

## **SEWERS**

### **Chapter 111**

## **SEWERS**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Lansing: Art. I, 9-15-1981 as L.L. No. 4-1981; Art. II, 9-23-1982 as L.L. No. 3-1982. Amendments noted where applicable.]**

# VILLAGE OF LANSING CODE

## ARTICLE I

### Public Sewer Systems

[Adopted 9-15-1981 as L.L. No. 4-1981]

#### § 111-1. Title.

This Article shall be known as the "Village of Lansing Sewer Law."

#### § 111-2. Purpose.

The purposes of this Article are specifically stated as follows:

- A. To permit the discharge into the sanitary sewers of the Village of Lansing sewer system or tributaries thereto of sanitary sewage and normal sewage.
- B. To prohibit excessive volumes and/or inordinate rates of flow of sewage and wastes into the Village of Lansing sewer system.
- C. To prohibit the contribution of sewage, industrial wastes or other wastes of a flammable nature or which create in any way a poisonous or hazardous environment for sewage maintenance and operation personnel.
- D. To prohibit the contribution of sewage, industrial wastes or other wastes which may cause maintenance difficulties in the trunk sewers, force mains, pumping stations, sewage regulators and other structures and appurtenances to the Village of Lansing sewer system and public sewers tributary thereto.
- E. To prohibit the contribution of sewage, industrial wastes or other wastes which may create operating difficulties at the water pollution control plants as they now exist or may be constructed, modified or improved in the future.
- F. To prohibit and/or regulate by permit the contribution of sewage, industrial wastes or other wastes which require treatment at the plants and greater expenditures than are required for equal volumes of normal sewage and to surcharge users for permitted contributions requiring treatment beyond normal sewage.
- G. To require the treatment, before introduction into the Village of Lansing sewer system, of such wastes as may otherwise impair the strength and/or durability of the structures appurtenant to the system, by direct or indirect chemical action, or interfere with the normal treatment processes.
- H. To provide the authority and procedure for the Village of Lansing to promulgate rules, to investigate and prepare findings of facts, to issue permits, to hold hearings, to make decisions, orders and opinions and to give notice and make public all rules and decisions affecting substantial rights of persons or property.
- I. To protect the public health and to prevent nuisances.

#### § 111-3. Definitions and word usage.

- A. Unless the context specifically indicates otherwise, the meaning of terms used in these rules and regulations shall be as follows:

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*BOD* (denoting "biochemical oxygen demand") -- The laboratory determination of the total quantity of oxygen utilized in the biochemical oxidation of organic matter or in satisfying the oxygen demand of other materials present during incubation for a given time and at a specified temperature. It is commonly reported as milligrams per liter of oxygen used in a period of five (5) days at twenty degrees centigrade (20°C).<sup>1</sup>

*Chlorine demand* -- The difference between the amount of chlorine added to water, sewage or industrial wastes and the amount of residual chlorine remaining at the end of a fifteen-minute contact period at room temperature. It is expressed in milligrams per liter.<sup>2</sup>

*COD* (denoting "chemical oxygen demand") -- The oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The determination is made by the dichromate reduction by oxidizable organic matter measured as the oxygen equivalent proportion of the dichromate consumed, expressed as milligrams per liter.

*Contested case* -- A proceeding, including but not restricted to rate making, surcharging and issuance of permits, in which the legal rights, duties or privileges of a party are required by law to be determined by the Village of Lansing after an opportunity for hearing.

*Control manhole* -- An accessible manhole at the connection between an industrial building sewer and the public sewer. It shall be constructed to provide for sampling, measuring and observation of industrial flows.

*Cooling water* -- The water discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources. It shall contain no polluting substances which would produce BOD or suspended solids in excess of ten (10) milligrams per liter, toxic substances as limited elsewhere herein, prohibited materials as listed under § 111-5B or cause thermal pollution of the receiving waters.

*Department of Health* -- The Tompkins County Department of Health.<sup>3</sup>

*Garbage* -- Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, the handling, storage and sale of produce, and from the packaging and canning of food.

*Grease or fats* -- Any material which is extractable from an acidified sample of a waste by hexane or other designated solvent.

*Industrial wastes* -- Any liquid, gaseous or solid substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

*Normal sewage:*

- (1) Sewage, industrial wastes or other wastes, which when analyzed show by weight the following characteristics:
  - (a) BOD two thousand five hundred (2,500) pounds per million gallons [three hundred (300) milligrams per liter] or less;

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<sup>1</sup>Editor's Note: The definition of the term "Administrative Board," which immediately preceded this definition, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>2</sup>Editor's Note: The definition of the term "combined sewer," which immediately followed this definition, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>3</sup>Editor's Note: The definition of the term "Department of Public Works," which immediately followed this definition, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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- (b) Chlorine demand two hundred eight (208) pounds per million gallons [twenty-five (25) milligrams per liter] or less;
  - (c) COD five thousand (5,000) pounds per million gallons [six hundred (600) milligrams per liter] or less;
  - (d) Suspended solids two thousand five hundred (2,500) pounds per million gallons [three hundred (300) milligrams per liter] or less;
  - (e) Phosphate as phosphorus two hundred fifty (250) pounds per million gallons [thirty (30) milligrams per liter] or less.
- (2) The values for these characteristics are subject to revision by the Village of Lansing. The Village of Lansing may also add values for other characteristics if such action becomes appropriate and applicable to the treatment or transportation of sewage.

*Other wastes* -- Garbage (shredded or unshredded), refuse, wood, eggshells, coffee grounds, sawdust, shavings, bark, sand, lime, cinder, ashes and all other discarded matter not normally present in sewage or industrial wastes.

*P (phosphate)* -- The concentration of phosphate as phosphorus expressed in milligrams per liter.

*Party* -- Each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

*Petroleum hydrocarbons* -- That portion of the total extractable grease or fats as defined in this section which is not retained on an activated alumina absorption column after elutriating with hexane.

*Permit* -- A license issued to allow the use of a Village of Lansing sewer system for specific wastes over a limited period of time.

*Person* -- Any individual, firm, company, association, society, corporation, institution or group.

*pH* -- The negative logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. It indicates the intensity of acidity and alkalinity of the pH scale running from zero point zero (0.0) to fourteen point zero (14.0). A pH value of seven point zero (7.0), the midpoint of the scale, represents neutrality. Values above seven point zero (7.0) represent alkaline conditions and those below seven point zero (7.0) represent acid conditions.

*Properly shredded garbage* -- The wastes from the preparation, cooking and dispensation 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 having a dimension greater than one-fourth (1/4) inch in any dimension.

*Public sewer* -- The sewers, manholes, intercepting sewers, sewage pumping, treatment and disposal works and any other plant, works or equipment and accessories within any municipality that discharges its sewage and liquid into a Village of Lansing sewer system.

*Receiving waters* -- A natural watercourse or body of water into which treated sewage is discharged.

*Rule* -- Each statement of general applicability that implements, interprets or prescribes law or policy or describes the organization, procedure or practice requirements of the Village of Lansing. The term includes the amendment or repeal of a prior rule.

*Sanitary sewage* -- Sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels but not commercial kitchens

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therein), office buildings, factories, institutions and filter backwash from swimming pools.

*Sanitary sewer* -- A sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

*Scavenger wastes* -- The matter collected from privies, septic tanks, cesspools and chemical toilets, camper and marine holding tanks, sludge from biological treatment of industrial wastes and other domestic waste collection devices.

*Sewage* -- A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be inadvertently present. The admixture of sewage as above defined with industrial wastes or other wastes also shall be considered sewage within the meaning of this definition.

*Sewage treatment plant (water pollution control plant)* -- Any arrangement of devices and structures used for treating sewage and industrial wastes; the handling of sludge resulting from such treatment; and the discharge of treated effluent into a designated body of water.

*Sewer* -- A pipe or conduit for carrying sewage.

*Sewerage surcharge* -- The demand payment for the use of a public sewer and/or sewage treatment plant for handling any sewage, industrial wastes or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage.

*Sewerage system* -- All facilities for collecting, regulating, pumping and transporting sewage to the sewage treatment plant.

*Slug* -- Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in volume of flow exceeds for any period of duration longer than five (5) minutes more than five (5) times the average twenty-four-hour concentration or flow during normal operation.

*Storm sewer (storm drain)* -- A sewer which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes other than cooling waters and unpolluted waters.

*Suspended solids* -- The laboratory determination of the dry weight expressed in milligrams per liter of solids that either float on the surface, are in suspension in sewage or are settleable and can be removed from sewage by filtration under approved conditions of analysis.

*Toxic substances* -- Any substance whether gaseous, liquid or solid which, when discharged to a public sewer in sufficient quantities, will be detrimental to the sewer system, interfere with any biological sewage treatment process or constitute a hazard to human beings or animals or inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from a sewage treatment plant.

*Village sewer* -- Any sewer owned by the Village of Lansing.

*Village sewer system* -- The trunk sewers, collection sewers, force mains, pumping stations, sewage treatment plants and other appurtenant structures either owned or leased by the Village of Lansing.

- B. The term "shall" is mandatory; "may" is permissive.

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### § 111-4. Use limitations and charges.

