sanitary sewer user charge, including interest, shall be credited to a special fund to be known as "Sewer User Charge Fund". Monies in such fund shall be used solely for the payment of the cost of operation and maintenance of the POTW.
6. All users of the POTW, including tax exempt properties, must pay sewer user charges.
7. In accordance with regulations promulgated by the USEPA, the Village of Lyndonville will recover from industrial users of the POTW that portion of the Federal Grant (awarded to the Village for construction of said POTW) which is allocable to the treatment of wastes from such users (ICR charges). This section shall apply to all users who discharge industrial wastes into the POTW.
8. In determining the amount of a user's discharge for purposes of industrial cost recovery, the Village shall exclude domestic wastes or discharges from sanitary conveniences.
9. The cost recovery period shall be equal to thirty (30) years or the useful life of the POTW, whichever is less.
10. If an industrial user enters into an agreement with the grantee to reserve a certain capacity in the POTW, the user's industrial cost recovery payments shall be based on the total reserved capacity in relation to the design capacity of the POTW. If the discharge of an industrial user exceeds the reserve capacity in volume, strength or delivery flow rate characteristics, the user's industrial cost recovery payment shall be increased to reflect the actual use. If there is no reserve capacity agreement between the industrial user and the grantee, and a substantial change in the strength, volume, or delivery flow rate characteristics of an industrial user's discharge source occurs, the user's share shall be adjusted proportionately.
- The assessment of the industrial user's share of the Federal grant will be in accordance with the Federal and State regulations, as defined in Sec. 35.928, Vol. 43, No. 188, dated September 27, 1978 of the Federal Register, and will be administered on a case by case basis.
11. In addition to Industrial Cost Recovery (ICR) charges, User Charges (USR) will be calculated. Initially the user charges will be calculated on an estimated basis. At the end of the first year when actual data becomes available, necessary adjustments will be made to the first year's charges. The data will then be utilized to estimate the next year's user charge. For the purpose of acquiring actual industrial discharge data, each user with a process waste water discharge shall install and operate an industrial waste water monitoring station in accordance with Section 5.

CODE COMPLIANCE REPORT FORM

To be filed with the County Chief Executive Officer by December 28, 1981, for compliance with Section 373.4 of the New York State Uniform Fire Prevention and Building Code Act.

Name of Municipality VILLAGE OF LYNDONVILLE  
Have you Enacted Yes Fire Code SFPC Type\* 12/28/81 Date Adopted  
No Building Code - Type\* - Date Adopted

\*(See Key for proper classification)

Does your municipality presently have an enforcement officer? Yes

If so, please list name, address and phone number Roger L. Woodworth  
80 South Main Street, Lyndonville, New York  
765-2416

If you have not enacted a building or fire code, please answer the following questions:

Name of Supervisor or Mayor \_\_\_\_\_  
Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Contact person other than above \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Briefly describe measures taken or planned for administration and enforcement of Interim Codes (State Building and Fire Code) \_\_\_\_\_

Does your municipality plan to appoint an enforcement officer? \_\_\_\_\_

Please list name, address and phone number, if known \_\_\_\_\_

NORRIS L. WEBSTER  
DAVID C. SCHUBEL

LAW OFFICES  
**WEBSTER & SCHUBEL**  
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MEDINA, N. Y. 14103

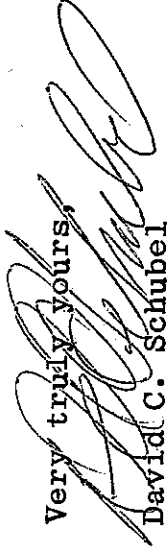
January 6, 1982

Mr. Stanley Dudek  
Chairman of the Legislature  
Courthouse Square  
East State Street  
Albion, New York 14411

Dear Mr. Dudek:

Enclosed herewith please find the Code Compliance Report  
Form for the Village of Lyndonville.

Very truly yours,



David C. Schubel

DCS:kap

CC: Mrs. Beverly Bacon  
Village Clerk  
Village of Lyndonville  
Village Hall  
Main Street  
Lyndonville, New York 14098





STANLEY J. DUDEK  
Chairman

ULDINE D. JURHS  
Clerk

JAMES P. MURPHY  
Administrative Assistant

## ORLEANS COUNTY LEGISLATURE

Court House Square  
Albion, New York 14411  
(716) 589-4511

January 4, 1982

Mayor, Village of Lyndonville  
Lyndonville, New York 14098

Dear Mayor:

On December 10, 1981, I sent you a letter notifying your town of notice requirements to the County of actions contemplated by your municipality to adopt either the New York State Fire Code or the New York State Building Code. Similarly, if your municipality has one or both of these codes in effect, you must fulfill notice requirements too.

Part 429 to Title 19 NYCRR requires local governments to serve notice upon the County by December 28th of your municipalities intentions toward adoption and enforcement of the codes. Unfortunately, the County has not yet received a reply from your municipality as of yet. Please notify us as soon as possible so that the County can report to the State as it is required by State Law to do.

Very truly yours,

Stanley Dudek, Chairman  
Orleans County Legislature

SD:j

cc: N.Y.S. Department of State