- A. The use of Village and public sewers tributary thereto shall be strictly limited and restricted, except as provided in Subsection B hereof, to receive and accept the discharge of sewage, industrial wastes and other wastes generated on, or discharged from, real property lying within the bounds of any Village of Lansing sewer district as established and altered, changed, modified, reduced, enlarged, combined and/or consolidated by action of the Lansing Village Board.
- B. The discharge of sewage, industrial wastes and other wastes generated on or discharged from real property lying outside the bounds of any Village of Lansing sewer district into a Village of Lansing sewer and public sewers tributary thereto shall be made only with express consent and a contract awarded by the Village of Lansing and upon the issuance of a permit setting forth the terms and conditions for such discharge.
- C. All requirements, directives and orders calling for the mandatory use of the Village of Lansing sewers or public sewers tributary thereto for the proper discharge of sewage, industrial wastes and other wastes shall be established by the Village Board of Trustees in accordance with these rules, regulations and law, and in accordance with the rules and regulations of the Tompkins County Department of Health, the New York State Department of Environmental Conservation or other State or federal agencies having jurisdiction.<sup>4</sup>
- D. The Village Board of Trustees, after examination and inquiry into the past and projected future annual sewer operating costs, and all matters related thereto, shall on an annual basis determine and set the formula for computing the sewer rent and use charges to be imposed upon users of the Village sewer system.<sup>5 and 6</sup>

### § 111-5. Materials and substances excluded from public sewers.

- A. Exclusion of unpolluted waters. No person shall discharge or provide a connection for discharging or draining into any Village of Lansing sewer system or public sewer tributary any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water, nor drain any catch basin, lake, swamp, pond or swimming pool, except with the permission of the Village Engineer evidenced by a properly issued permit.
- B. Prohibited materials, substances and wastes. Except as hereinafter provided, no person shall discharge or cause to be discharged or allow to run, leak or escape into any public sewer, pipe, channel, sewer appurtenance or waterway connecting with any public sewer or into any private sewer connected with a public sewer any of the following described materials, substances or wastes, except such small quantities as may be present in normal household wastes.
  - (1) Any gasoline, benzine, naphtha, fuel oil, alcohols or other flammable or explosive liquid, solids or gases.
  - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases. See § 111-6.

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<sup>4</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>5</sup>Editor's Note: See Article II of this chapter, Sewer Rents.

<sup>6</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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- (3) Any water or wastes having a pH lower than five point five (5.5) or having a pH higher than ten point zero (10.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment or the sewer system or personnel employed in its operation.
  - (4) Construction materials, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, coffee grounds, fur, wax, cement, hops, spent grain, whole blood, filter media or any solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system.
  - (5) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process or to constitute a hazard to humans or animals or to create a public nuisance or to create any hazards in the receiving waters of a sewage treatment plant effluent.
- C. Possible exclusion of certain materials and substances. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes found to harm the sewer system structures, the sewage treatment process or the equipment, have an adverse effect on the receiving stream or would endanger life, limb, public property or constitute a nuisance. The criteria used in forming these rules of the Village of Lansing include such factors as the quantities of said wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, the capacity of the sewage treatment facilities and the likelihood of harm, injury or nuisance. The characteristics of the effluent subject to review will be determined from the sampled wastewater collected at a control manhole prior to entering the public sewers. The substances, materials or wastes prohibited in the first instance, but subject to review by the Village of Lansing are:
- (1) Any liquid or vapor having a temperature higher than one hundred five degrees Fahrenheit (105° F.).
  - (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter, or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred five degrees Fahrenheit (32° and 105° F.).
  - (3) Any garbage that has not been properly shredded or triturated. The installation and operation of garbage grinders equipped with a motor greater than three-fourth (3/4) horsepower shall be by permit issued by the Village Engineer.
  - (4) Any water or wastes containing strong acid metal pickling wastes or concentrated plating solutions whether neutralized or not.
  - (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances. See § 111-6.
  - (6) Any water or wastes containing phenols or other taste-producing or odor-producing substances, in such concentrations exceeding limits which shall be established by the Village Engineer 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.

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- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village Engineer in compliance with applicable State or federal regulations. See § 111-7B.
  - (8) Materials which contain or cause:
    - (a) Unusual concentrations of inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.
    - (b) Excessive discoloration at the treatment plant or in the receiving waters, such as, but not limited to, dye wastes and vegetable tanning solutions.
    - (c) Unusual biochemical oxygen demand (BOD), chemical oxygen demand (COD) or chlorine requirements in such quantities as to constitute a significant additional load on the sewage treatment works, except as provided for under § 111-16.
    - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
  - (9) Waters or wastes containing substances which are not amenable to treatment or reduction in concentration by the sewage treatment plant processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge to the receiving waters.
- D. Action by the Village of Lansing. The Village of Lansing, after a hearing, shall either prevent the discharge of unacceptable water and wastes or issue a permit which is properly conditioned upon findings and the standards of safety prescribed by this Article or the rules of the Village of Lansing. The rules of the Village of Lansing shall include surcharges, pretreatment requirements, control over quantities or rates of discharge, time of discharge and holding facilities and any measure or combination of measures which are necessary to preserve the sewer system, its structures and equipment, and the health, safety and well being of the employees, the community and the biota of the receiving waters.
- E. Emergency action by the Village Engineer. In the event of any discharge which, in the belief of the Village Engineer, will cause serious, imminent harm, injury or adverse effect on the sewer system structures or equipment, or to any persons or to the biota of the receiving waters, the Village Engineer shall take any temporary action necessary to protect the public health, safety or welfare without a prior hearing. Review of any emergency action by a hearing will be accomplished without delay to determine what, if any, permanent restriction is necessary. The Village Engineer, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety or welfare of the Village of Lansing in accordance with Chapter 11, Defense and Indemnification, of this Code.<sup>7</sup>

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<sup>7</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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### § 111-6. Toxic substances prohibited or accepted conditionally.

- A. Toxic substances and pathogenic bacteria. Waters bearing toxic substances above the standard set for normal sewage or pathogenic bacteria shall not be discharged into the Village sewer system or public sewers tributary thereto and their discharge is prohibited unless the rules of the Village of Lansing determine that such concentration will not adversely affect any of the biochemical, chemical or other sewage treatment process or sewage system. The following is a partial list of toxic substances and pathogenic bacteria:
- (1) Antibiotics.
  - (2) Elemental bromine, iodine, chlorine, fluorine.
  - (3) Creosols or creosotes.
  - (4) Phenol and phenolic compounds that convert to phenol in the sewage system.
  - (5) Sulfonamides, toxic dyes (organic or mineral).
  - (6) Beryllium and beryllium compounds.
  - (7) All strong oxidizing agents such as chromates, dichromates, permanganates, peroxides, etc.
  - (8) Any strong reducing agents causing hazardous conditions in the sewage system.
  - (9) Chemical compounds producing toxic, flammable or explosive gases, either upon acidification, alkalization, oxidation or reduction.
  - (10) Wastes from industrial processes or hospital procedures containing viable pathogenic organisms.
- B. Permissible concentrations of toxic substances<sup>8</sup>. The concentration in sewage of any of the following toxic substances shall not exceed the concentration limits specified below when discharged into the sewer. The Village of Lansing may revise these limits or insert additional items after a hearing in any event that a change is necessary or appropriate. The following list contains the permitted toxic substances and levels of concentration and establishes limits for various toxic substances to regulate industrial discharges at the point of entry into the municipal collection system:

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<sup>8</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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Parameter	Effluent Concentration Limits (mg/l)	
	30-Day Average	24-Hour Average
Cadmium	0.2	0.4
Hex Chromium	0.1	0.2
Total Chromium	2.0	4.0
Copper	0.4	0.8
Lead	0.1	0.2
Mercury	0.1	0.2
Nickel	1.6	3.2
Zinc	0.6	1.2
Arsenic	0.1	0.2
Available chlorine	50.0	50.0
Cyanide-free	0.2	0.4
Cyanide-complex	0.8	1.6
Selenium	0.1	0.2
Sulfide	3.0	6.0
Barium	2.0	4.0
Manganese	2.0	4.0
Gold	0.1	0.2
Silver	0.1	0.2
Fluorides-		
To fresh water	2.0	4.0
To saline water	18.0	36.0
Phenol	.002	
Aluminum	0.5	
Iron	0.1	

- C. Special concentration limits. When findings of the Village of Lansing Board of Trustees show that the volume of a single toxic industrial waste discharge or the combined toxic industrial waste discharge of a group of industries within a single contributory area is so large as to raise a question of the ultimate concentration of toxic substances entering a treatment plant; or in cases where it is known that the toxic substances in the concentrations involved will be effectively removed by the treatment works without causing deleterious effects of any kind to the treatment process, or the receiving waters, the Village of Lansing may rule that separate or special concentration limits shall be used by the contributors in that area.<sup>9</sup>
- D. Emergency action by the Village Engineer.
- (1) For any discharge which, in the belief of the Village Engineer, will cause serious, imminent harm, injury or adverse effect on the sewer system structures or equipment or to any persons or to the biota of the receiving waters, the Village Engineer shall take any temporary action necessary to protect the public health, safety or welfare without a prior hearing or order of the Village Board.

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<sup>9</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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- (2) Review of any emergency action by a hearing will be accomplished without delay to determine what, if any, permanent restriction is necessary. The Village Engineer, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of duties to protect the public health, safety or welfare of the Village of Lansing.

### § 111-7. Disposition of industrial wastes.

- A. Industrial wastes requiring a permit. The following are industries whose wastes shall require pretreatment and/or approval before discharge into public sewer: bleaching and dyeing, bottling, brewing, cotton textile manufacture or processing, dairies, dairy products, distilling, fat rendering, film processing, food processing, galvanizing, glue manufacturing, laundromats, lens grinding operations, manufacture of syrups, jams or jellies, meat packing, metal pickling or plating, munition manufacturing, oil refining, optical goods manufacturing, photographic processing, public laundering, pulp and papermaking, rubber productions, salt works, slaughterhouses, soap making, sugar refining, tanning, wool scouring or washing or any industry producing wastes with strong acid or alkaline reactions or which will form deposits in or cause damage to the sewers or to appurtenances of sewage treatment works. The process or processes employed in the pretreatment of such wastes shall in each case conform to the rules and directives of the Village of Lansing and the Federal Water Pollution Control Act, as amended.<sup>10</sup>
- B. Radioactive wastes. Any institution or industry discharging radioactive material or fission products must be registered with the Village of Lansing as well as with other regulatory agencies as the law requires. The registration shall include all copies of State and federal permits governing the waste discharge. The active elements and the local concentrations permitted to be discharged into the public sewers shall be in conformance with State Sanitary Code, Chapter I, Part 16, Sections 16.7 and 16.8, promulgated under the Public Health Law and be at all times within the limits set by this and other County, State or federal agencies.<sup>11</sup>
- C. When permit shall be required. Whenever any industrial waste is produced in such quantities as will, in the opinion of the Village of Lansing, injure the public sewers into which they may be discharged or adversely affect the treatment of sewage, or which does not yield readily to treatment by processes employed in the sewage treatment works, such discharge will not be permitted into the public sewers without a permit.

### § 111-8. Terms and conditions for the issuance of permits or licenses.

- A. Power to inspect. All users of the Village of Lansing sewer system or any public tributary sewer are deemed to have consented to inspection necessary for the orderly administration of this sewer use law. Inspections will be accomplished during hours of operation or at periods of sewer use with or without notice to the users, and inspections shall be calculated to measure the characteristics of

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<sup>10</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>11</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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the discharge waters and wastes discharged into the sewer system. The power to inspect will be exercised in accordance with § 111-9 of this Article.

- B. Permits when required. It shall be unlawful for any person to discharge directly or indirectly into public sewers or into any private sewer, sewage combined with industrial wastes, or industrial wastes or other wastes, the characteristics of which in combination do not conform to the concentration limits prescribed for normal sewage under § 111-3 herein, or to discharge any toxic substances or any other objectionable material or substances as specified under §§ 111-3, 111-5, 111-6 and 111-7 herein, except upon such terms and conditions as set forth in the permit issued under the established rules of the Village of Lansing.
- C. Applications for permits<sup>12</sup>. All applicants for a permit to discharge sewage combined with industrial wastes or other wastes into public sewers shall fill out and file with the Village Code Enforcement Officer or Clerk, who will review the item for completeness and forward it to the Superintendent of Public Works, who will make his recommendations and then forward the application to the Village of Lansing Board of Trustees or appropriate branch within his organization for action, an application provided by the Village of Lansing as a prerequisite for issuance of a permit. All information required by the Village of Lansing shall be furnished by the applicant. The following is a partial list of information to be furnished by the applicant:
  - (1) The plot of the property showing accurately all sewers, drains and house connections.
  - (2) Plans and specifications covering any proposed changes to be performed under the permit.
  - (3) A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property or premises, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses.
  - (4) The name and address of the person or firm who will be responsible for the performance of the work to be covered by the permit.
- D. Terms and conditions.
  - (1) The Village of Lansing may require the terms and conditions as follows to be imposed in the issuance of the permit:
    - (a) A limitation upon the volume of sewage, industrial wastes or other wastes, the rate of flow permitted and/or the time of discharge from the premises.
    - (b) The installation and maintenance by the permittee, at his own expense, of facilities or equipment for intermittent or continuous flow and/or quality measurements of sewage, industrial wastes or other wastes discharged from the premises into a public sewer.
    - (c) The installation and maintenance by the permittee, at his own expense, of detention tanks or other facilities or equipment for reducing the maximum rates of discharge of sewage to such a percentage of the twenty-four-hour rate as shall be required.
    - (d) The installation and maintenance by the permittee, at his own expense, of such preliminary treatment facilities as shall be required.

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<sup>12</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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- (e) The installation and maintenance by the permittee, at his own expense, of a suitable control sampling manhole or manholes in any sewer discharging to a public sewer and carrying such sewage.
  - (f) The installation and maintenance by the permittee, at his own expense, of grease, oil and sand interceptors, separators or traps that are necessary for the proper handling of liquid wastes containing such substances in excessive quantities or any flammable waste or other harmful ingredients.
  - (g) The submission to and approval by the Village Engineer of the plans for any of the facilities or equipment required to be installed and maintained by the permittee. Such other terms and conditions as may be necessary to protect the sewerage system and water pollution control facilities and to carry out the intent and provisions of these regulations.
  - (i) Such terms and conditions may also provide that subsequent to the commencement of operation of any preliminary treatment facilities, periodic reports shall be made by the permittee to the Village Engineer setting forth adequate data upon which the acceptability of the sewage, industrial wastes or other wastes after treatment may be determined. The period of these reports will be determined by the Village Engineer.
  - (j) Where preliminary or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the permittee (or owner) at his expense.
- (2) A violation of the permit shall be cause for revocation or suspension of the permit after a hearing and determination by the Village of Lansing or if the violation is found to be within the emergency powers of the Village Engineer under § 111-5E or § 111-6D, the revocation is immediate upon receipt of notice; however, a hearing shall be held without delay.
- E. Sampling and testing wastes. Whenever sewage, industrial wastes or other wastes are believed to have characteristics other than prescribed for sanitary sewage as defined in § 111-3 herein, or are believed to contain toxic substances or other material or substances excluded from public sewers pursuant to this Article, are discharged into public sewers from any premises, the Village Engineer shall have the power to take samples and make tests necessary to determine the nature and concentration of such wastes and shall have the right to reassess his determination by taking samples and tests at any time or by periodic rechecks without notice to the person discharging such wastes:
- (1) Samples shall be taken and flow measurements made at the control manhole or manholes which are specifically identified with the user unit.
  - (2) In the event that a control manhole or manholes have not been required, the samples shall be taken at a suitable and accessible point or points to be selected by the Village Engineer and specifically identified with the user unit.
  - (3) An aliquot portion of the sample(s) taken will be made available to the person whose premises are being tested if he so requests.
- F. Control manholes. When required by rules of the Village of Lansing, the owner of any property serviced by a building sewer carrying industrial wastes shall

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install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

- G. Measurement and analyses of wastes. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with latest edition of Standard Methods for the Examination of Water and Waste Water published by the American Public Health Association or any other method certified as accurate by the Village Engineer and shall be determined upon samples from said control manhole or other approved access points. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage system and water pollution control facilities and to determine the existence of hazard to life, limb and property. If a permit is to be issued, sampling should be performed in such a manner that the portion of the flow obtained is typical and representative of the waste discharge.
- H. Determination of pollutant concentration.
- (1) The pollutant concentration of any sewage, industrial waste or other wastes shall be determined from representative samples of the effluent discharged to public sewers, taken by the Village of Lansing at sampling stations as described under Subsection D or E of this section, at any period or time and of such duration and in such manner as the Village Engineer may elect, or at any place or manner mutually agreed upon between the person and the Village Engineer. The intent of any sampling procedure is to establish the pollutant concentration in the sewage discharged during an average or typical working day. This concentration may be derived according to the best judgment of the Village Engineer by combination of repeated sub-samplings during any one (1) day, by combination of a series of such days or by combination of a number of multiple samples. The analysis of samples taken shall be performed in a laboratory designated by the Village Engineer of the Village of Lansing and the surcharge and/or the acceptability of the wastes shall be determined from said analysis.
  - (2) All charges shall be based on the analysis of the wastes from any plant or premises related to total volume of wastes as determined under Subsection H(1) of this section. The concentration of pollutants in sewage, industrial waste or other waste once determined as prescribed under Subsection G of this section shall be used in calculating the sewer surcharge in accordance with the billing procedure of the Village of Lansing for the collection of charges and shall remain in effect until the person shall prove or the Village shall determine that a change in the manufacturing process, production or waste treatment of said company warrants a reanalysis for the determination of a new pollutant concentration of its wastes discharged from such premises into the public sewer system. The new pollutant concentration shall then be used in calculating new charges and shall become effective as of the date of the subsequent billing period.
  - (3) Anything to the contrary notwithstanding, the provisions and procedures as outlined in this Subsection H shall be used for user charge calculations

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and shall not be used for the determination of pollutant concentration for permit compliance.

- I. Volume determination. The Village Engineer may use, as the figure representing the number of cubic feet and/or gallons of sewage discharged into the sewer system:
  - (1) The amount of water supplied to the premises as shown upon the water meter if the premises are metered;
  - (2) If the premises are supplied wholly or in part with other sources, including but not limited to wells, rivers or lake waters, metering devices shall be installed, at the owner's expense, for measuring the volume of water used for the purpose of computing waste discharges from these sources and for billing purposes;
  - (3) If such premises are used for an industrial or commercial purpose of such nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Village Engineer;
  - (4) The number of cubic feet of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the public sewer system, at his own expense, in accordance with the terms and conditions of the permit issued pursuant to § 111-8 of this Article; or
  - (5) A figure determined by the Village Engineer by any combination of the foregoing or by any other equitable method.
- J. Pollutant concentration disputed by a person. In the event that the pollutant concentration of the waste discharged from a premise to a public sewer as determined under Subsection H of this section is disputed by a person, a program of resampling and gauging with subsequent chemical determination may be instituted as follows:
  - (1) The person must submit a request for resampling and gauging of the wastes to the Village Engineer, and bind himself to bear all of the expenses incurred by the Village in the resampling and gauging and subsequent analysis of the wastes.
  - (2) A consultant or agency of recognized professional standing in the employment of the person must confer with representatives of the Village Engineer in order that an agreement may be reached as to the various factors which must be considered in a new sampling program.
  - (3) The consultant or agency of recognized professional standing employed by the person must be present or represented during the resampling operation.
  - (4) Resampling must be performed when all waste producing processes are contributing wastes of normal concentrations at their normal rate.
  - (5) The results of the resampling and the reanalysis in a laboratory designated by the Village Engineer shall be considered to be the current analysis of the wastes discharged to the public sewer system and shall be used for determining the surcharge and/or acceptability of the wastes.

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### § 111-9. Powers and authority of inspectors.

- A. As provided under § 111-8A, the Village Engineer and his duly authorized representatives and duly authorized and identified employees of the USEPA and NYSDEC may enter upon private lands for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The Village Engineer or his representatives shall have no authority to inquire into any processes used in any industrial operation beyond that point having a direct bearing on the kind and source of discharge to the sewers or the on-site facilities for waste treatment.
- B. While performing the necessary work on private lands referred to in this section above, the Village Engineer or his duly authorized representatives shall observe all safety rules applicable to the premises as established by the owner and/or occupant of the premises, and the owner and/or occupant shall be held harmless for injury or death to the Village employees, and the Village of Lansing shall indemnify the owner and/or occupant against loss or damage to their property by Village employees and against liability claims and demands for personal injury or property damage asserted against the owner and/or occupant and growing out of the gauging and sampling operations except as such may be caused by negligence or failure of the owner and/or the occupant to maintain safe conditions as required in § 111-8D and F.
- C. Refusal to permit the entry upon private lands required to perform the necessary work referred to in this section shall be punishable by such penalties as may be prescribed under § 111-17 of this Article.

### § 111-10. Malicious damage.<sup>13</sup>

Any persons who maliciously, willfully or recklessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Village system or public sewer tributary thereto shall be in violation of this Article and Article 145 of the Penal Law.

### § 111-11. Use of public sewer required.

- A. Except as otherwise provided in this Article, the owner of any house, building or property used for human occupancy, employment, recreation, commerce, manufacturing or other purposes situate within the Village of Lansing and abutting on any street, thoroughfare or right-of-way for which there is located a public sewer, or if such public sewer is otherwise available or accessible to such house, building or property, is hereby required at his expense to connect with such public sewer and, also, at his expense, to install suitable plumbing and facilities therein and to connect such facilities directly with the public sewer in accordance with the provisions of this Article.
- B. Except as otherwise provided herein, such connection must be made within forty-five (45) days after being so notified in writing by the Village of Lansing,

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<sup>13</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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except that any new building or construction completed after the date on which such public sewer becomes available for connection shall be connected to such public sewer prior to occupancy or use of such building.

- C. Connection prior to expiration of three (3) years.
- (1) Notwithstanding the foregoing provisions of this section, no house or building which is connected to a private sewage disposal system when the public sewer becomes available in or through any sewer district heretofore or hereafter established shall be required to connect with any such public sewer until the expiration of three (3) years after such public sewer becomes available for connection, unless:
    - (a) Such connection is required prior thereto by the Tompkins County Health Department or other public body or agency having similar jurisdiction; or
    - (b) Such private sewage disposal facilities are not functioning satisfactorily or require substantial alterations or additions thereto.
  - (2) In either of the foregoing cases, a written notice shall be served upon the owner or occupant of any such building by the Tompkins County Health Department or the Village of Lansing or its duly authorized agent, which shall set forth the reasons requiring connection to the public sewer, and such connection must be made by any such owner or occupant within forty-five (45) days after the date of any such notice.
- D. No new house or building shall be connected to the public sewer unless a valid building permit has been issued for the construction of said house or building.
- E. Variance or modification of requirements. **[Added 2-5-1986 by L.L. No. 1-1986]**
- (1) Where there are unnecessary hardships in meeting the time requirements set forth hereinabove in this Article, the Board of Trustees has the power to vary or modify the application of any of such time requirements so that the intent of this Article is observed, the public health, safety and welfare secured and substantial justice done.
  - (2) Any person seeking such a variance or modification of the time requirements set forth hereinabove in this Article may make application to the Board of Trustees for a variance or modification of such requirement as follows:
    - (a) Such application shall be made in writing and directed to the Board of Trustees.
    - (b) Such application shall be accompanied by certification in writing by either the Tompkins County Health Department or a qualified septic contractor that the existing private sewage system serving the premises for which the application is being made is operating properly and is not creating or resulting in a health hazard of any kind.
    - (c) Such application shall set forth the specific hardship or hardships including any economic hardship or hardships claimed by the applicant as resulting from the imposition of the time requirements otherwise set forth herein above in this Article.
    - (d) Such application shall be accompanied by a nonrefundable fee in the sum of fifty dollars (\$50.).

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- (3) Upon receipt of such application, the Board of Trustees shall notify the applicant of the date, time and place of the Board of Trustees' meeting at which such application shall be heard. The applicant shall be entitled to appear at such date, time and place for the purposes of speaking to the Board of Trustees in support of the applicant's application.
- (4) The Board of Trustees, at least ten (10) days before the meeting at which any such application shall be heard, shall mail notice thereof to the Tompkins County Health Department advising such Tompkins County Health Department of the application so made and the date, time and place at which it will be heard. The Board of Trustees may consider any written or oral evidence submitted with respect to such application by the Tompkins County Health Department.
- (5) The Board of Trustees must decide on such application within sixty (60) days after receipt by the Village of such application and all required accompanying documents and fee.
- (6) Any extension granted by the Board of Trustees upon such application shall be for a period not exceeding six (6) months. In the event that the applicant desires any further variance or modification upon the expiration of any previous variance or modification granted hereunder, such applicant shall make renewed application therefor in accordance with all of the terms, provisions and requirements set forth hereinabove, including the required certification and fee.

**§ 111-12. Single-family or two-family residence permit. [Added 5-3-1988 by L.L. No. 3-1988<sup>14</sup>]**

- A. Single-family or two-family residence: permit not available. Notwithstanding the foregoing provisions of this Article, and subject to the provisions hereinafter set forth, the connection of improvements consisting of a single-family residence or two-family residence to a private sewage disposal system shall be permitted where a public sewer main or a main intended to be a public sewer main exists in the street or road right-of-way abutting the property upon which such improvements are located or such public sewer main or main intended to be public is otherwise available to such property, but connection of such improvements to such public sewer main or sewer main intended to be public is not possible because a sewer permit cannot be obtained due to the unavailability of sewer treatment capacity to the Village of Lansing. Such connection to a private sewage disposal system shall be permitted only upon the following terms and conditions:
- (1) Any and all governmental approvals and permits required for the installation of such private sewage disposal system, including but not limited to the approval of the Tompkins County Health Department, shall have been obtained.
  - (2) The parcel upon which such private sewage disposal system is to be installed shall meet the minimum lot size requirements under Chapter 145, Zoning, or, if it does not meet such minimum lot size requirements:

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<sup>14</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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- (a) Such lot shall have been approved by the Village Planning Board for a private sewage disposal system as a subdivided lot and as part of an approved subdivision pursuant to the Chapter 125, Subdivision of Land, of the Code of the Village of Lansing (subject to all conditions attached to such Planning Board approval); or
  - (b) The owner of such lot shall have received a duly issued variance from the Village Board of Zoning Appeals pursuant to the Chapter 145, Zoning, of the Code of the Village of Lansing approving such lot for a private sewage disposal system notwithstanding its deficient lot size.
- (3) The owner of such improvements shall file with the Village of Lansing a copy of the private sewage disposal system permit issued for such improvements by the Tompkins County Health Department.
- (4) Connection of improvements.
- (a) The improvements connected to such private sewage disposal system shall be connected to any available public sewer main upon the earlier of the following events to occur:
    - [1] Such connection is required by the Tompkins County Health Department or other public body or agency having proper jurisdiction.
    - [2] Such private sewage disposal system is not functioning properly or satisfactorily or requires substantial alterations or additions thereto.
    - [3] The expiration of five (5) years from the date the permit is issued for such private sewage disposal system by the Tompkins County Health Department.
  - (b) Upon the occurrence of any of the foregoing events, a written notice shall be served upon the owner or occupant of any such improvements by the Tompkins County Health Department or the Village of Lansing or its duly authorized agent, which notice shall set forth the reasons requiring connection to the public sewer, whereupon such connection to the public sewer shall be completed by such owner or occupant within forty-five (45) days after the date of any such notice.
  - (c) If, upon the occurrence of the earlier of the foregoing events, connection of such improvements to a public sewer main is not yet permitted because a sewer permit cannot be obtained due to the continuing unavailability of sewer treatment capacity to the Village of Lansing, the improvements connected to such private sewage disposal system shall be thereafter connected to a public sewer main no later than four (4) months after the owner or occupant of such improvements is advised in writing by the Village of Lansing that a permit for connection to a public sewer main is available for such improvements.

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- (5) Connection of such improvements to a public sewer shall be completed in accordance with all other applicable provisions of this Article, and not inconsistent herewith, and in accordance with all other applicable governmental regulations, requirements and restrictions then governing, including without limitation all approval and permit requirements of the Village of Lansing and any other governmental authority having proper jurisdiction.

### **§ 111-13. Business and Technology District permit. [Added 10-18-1988 by L.L. No. 4-1988<sup>15</sup>]**

- A. Business and Technology District: permit not available. Notwithstanding the foregoing provisions of this Article, and subject to the provisions hereinafter set forth, the connection of improvements permitted within a Business and Technology District (under Chapter 145, Zoning, of the Code of the Village of Lansing) to a private sewage disposal system shall be permitted where a public sewer main or a main intended to be a public sewer main exists in the street or road right-of-way abutting the property upon which such improvements are located or such public sewer main or main intended to be public is otherwise available to such property, but connection of such improvements to such public sewer main or sewer main intended to be public is not possible because a sewer permit cannot be obtained due to the unavailability of sewer treatment capacity to the Village of Lansing. Such connection to a private sewage disposal system shall be permitted only upon the following terms and conditions:
  - (1) Any and all governmental approvals and permits required for the installation of such private sewage disposal system, including but not limited to the approval of the Tompkins County Health Department, shall have been obtained.
  - (2) The parcel upon which such private sewage disposal system is to be installed shall meet the minimum lot size requirements under Chapter 145, Zoning, of the Code of the Village of Lansing or, if it does not meet such minimum lot size requirements:
    - (a) Such lot shall have been approved by the Village Planning Board for a private sewage disposal system as a subdivided lot and as part of an approved subdivision pursuant to Chapter 125, Subdivision of Land of the Code of the Village of Lansing (subject to all conditions attached to such Planning Board approval); or
    - (b) The owner of such lot shall have received a duly issued variance from the Village Board of Zoning Appeals pursuant to Chapter 145, Zoning, of the Code of the Village of Lansing approving such lot for a private sewage disposal system notwithstanding its deficient lot size.
  - (3) The owner of such improvements shall file with the Village of Lansing a copy of the private sewage disposal system permit issued for such improvements by the Tompkins County Health Department.

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<sup>15</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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- (4) Connection of improvements.
  - (a) The improvements connected to such private sewage disposal system shall be connected to any available public sewer main upon the earlier of the following events to occur:
    - [1] Such connection is required by the Tompkins County Health Department or other public body or agency having proper jurisdiction.
    - [2] Such private sewage disposal system is not functioning properly or satisfactorily or requires substantial alterations or additions thereto.
    - [3] The expiration of one (1) year from the date the permit is issued for such private sewage disposal system by the Tompkins County Health Department.
  - (b) Upon the occurrence of any of the foregoing events, a written notice shall be served upon the owner or occupant of any such improvements by the Tompkins County Health Department or the Village of Lansing or its duly authorized agent, which notice shall set forth the reasons requiring connection to the public sewer, whereupon such connection to the public sewer shall be completed by such owner or occupant within forty-five (45) days after the date of any such notice.
  - (c) If upon the occurrence of the earlier of the foregoing events, connection of such improvements to a public sewer main is not yet permitted because a sewer permit cannot be obtained due to the continuing unavailability of sewer treatment capacity to the Village of Lansing, the improvements connected to such private sewage disposal system shall be thereafter connected to a public sewer main no later than four (4) months after the owner or occupant of such improvements is advised in writing by the Village of Lansing that a permit for connection to a public sewer main is available for such improvements.
- (5) Connection of such improvements to a public sewer shall be completed in accordance with all other applicable provisions of this Article, and not inconsistent herewith, and in accordance with all other applicable governmental regulations, requirements and restrictions then governing, including without limitation all approval and permit requirements of the Village of Lansing and any other governmental authority having proper jurisdiction.
- (6) In addition to the foregoing, concurrently with the installation of a private sewage disposal system as authorized and provided under this § 111-13, the person responsible therefor shall also install any and all laterals, sewer lines, manholes and/or any other facilities or equipment which may be required in the future for properly transporting sewage from the building(s) and improvements on the property to the public sewer main or sewer main intended to be public. Such laterals, sewer lines, manholes and/or any other facilities or equipment shall be installed in such fashion as to be temporarily unusable and shall remain unused until such time as connection to the public sewer main or sewer main intended to be public is

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permitted or required hereunder. Such laterals, sewer lines, manholes and/or any other facilities or equipment shall be installed as required hereunder only after proper application for any and all sewer permits has been made and, to the extent then available, such permits issued as otherwise required under this Article and/or any other applicable laws, ordinances, rules, regulations or governing provisions, and such installation shall be completed in accordance with any and all of the terms and provisions of this Article. The future connection of such laterals, sewer lines, manholes and/or any other facilities or equipment to the public sewer main or sewer main intended to be public shall be accomplished in accordance with any and all requirements and conditions of any permits issued therefor. Any and all required inspections by any and all governing authorities shall be made prior to, during and following completion of the installation of such laterals, sewer lines, manholes and/or any other facilities or equipment, including any inspections which may be required at the time such laterals, sewer lines, manholes and/or any other facilities or equipment are connected to the public sewer main or sewer main intended to be public. Under no circumstances shall installation of a private sewage disposal system be commenced as authorized and provided hereunder until such time as any and all required permits have been obtained for installation of the laterals, sewer lines, manholes and/or any other facilities or equipment which may be required in the future for properly transporting sewage from the building(s) and improvements on the property to the public sewer main or sewer main intended to be public.

- (7) No person shall discharge or cause to be discharged or allow to run, leak or escape into any private sewage disposal system authorized or provided under this § 111-13 any materials, substances or wastes which may not otherwise be discharged into the Village sewer system under this Article and/or any other applicable laws, ordinances, rules, regulations or governing provisions.

### **§ 111-14. Commercial Low Traffic District permit. [Added 11-6-1990 by L.L. No. 12-1990<sup>16</sup>]**

- A. Commercial Low Traffic District: no permit available. Notwithstanding the foregoing provisions of this Article, and subject to the provisions hereinafter set forth, the connection of improvements permitted within a Commercial Low Traffic District (under Chapter 145, Zoning) to a private sewage disposal system shall be permitted where a public sewer main or a main intended to be a public sewer main exists in the street or road right-of-way abutting the property upon which such improvements are located or such public sewer main or main intended to be public is otherwise available to such property, but connection of such improvements to such public sewer main or sewer main intended to be public is not possible because a sewer permit cannot be obtained due to the unavailability of sewer treatment capacity to the Village of Lansing. Such

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<sup>16</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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connection to a private sewage disposal system shall be permitted only upon the following terms and conditions:

- (1) Any and all governmental approvals and permits required for the installation of such private sewage disposal system, including but not limited to the approval of the Tompkins County Health Department, shall have been obtained.
- (2) The parcel upon which such private sewage disposal system is to be installed shall meet the minimum lot size requirements under Chapter 145, Zoning, of the Code of the Village of Lansing or, if it does not meet such minimum lot size requirements:
  - (a) Such lot shall have been approved by the Village Planning Board for a private sewage disposal system as a subdivided lot and as part of an approved subdivision pursuant to Chapter 125, Subdivision of Land, of the Code of the Village of Lansing (subject to all conditions attached to such Planning Board approval); or
  - (b) The owner of such lot shall have received a duly issued variance from the Village Board of Zoning Appeals pursuant to Chapter 145, Zoning, of the Code of the Village of Lansing approving such lot for a private sewage disposal system notwithstanding its deficient lot size.

The owner of such improvements shall file with the Village of Lansing a copy of the private sewage disposal system permit issued for such improvements by the Tompkins County Health Department.

- (4) Connection of improvements.
  - (a) The improvements connected to such private sewage disposal system shall be connected to any available public sewer main upon the earlier of the following events to occur:
    - [1] Such connection is required by the Tompkins County Health Department or other public body or agency having proper jurisdiction.
    - [2] Such private sewage disposal system is not functioning properly or satisfactorily or requires substantial alterations or additions thereto.
    - [3] The expiration of one (1) year from the date the permit is issued for such private sewage disposal system by the Tompkins County Health Department.
  - (b) Upon the occurrence of any of the foregoing events, a written notice shall be served upon the owner or occupant of any such improvements by the Tompkins County Health Department or the Village of Lansing or its duly authorized agent, which notice shall set forth the reasons requiring connection to the public sewer, whereupon such connection to the public sewer shall be completed by such owner or occupant within forty-five (45) days after the date of any such notice.
  - (c) If, upon the occurrence of the earlier of the foregoing events, connection of such improvements to a public sewer main is not yet permitted because a sewer permit cannot be obtained due to the continuing unavailability of sewer treatment capacity to the Village of Lansing, the improvements connected to such private sewage

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disposal system shall be thereafter connected to a public sewer main no later than four (4) months after the owner or occupant of such improvements is advised in writing by the Village of Lansing that a permit for connection to a public sewer main is available for such improvements.

- (5) Connection of such improvements to a public sewer shall be completed in accordance with all other applicable provisions of this Article, and not inconsistent herewith, and in accordance with all other applicable governmental regulations, requirements and restrictions then governing, including without limitation all approval and permit requirements of the Village of Lansing and any other governmental authority having proper jurisdiction.
- (6) In addition to the foregoing, concurrently with the installation of a private sewage disposal system as authorized and provided under this § 111-14, the person responsible therefor shall also install any and all laterals, sewer lines, manholes and/or any other facilities or equipment which may be required in the future for properly transporting sewage from the building(s) and improvements on the property to the public sewer main or sewer main intended to be public. Such laterals, sewer lines, manholes and/or any other facilities or equipment shall be installed in such fashion as to be temporarily unusable and shall remain unused until such time as connection to the public sewer main or sewer main intended to be public is permitted or required hereunder. Such laterals, sewer lines, manholes and/or any other facilities or equipment shall be installed as required hereunder only after proper application for any and all sewer permits has been made and, to the extent then available, such permits issued as otherwise required under this Article and/or any other applicable laws, ordinances, rules, regulations or governing provisions and such installation shall be completed in accordance with any and all of the terms and provisions of this Article. The future connection of such laterals, sewer lines, manholes and/or any other facilities or equipment to the public sewer main or sewer main intended to be public shall be accomplished in accordance with any and all requirements and conditions of any permits issued therefor. Any and all required inspections by any and all governing authorities shall be made prior to, during and following completion of the installation of such laterals, sewer lines, manholes and/or any other facilities or equipment, including any inspections which may be required at the time such laterals, sewer lines, manholes and/or any other facilities or equipment are connected to the public sewer main or sewer main intended to be public. Under no circumstances shall installation of a private sewage disposal system be commenced as authorized and provided hereunder until such time as any and all required permits have been obtained for installation of the laterals, sewer lines, manholes and/or any other facilities or equipment which may be required in the future for properly transporting sewage from the building(s) and improvements on the property to the public sewer main or sewer main intended to be public.
- (7) No person shall discharge or cause to be discharged or allow to run, leak or escape into any private sewage disposal system authorized or provided



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under this § 111-14 any materials, substances or wastes which may not otherwise be discharged into the Village sewer system under this Article and/or any other applicable laws, ordinances, rules, regulations or governing provisions.

**§ 111-15. Issuance and use of sewer permits. [Added 12-17-1991 by L.L. No. 18-1991; Amended 8-16-1993 by L.L. No. 11-1993; 6-20-1994 by L.L. No. 3-1994]**

- A. Permit expiration. Notwithstanding any term or provision of this Sewer Law to the contrary, the following terms and provisions of this § 111-15 shall apply to and govern the issuance and use of all sewer permits issued by the Village of Lansing, including but not limited to all sewer permits issued prior to the date of enactment of these provisions as an amendment of the Sewer Law and including but not limited to all sewer permits issued as a result of the fifty-five (55) sewer permits made available to the Village of Lansing by the Village of Cayuga Heights in accordance with the Village of Cayuga Heights May 19, 1994, letter concerning the same.
- (1) In the case of any sewer permit issued by the Village of Lansing for the connection of a single-family residence to the Village sewer system, the person to whom such permit has been issued, or such person's designee, is thereby required to connect such improvements to the Village of Lansing public sewer system within one (1) year following the date of such sewer permit. In the event that such connection has not been completed within one (1) year following the date of such permit, then such permit and any and all rights and authority granted therein, upon the date one (1) year from the date of such permit, shall automatically expire, terminate and thereupon become null and void.
  - (2) In the case of any sewer permit issued by the Village of Lansing for the connection of any structure other than a single-family residence to the Village sewer system, the person to whom such permit has been issued, or such person's designee, is hereby required to connect such improvements to the Village of Lansing public sewer system within eighteen (18) months following the date of such sewer permit. In the event that such connection has not been completed within eighteen (18) months following the date of such permit, then such permit and any and all rights and authority granted therein, upon the date eighteen (18) months from the date of such permit, shall automatically expire, terminate and thereupon become null and void.
  - (3) In the event that a sewer permit issued by the Village of Lansing is automatically terminated due to the permit holder's failure to complete connection to the Village of Lansing public sewer system within the required period set forth in either Subsection A(1) or (2) above, any subsequent discharge of sewage, industrial waste or other waste from the property that is the subject of such sewer permit, directly or indirectly into the Village of Lansing public sewer system or into any private sewer, shall constitute a violation of the Village of Lansing Sewer Law, which violation shall be subject to the enforcement and penalty provisions and procedures set forth in this Article.

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- (4) As used in this § 111-15, connection to the Village of Lansing public sewer system constitutes completion of a sewer pipe through a wall of a foundation that has been completed in accordance with a building permit validly issued by the Village, which sewer pipe is physically connected to the public sewer system.
- (5) In any event that a sewer permit issued by the Village of Lansing is automatically terminated in accordance with the terms of this Subsection § 111-15, upon the delivery to the Village Clerk of the original of said terminated permit, the Village shall refund to the former holder of said permit the amount of the fee paid by said person for said terminated permit.

### § 111-16. Administrative procedures.

- A. Public information. The Village of Lansing shall:
  - (1) Adopt within the rules a description of its organization, stating the general course and method or operation and designate where applications, requests and submissions shall be made.
  - (2) Adopt rules stating the nature and requirements of all formal and informal procedures in applying for a permit, in requesting a hearing, and how to submit or oppose the adoption of any rule.
  - (4) Make all rules, orders, statement of policy or interpretation used by the Village in the discharge of its functions available for public inspection. No rule, order or decision is valid against any person or party until it has been made available for public inspection. This provision is not applicable in favor of any person or party who has actual knowledge thereof.
- B. Procedure for adoption of rules.<sup>17</sup> The Village of Lansing Board of Trustees prior to the adoption, amendment or repeal of any rule shall:
  - (1) Publish notice at least ten (10) days prior to the intended action. Notice shall include a statement of either the terms or substance of the intended action or a description of subjects and issues involved, the time and place of the hearing and manner in which interested persons may present their views.
  - (2) Afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing. Reasons for adoption and refusal of proposed rule as well as the decision of the Village of Lansing Board of Trustees shall be recorded and available for public inspection. If the Village Engineer believes emergency action is required under § 111-5E or § 111-6D, the Village of Lansing Board of Trustees may waive notice and proceed without prior notice or hearing to adopt an emergency rule. The emergency rule shall be effective for a period of not longer than one hundred twenty (120) days unless it is readopted under Subsection B(1) and (2) of this section.
- C. Filing and taking effect of rules.

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<sup>17</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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- (1) The Village of Lansing shall file a certified copy of each rule with the Village of Lansing Clerk. The Clerk shall keep a permanent file which may be inspected upon request.
  - (2) The rule shall be effective ten (10) days after the filing, except that if the rule has been adopted under the emergency procedure [Subsection B(2)], then the rule is effective upon filing.
- D. Publication of rules. The Village of Lansing shall compile, index and publish all effective rules. The compilation shall be supplemented as often as necessary.
- E. Petition for adoption of rules. An interested person may petition the Village of Lansing requesting the promulgation, amendment or repeal of a rule. Within thirty (30) days after submission of a petition the Village Board shall either deny the petition in writing, stating its reasons, or shall initiate rule-making proceedings in accordance with Subsection B.
- F. Declaratory opinions by the Village Engineer; declaratory rulings by the Village of Lansing Board of Trustees.<sup>18</sup> A formal request of the Village Engineer for a declaratory opinion shall be acknowledged within ten (10) days. The Village Engineer may state his opinion of the petitioner's position and the policy of his office. The Village of Lansing Board of Trustees shall be informed of all opinions, and such opinions are not binding on the Village of Lansing Board of Trustees but shall be reviewed, with notice, upon a formal request of any party or the Village of Lansing Board of Trustees. After review, the Village of Lansing Board of Trustees will issue a declaratory ruling to be filed with the Village Clerk.
- G. Contested cases; notice; hearing; records.
- (1) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice. The hearing shall be conducted by the Village of Lansing Board of Trustees or a hearing officer appointed by the Board.<sup>19</sup>
  - (2) The notice shall include:
    - (a) A statement of the time, place and nature of the hearing.
    - (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.
    - (c) A reference to the particular sections of the statutes and rules involved.
    - (d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of issues involved. Thereafter upon application, a more definite and detailed statement shall be furnished.
  - (3) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.
  - (4) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.
  - (5) The record in a contested case shall include:
    - (a) All pleadings, motions and intermediate rulings.
    - (b) Evidence received or considered.
    - (c) A statement of matters officially noticed.

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<sup>18</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>19</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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- (d) Questions and offers of proof, objections and rulings thereon.
  - (e) Proposed findings and exceptions.
  - (f) Any decision, opinion or report by the officer presiding at the hearing.
  - (g) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.
- (6) Oral proceedings or any part thereof shall be transcribed on request of any party.
- (7) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- H. Rules of evidence; official notice. In contested cases:
- (1) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the Supreme Courts of this State shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The Village of Lansing shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.
  - (2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.
  - (3) A party may conduct cross-examinations required for a full and true disclosure of the facts.
  - (4) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Village of Lansing's special knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material noticed.
- I. Examination of evidence by Village of Lansing Board of Trustees. When in a contested case a majority of the members of the Village of Lansing Board of Trustees who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the Village itself, shall not be made until a proposal for decision is served upon the parties and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument of the members who are to render the decision. The proposal for decision shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties by written stipulation may waive compliance with this action.<sup>20</sup>

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<sup>20</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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- J. Decisions and orders. A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with the rules of the Village of Lansing, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record.
- K. Ex parte consultations. Unless required for the disposition of ex parte matter authorized by law members or employees of the Village of Lansing assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party nor, in connection with any issue of law, with any party or its representative, except upon notice and opportunity for all parties to participate.
- L. Permits.
- (1) When the grant, denial or renewal of a permit is required to be preceded by notice and opportunity for hearing, the provisions of this Article concerning contested cases shall apply.
  - (2) When a permittee has made timely and sufficient application for the renewal of a permit with reference to any activity of a continuing nature, the existing permit does not expire until the application has been finally determined by the agency and, in case the application is denied or the terms of the new permit limited, until the last day for seeking review of the order of the Village of Lansing or a later date fixed by order of the reviewing court.
  - (3) No revocation, suspension, annulment or withdrawal of any permit is lawful unless, prior to the institution of agency proceedings, the Village of Lansing gave notice by mail to the permittee of facts or conduct which warrant the intended action, and the permittee was given an opportunity to show compliance with all lawful requirements for the retention of the permit. If the Village Engineer finds that public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, summary suspension of a permit may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.
- M. Review of contested cases:
- (1) A party, who has exhausted all administrative remedies available within the Village of Lansing and who is aggrieved by a final decision in a contested case, is entitled to review.
  - (2) Review of decisions are instituted by filing a petition in the Supreme Court of the Sixth Judicial District within thirty (30) days after the final decision of the Village of Lansing Board of Trustees or, if a rehearing is requested, within thirty (30) days after the decision thereon. Copies of the petition shall be served upon all parties.<sup>21</sup>

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<sup>21</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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- (3) The filing of the petition does not itself stay enforcement of the Village of Lansing Board of Trustees' decision though a stay may be granted upon appropriate terms by the Village of Lansing Board of Trustees.<sup>22</sup>
- (4) Within thirty (30) days after the service of the petition or within further time allowed by court, the Village of Lansing Board of Trustees shall transmit to the reviewing court the original copy of the proceeding under review.<sup>23</sup>

### § 111-17. Penalties for offenses; enforcement.

- A. A violation of the provisions of this Article or the rules incorporated herein shall be subject to a penalty not to exceed two hundred dollars (\$200.) for any one (1) case, and an additional penalty not to exceed one thousand dollars (\$1,000.) for each day of a continuing violation after a final decision and order has been entered with notice to the party adversely affected by the decision to impose the penalty. The exact amount of penalty in each case shall be determined by the Village of Lansing Board of Trustees.<sup>24</sup>
- B. The penalty shall become part of the Village charges and shall be collected as a charge in accordance with the Village Law of New York.
- C. The Village of Lansing Board of Trustees shall report industrial waste discharges consistently failing to achieve County, State or federal pollution standards to appropriate County, State and federal agencies. The Village Engineer shall assist appropriate County, State and federal agencies, as necessary, in their review or action upon such reports.<sup>25</sup>
- D. Proceedings under this Article do not preclude enforcement of any ordinances, criminal statutes or laws of the State of New York by either the Village of Lansing or the State of New York.

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<sup>22</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>23</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>24</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>25</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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### APPENDIX A Sewer Unit Exchange [Adopted 8-20-1991]

- A. Upon delivery of a written request therefor, and delivery of such other information and documentation as is necessary to satisfy the conditions set forth hereinafter, the Village of Lansing shall cancel existing sewer permits for property in the Village of Lansing and issue an equivalent number of new sewer permits for other property in the Village of Lansing, provided that all now existing or future applicable laws, rules and regulations of the Village of Lansing, as well as the following conditions, are satisfied in regard to the use of the newly-issued sewer permits.<sup>26</sup>
- B. The above-described cancellation of existing permits and issuance of new permits shall be contingent upon satisfaction of all of the following conditions:
- (1) Approval by the attorneys for the Village of Cayuga Heights and the Village of Lansing of a contract between the Village of Lansing and the Village of Cayuga Heights which sets out the authority provided by the Village of Cayuga Heights and its conditions.
  - (2) Approval by the attorneys for the Village of Cayuga Heights and the Village of Lansing of a contract between the Village of Lansing and the developer which sets out the conditions of the exchange of sewer units.
  - (3) Approval of the Engineers of the Villages of Lansing and Cayuga Heights confirming that the number of units being exchanged are equivalent in terms of flow and treatability so that the load on the Cayuga Heights Sewage Treatment Plant remains the same from the Village of Lansing.
  - (4) Approval of the Engineers of the Villages of Lansing and Cayuga Heights confirming that the existing sewer units being shut off are disconnected in such a manner as to assure continued compliance by the developer with the terms of the exchange and to assure easy monitoring by the Village of Cayuga Heights and the Village of Lansing of continued compliance.
  - (5) Monitoring by the Village of Lansing and certification from the Village of Lansing to the Village of Cayuga Heights on a regular basis [at least every six (6) months] that the existing sewer units being canceled continue to be disconnected from the Cayuga Heights Sewage Treatment Plant.
  - (6) Monitoring by the Village of Lansing and certification from the Village of Lansing to the Village of Cayuga Heights on a regular basis [at least every six (6) months] that the flow and treatability from the new sewage connections are equivalent to the flow and treatability from the existing sewer unit connections being canceled.
  - (7) Ownership shall be substantially the same for property served by the existing sewer units and the new sewer units.
  - (8) Provision in contracts between the Village of Lansing and the Village of Cayuga Heights and between the Village of Lansing and the developer that new permits will not be issued until the existing sewer units are disconnected; that the Village of Cayuga Heights, its employees and consultants, may have access to the sewage treatment lines of the Village

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<sup>26</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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of Lansing and the developer to assure compliance and equivalency of flow and treatability; that if after one (1) year of usage of the new sewage connections, the Village of Cayuga Heights determines that the number of units which were exchanged was not equivalent in terms of flow and treatability so that the load on the Cayuga Heights Sewage Treatment Plant is not the same from the Village of Lansing, that the Village of Lansing and the developer will agree to disconnect any necessary additional existing sewer units to make the flow and treatability equivalent, and if this is not done promptly, the Village of Cayuga Heights and the Village of Lansing shall have complete authority to disconnect the new sewer units immediately; and that the developer shall pay for any reasonable costs of the Village of Cayuga Heights and the Village of Lansing associated with this exchange and continued monitoring and compliance, including but not limited to engineering costs, attorneys fees, costs of disconnection of existing units and any other expenses related to this exchange. Further, the developer and the Village of Lansing must agree that there be no expansion of sewer unit connections granted under this exchange.

- (9) Provision in the contract between the Village of Lansing and the Village of Cayuga Heights that the Village of Lansing will hold the Village of Cayuga Heights harmless for any costs and expenses, including attorneys fees, from any litigation involving this exchange, and provision in the contract between the Village of Lansing and the developer that the developer shall hold the Village of Lansing harmless for any costs and expenses, including attorneys fees, from any litigation in connection with this exchange of sewer units and from any indemnification provided by the Village of Lansing to the Village of Cayuga Heights in connection therewith.
- (10) The maximum number of units that can be exchanged is ten (10) units per tax parcel.



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### APPENDIX B Sewer Rules and Regulations<sup>27</sup>

Pursuant to § 111-16, Administrative procedures, the Lansing Village Board of Trustees has adopted the following rules:

- A. Description of organization.
  - (1) Village of Lansing Board of Trustees: The Village of Lansing Board of Trustees consisting of a Mayor and four (4) Trustees is responsible for the policy, rules, operation, administration and review of the program within the Village of Lansing.
  - (2) Village Engineer: The Village Engineer is responsible to the Village of Lansing Board of Trustees for the implementation of rules, regulations, policy, operation, administration, maintenance, design, construction and supervision of the sewer programs within the Village.
  - (3) Applications, requests and submissions: Applications, requests and submissions shall be made to the Village Code Enforcement Officer or Clerk, who will review the item for completeness and forward the item to the Superintendent of Public Works, who will make his recommendations and then forward the item to the Village of Lansing Board of Trustees or appropriate branch within his organization for action.
  - (4) Hearings. Requests that a hearing concerning any decision made by the Village Engineer or his office shall be made by petition to the Village of Lansing Board of Trustees.
  - (5) Adoption and modification of rules. Proposed rules, modification to existing rules and any objections thereto shall be submitted, in writing, to the Board of Trustees, and the Board shall conduct a public hearing before amending these rules.
- B. Procedures.
  - (1) Permits. Instructions and forms for application for permits required by the Village of Lansing Sewer Law shall be obtained at the Village Office.
  - (2) Application. Application shall be made for each sewer connection contributing sewage to the sewer system or any public tributary sewer.
    - (a) Application for sanitary waste only. If the sewage contains only sanitary waste as from a residence, the connection must follow the rules for sanitary waste connections.
    - (b) Application for industrial waste. If such sewage contains industrial wastes, scavenger wastes or other wastes whose pollutant characteristics are such that the discharge is subject to control under Articles of the Sewer Ordinance, the connection must follow the rules for industrial waste connections.
  - (3) **[Amended 6-20-1994; 6-15-2015 by L.L. No.3-2015]** Application fees for permits. An application fee will accompany an application for a permit to be used under the Village of Lansing Sewer Law. The fee is to defray part of the administrative costs of processing applications including the inspection of the applicant's facilities and waste sampling programs.

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<sup>27</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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- (a) A permit connection fee of one thousand dollars (\$1,000.00) for a single residential sewer permit/unit and connection plus five hundred dollars (\$500.00) for each additional residential unit incorporated in the same residential structure.
- (b) A permit connection fee of one thousand dollars (\$1,000.00) for a commercial/industrial/non-residential building, plus five hundred dollars (\$500.00) per sewer unit based on the average daily water consumption, which is determined by the Village of Cayuga Heights.
- (c) Mixed use buildings shall be charged a sewer permit connection fee of one thousand dollars (\$1,000.00) plus
  - i. Residential component - five hundred dollars (\$500.00) per sewer unit for each residential unit and
  - ii. Commercial component - five hundred dollars (\$500.00) per sewer unit based on the average daily water consumption, which is determined by the Village of Cayuga Heights.
- (4) Construction specifications.
  - (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a permit from the Village of Lansing. An inspection fee, in an amount determined by the Village of Lansing Board of Trustees, shall be charged for each permit.
  - (b) A separate and independent building sewer line shall be provided for every building except where otherwise permitted by the Village of Lansing, 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 may be extended to the rear building and the whole considered as one (1) building sewer.
  - (c) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the applicant and observed by the Superintendent of Public Works to meet all requirements of these rules.
  - (d) If a septic tank is abandoned, it must be pumped clean and backfilled with suitable material.
  - (e) The size and slope of the building sewer shall be subject to the approval of the inspector, but in no event shall the diameter be less than four (4) inches.
  - (f) No building sewer parallel to any bearing wall shall be closer than three (3) feet to said wall, which might thereby be weakened. The depth of all building sewers shall be sufficient to afford protection from frost.
  - (g) All joints shall be gastight and watertight.
  - (h) The connection of the building sewer to the public sewer shall be made at the Y-branch if such branch is available. If no properly located Y-branch is available, the owner shall at his own expense tap

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into the main sewer, using an approved type of adapter. This tap must be done by a qualified plumber and under the direction of the Superintendent of Public Works.

- (i) The applicant for the building sewer permit shall notify the Village office when the building sewer is ready for inspection, and before the trench is backfilled. A minimum of eight (8) regular working hours advance notice request for inspection must be given.
- (j) The applicant for the building sewer permit must obtain a permit from the municipality involved before excavating within the limits of any street or highway, or for connections inside of any house or building.
- (k) All plumbers engaged in building sewer line construction shall be qualified by experience in sanitary sewer construction to perform acceptable installations according to the specifications.
- (l) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village of Lansing from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Maintenance, repair and cleaning of the building sewer is solely the responsibility of the owner.
- (m) All connections to commercial buildings require the Village of Lansing to be furnished a satisfactory design drawing of the proposed installation before a permit will be issued.
- (n) All connections with sanitary sewers shall be made in accordance with the following specifications, after a permit is granted by the Village of Lansing.
  - [1] Connections to sanitary sewers from five (5) feet outside building wall shall be made with one (1) of the following materials, not less than four (4) inches in diameter:
    - [a] Cast-iron soil pipe. The pipe shall be sound, cylindrical, smooth and of uniform thickness and should be thoroughly coated inside and outside with coal tar pitch applied hot. Joints shall be made with oakum and molten lead caulked and smoothly faced or neoprene gaskets for bell and spigot pipe or Tyler-type TySeal gaskets or no-hub couplings.
    - [b] Nominal SDR 35 (SDR 33.5 actual) PVC or heavier, conforming to ASTM D3034.
    - [c] Nominal SDR 34 (SDR 33.5 actual) ABS or heavier, conforming to ASTM D2680 and ASTM 2751.
  - [2] Connections from the cast iron sewer extending five (5) feet from the building shall be made with approved type adapters, as made by the pipe manufacturer.
  - [3] Connections from the building sewer to the six-inch diameter wye or riser in the street shall be made with approved type adapters, as made by the pipe manufacturer.
  - [4] All house connections must be laid to a true line and grade. Minimum grade of one-fourth (1/4) inch per foot will be maintained, unless otherwise approved in the permit. After the

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trench is graded, the bottom of the trench must be carefully tamped to avoid unequal settling of the pipe. If the material in the trench is unsuitable for proper bedding, a minimum of six(6) inches of select fill must be installed before the pipe is laid. Cutouts for the joints must be made to insure uniform bedding along the length of the pipe. Fine material must be carefully tamped around the pipe and to a depth of one (1) foot above the pipe. When using PVC or ABS pipe there must be a minimum of six (6) inches of washed pea gravel or No. 1 crushed stone under the pipe and twelve (12) inches over the top.

- [5] Before the pipe is covered, inspection and approval must be given by the Superintendent of Public Works.
  - [6] If there is no house trap in the existing plumbing, either a house trap or lawn trap must be installed. The trap must have a fresh air inlet on the upstream side. A cleanout stack shall be provided immediately downstream from the trap so the line may be rodded or cleaned.
  - [7] All excavations shall be protected at all times by erection of suitable barricades and the contractor shall light all excavations with suitable lamps.
  - [8] Bends in the line shall be made with one-sixteenth-inch or one-eighth-inch bends, unless authorized by the inspector. Cleanouts shall be installed at all bends in the line, and on straight runs of over one hundred (100) feet.
- (5) Power to enter. With regard to §§ 111-8A and 111-9A of the Village of Lansing Sewer Law, the power to enter upon private lands given to the Village Engineer and his duly authorized representatives is modified to exclude entry into single-family houses or owner-occupied double houses unless notice is furnished to the occupants in advance. In those cases where notice cannot be practically provided, the basic powers and authority of inspectors as covered in § 111-9A will apply.
  - (6) Household pumping stations. There are some house locations which necessitate the use of an individual pumping station as access to the sanitary wastewater collection system. This type of connection shall be made in accordance with the following regulations.
    - (a) Any existing home (May 1, 1981) whose property is adjacent to and touching a collector/transmission sewer line or Village street right-of-way where such a sewer line is located and cannot be served by a gravity sewer lateral shall be supplied with an individual household pump station. The station shall be set up and hooked into the collection system at no cost to the homeowner.
    - (b) Cost of operation and future maintenance of the pumping station shall be the responsibility of the homeowner.
    - (c) It shall be the homeowner's responsibility for supplying, installing and maintaining a pumping station which may be required on property where no home or business exists and developed in the future.

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### ARTICLE II

#### Sewer Rents

[Adopted 9-23-1982 as L.L. No. 3-1982]

#### § 111-18. Title.

This Article may be referred to and cited as the "Village of Lansing Sewer Rent Law."

#### § 111-19. Purpose.

The purpose of this Article is to set forth the terms and provisions for the collection of sewer rents for the purpose of producing revenue, such revenue to be used as hereinafter provided. Such sewer rents are to be established and imposed with respect to the use of the Village sewer system.

#### § 111-20. Applicability.

This Article shall apply to all owners of property located within the Village of Lansing, and all owners of all other properties outside of the Village of Lansing who are connected with and use the Village of Lansing sewer system. For the purposes of this Article, the Village of Lansing sewer system shall mean the trunk sewers, collection sewers, force mains, pumping stations, sewage treatment plant and other appurtenant structures either owned or leased by the Village of Lansing.

#### § 111-21. Rents for property owners connected with Village of Lansing water system.

- A. Each owner of property that is provided with water service by connecting to the Village of Lansing Water System shall be charged for, and shall be obligated to pay, a total annual sewer rent amount comprised of the following:
- (1) A quarterly sewer rent charge for use of the Village of Lansing sewer system, such charge to be equal to one dollar and forty-four cents (\$1.44) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of seven dollars and twenty cents (\$7.20) for each individual multiple dwelling unit for each quarterly billing (as provided in subsection "B" below); and
  - (2) A quarterly sewer rent charge for use of the Village of Cayuga Heights sewer system, such charge to be equal to five dollars and twenty cents (\$5.20) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of twenty-six dollars (\$26.00) per each individual multiple dwelling unit for each quarterly billing (as provided in subsection "B" below).

The amount charged for use of the Village of Lansing sewer system shall be individually calculated, and thereafter collected by the Village of Lansing for all quarterly billings commencing with the Southern Cayuga

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Lake Intermunicipal Water Commission/Bolton Point quarterly billing after January 1, 2022. The amount charged for use of the Village of Cayuga Heights sewer system shall be individually calculated, and thereafter collected by the Village of Lansing (or such other party designated by the Village of Cayuga Heights), for all quarterly billings commencing with the Southern Cayuga Lake Intermunicipal Water Commission/Bolton Point quarterly billing after January 1, 2022. Each such amount shall thereafter continue until otherwise modified from time to time by further local law adopted by the Village of Lansing Board of Trustees.[Amended 4-2-1990 by L.L. No. 4-1990; 7-19-1993 by L.L. No. 9-1993; 12-6-93 by L.L. No. 14-1993; 5-1-1995 by L.L. No. 3-1995; 8-19-02 by L.L. No. 1-2002; 4-19-04 by L.L. No. 1-2004; 5-7-07 by L.L. No. 2-2007; 5-21-12 by L.L. No. 4-2012; 11-19-12 by L.L. No. 6-2012; 10-21-13 by L.L. No. 1-2013; 11-17-13 by L.L. No. 6-2014; 11-2-15 by L.L. No. 4-2015; 09-18-17 by L.L. No. 3-2017; 11-20-17 by L.L. No. 4-2017; 6-18-18 by L.L. No. 2-2018; 1-07-19 by L.L. No. 1-2019; 2-03-20 by L.L. No. 1-2020; 12-07-20 by L.L. No. 3-2020;12-06-21 by L.L. No. 4-2021]

B. Billing.

Such annual calculated and consolidated sewer rent charges as provided above shall be billed and payable quarterly together with the billing for water service, and shall be due and payable on the following dates: January 1, April 1, July 1 and October 1. [Amended 5-21-2012 by L.L. No. 4-2012]

C. The amounts so billed as sewer rent which are not paid within twenty (20) days of the date on which such amounts are due shall be subject to a penalty of fifteen percent (15%). [Amended 12-6-1993 by L.L. No. 14-1993]

### § 111-22. Rents for property owners not connected with Village of Lansing water system.

A. Each owner of property that is not provided with water service by connecting to the Village of Lansing Water System shall be charged for, and shall be obligated to pay, a total quarterly sewer rent amount comprised of the following:

- (1) a quarterly sewer rent charge for use of the Village of Lansing sewer system, such charge to be equal to one dollar and forty-four cents (\$1.44) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of seven dollars and twenty cents (\$7.20) per each individual multiple dwelling unit for each quarterly billing (as provided in subsection "B" below); and
- (2) a quarterly sewer rent charge for use of the Village of Cayuga Heights sewer system, such charge to be equal to five dollars and twenty cents (\$5.20) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of twenty-six dollars (\$26.00) per each individual multiple dwelling unit for each quarterly billing (as provided in subsection "C" below).

## SEWERS

The amount charged for use of the Village of Lansing sewer system shall be individually calculated, and thereafter collected by the Village of Lansing for all quarterly billings commencing with the Southern Cayuga Lake Intermunicipal Water Commission/Bolton Point quarterly billing after January 1, 2022. The amount charged for use of the Village of Cayuga Heights sewer system shall be individually calculated, and thereafter collected by the Village of Lansing or such other party designated by the Village of Cayuga Heights, for all quarterly billings commencing with the Southern Cayuga Lake Intermunicipal Water Commission/Bolton Point quarterly billing after January 1, 2022. Each such amount shall thereafter continue until such amount is otherwise modified from time to time by further local law adopted by the Village of Lansing Board of Trustees. [Amended 4-2-1990 by L.L. No. 4-1990; 5-2-1994 by L.L. No. 1-1994; 5-16-1994 by L.L. No. 2-1994; 5-1-1995 by L.L. No. 3-1995; 5-2-2005 by L.L. No. 1-2005; 5-7-07 by L.L. No. 2-2007; 12-17-07 by L.L. No. 8-2007; 11-17-08 by L.L. No. 5-2008; 11-16-09 by L.L. No. 4-2009; 2-7-11 by L.L. No. 1-2011; 11-7-11 by L.L. No. 8-2011; 5-21-12 by L.L. No. 4-2012; 11-19-12 by L.L. No. 6-2012; 10-21-13 by L.L. No. 1-2013; 11-17-13 by L.L. No. 6-2014; 11-2-15 by L.L. No. 4-2015; 09-18-17 by L.L. No. 3-2017; 11-20-17 by L.L. No. 4-2017 6-18-18 by L.L. No. 2-2018; 1-07-19 by L.L. No. 1-2019; 2-03-20 by L.L. No. 1-2020; 12-07-20 by L.L. No. 3-2020; 12-06-21 by L.L. No. 4-2021]

- B. It shall be the obligation of each such property owner to have a water meter approved by the Village installed on the premises for the purposes of monitoring the amount of water consumption for such property. The costs of such meter shall be borne by the property owner, who, upon purchasing such approved meter, shall advise the Village, whereupon the Village shall be responsible for the installation of such meter and the cost thereof. Meters must be installed in places easily accessible at all reasonable times for reading and inspection, and the Village of Lansing shall be authorized and permitted to have its duly designated agents read and inspect such meters at all reasonable times. Whenever the Village shall determine that, in its opinion, the meter is not registering properly, it shall be removed and calibrated or replaced by a new meter, and the cost thereof shall be borne by the property owner. After a meter is attached, any damage which the meter may sustain from freezing or from hot water being forced back through the meter or from any other external cause, shall be repaired immediately by the Village and the cost thereof shall be charged to the property owner. If the meters need attention of any kind, the Village shall be notified at once. Plumbers or other individuals are not allowed to remove meters for repairs or any other purpose. All persons are forbidden to break meter seals or disconnect or in any way tamper with meters after they have been installed on the premises.
- C. Such annual calculated sewer rent charges for use of the Village of Lansing sewer system as provided above shall be billed and payable quarterly, and shall be due and payable on the following dates: January 1, April 1, July 1 and October 1. Such annual calculated sewer rent charges for use of the Village of Cayuga Heights sewer system as provided above shall be billed and payable quarterly, and shall be due and payable on the following dates: January 1, April 1, July 1 and October 1; provided, however, that if such charges for use of the Village of Cayuga Heights

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sewer system are billed and collected by a party other than the Village of Lansing as so designated by the Village of Cayuga Heights, such charges shall be billed and payable quarterly on dates established by the Village of Cayuga Heights and the party designated by the Village of Cayuga Heights for billing and collection. **[Amended 5-21-2012 by L.L. No. 4-2012]**

- D. The amounts so billed as sewer rent which are not paid within twenty (20) days of the date on which such amounts are due shall be subject to a penalty of fifteen percent (15%). **[Amended 12-6-1993 by L.L. No. 14-1993]**

### § 111-23. Sewer Rent Fund.

- A. Revenues derived from sewer rents, including penalties and interest, shall be credited to a special fund, to be known as the "Sewer Rent Fund." Moneys in such fund shall be used in the following order:
- (1) For the payment of the costs of operation, maintenance and repairs of the sewer system or such part or parts thereof for which sewer rents have been established and imposed.
  - (2) For the payment of the interest on and amortization of, or payment of, indebtedness which has been or shall be incurred for the construction of the sewer system or such part or parts thereof for which sewer rents have been established and imposed (other than indebtedness, and the interest thereon, which is to be paid in the first instance from assessments upon benefited real property).
  - (3) For the construction of sewage treatment and disposal works with necessary appurtenance including pumping stations or for the extension, enlargement, or replacement of, or additions to, such sewer systems or part or parts thereof.
- B. Such revenues from sewer rents shall not be used to finance the cost of any extension of any part of a sewer system (other than any sewage treatment and disposal works with necessary appurtenances including pumping stations) to serve unsewered areas if such part has been constructed wholly or partly at the expense of real property especially benefited; or for the payment of the interest on, and the amortization of, or payment of, indebtedness which is to be paid in the first instance from assessments upon benefited real property.