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## **CITY OF RYE Building Department**

May 28, 2021

### **NOTICE**

#### **New City Law Requiring Inspection of all Private Sewer Laterals Prior to Sale of Property**

This month the Rye City Council adopted a new law requiring that property owners obtain a Discharge Compliance Certificate (“DCC”) from the City Building Department prior to the transfer of title of any real property in the City. Enforcement of this law will begin on **January 1, 2022**. A copy of the law is attached.

The purpose of the law is to ensure that the private sewer line (i.e. “sewer lateral”) extending from a building to a common line is operating correctly and is free of conditions such as cracks or breaks that may allow infiltration of stormwater or groundwater into the pipe and that the lateral does not have any unauthorized connections such as sump-pump discharges, roof leaders or yard drains. Infiltration and unauthorized inflows contribute to overwhelming public sewer systems so that they do not operate properly and potentially release untreated sewage into waterbodies.

Under the new law, property owners will be required to submit to the Building Department a certification from a licensed plumber that the lateral has been inspected and is free from any sources of inflow or infiltration. A video recording of the lateral will also be required, which will allow the Building Department to verify the plumber’s certification and determine if any corrective measures to the lateral are necessary. A DCC will only be required when there is a “renewal event,” which is defined as a transfer of real property or certain building or plumbing improvements.

Over the next few months the Building Department will be developing new forms, fees and other administrative procedures to implement this law. In the meantime, we are doing what we can to increase public awareness of the law and encourage those contemplating a sale or building improvement after January 1, 2022 to be prepared to comply with the new requirements.

If you have any questions, please call or email the City Building Department.

**Article III,**  
**Private Sanitary Sewer Laterals**  
*Adopted by the Rye City Council on May 5, 2021*

**§ 161-15. Legislative intent.**

The purpose of this article is to reduce infiltration and inflow into the sanitary sewer system operated by the City of Rye and exfiltration of sewage into groundwater and waterways by requiring inspection, testing, repair, replacement and ongoing maintenance of private sewer laterals by property owners in the City of Rye.

**§ 161-16. Definitions.**

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

**DISCHARGE COMPLIANCE CERTIFICATE**

A certificate issued by the Building Inspector based upon a plumber's certification stating that:

- A. All of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines comply with the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. There are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. The sanitary sewer laterals leading from the structures on the property do not directly or indirectly allow inflow or infiltration into the City's public sanitary sewer lines.

**EXFILTRATION**

Raw sewage that leaks out of laterals into soil, groundwater and waterways.

**INFILTRATION**

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

**INFLOW**

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from sources such as, but not limited to, roof leaders, sump pumps, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers,

stormwaters, surface runoff, street washwaters and drainage. Inflow does not include, and is distinguished from, infiltration.

## **PLUMBER'S CERTIFICATION**

A certification made to the City by a plumber licensed to do business within the County of Westchester that the plumber:

- A. Has inspected all of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines and that all such connections comply with the requirements of the New York State Building Code, Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. Has inspected the real property and found that there are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. Has inspected the sanitary sewer laterals leading from the structures on the property and determined that such laterals do not directly or indirectly allow inflow or infiltration therefrom into the City's public sanitary sewer lines, which inspection must include either a video record of a closed-circuit television (CCTV) inspection of the entire sanitary sewer lateral that has been provided to the City, or, in the case of a force or pump system, the results of a pressure test of the system; satisfactory, in either case, to the Building Inspector or his designee.

## **RENEWAL EVENT**

Either a transfer of title to the real property, other than a transfer between family members in order to create a joint tenancy or tenancy in common, or an application for a building and/or plumbing permits for construction with a value that exceeds 50% of the assessed value of the property, including improvements. Renewal events shall occur provided no inspection has been conducted at the subject property in the five (5) year period prior.

## **SANITARY SEWER LATERAL or LATERAL**

The sanitary sewer pipe running from the structures on a property conveying wastewater from the structure and connecting to the public sanitary sewer main.

### **§ 161-17. Standards for maintenance of sanitary sewer laterals.**

- A. It is the sole responsibility of the private property owner to perform all required maintenance, repairs and replacements of sanitary sewer laterals in accordance with the requirements of this article and the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code.

- B. Laterals shall be kept free from roots, grease deposits and other solids which may impede the flow or obstruct the transmission of sewage.
- C. Laterals shall not exhibit any signs of infiltration.
- D. Laterals shall not exhibit any sign of exfiltration or leakage.
- E. Lateral pipe joints shall be tight and all lateral pipes shall be free of any structure defects such as breaks, openings, and voids.

**§ 161-18. Correction or abatement.**

- A. If at any time any sanitary sewer lateral is found by the Building Inspector or City Engineer to not be in compliance with the requirements of § **161-17**, the owner of the property must cause all necessary repairs made to bring the lateral into compliance. Unless the Building Inspector and City Engineer allow additional time for good cause shown, the owner of the property must undertake to complete the required repairs to the satisfaction of the Building Inspector and City Engineer or their designees within 60 days of the sooner of becoming aware of the noncompliance, or receiving notice from the City or otherwise, including an inspection by a plumber done in connection with providing a plumber's certification, that the lateral is not in compliance.
- B. If the owner fails to complete the repairs and bring the lateral into compliance within the time required, the City may enter upon the property and complete the required work, and the cost of doing so will be billed to the owner of the property, and in the event of nonpayment, will be a lien on the property which can be collected and enforced as part of, and in the same manner as City taxes.
- C. Upon completion of the repairs, the owner must provide to the Building Inspector and City Engineer a detailed invoice specifying the repairs made and reflecting payment for the repairs and a plumber's certification, and must obtain from the Building Inspector a discharge compliance certificate.
- D. An owner may choose to correct the noncompliance by replacing the sanitary sewer lateral. Any new sanitary sewer lateral, whether installed to correct a noncompliance or otherwise, must be installed in accordance with all applicable codes and regulations, including this article, and must be inspected by the Building Inspector, who will issue a discharge compliance certificate if the new lateral complies with the requirements of this article.

**§ 161-18.1. Inspection upon renewal event.**

- A. Each property owner must obtain discharge compliance certificate prior to any renewal event as defined in § 161-16. Upon making an application for a discharge compliance certificate, the Building Inspector, City Engineer, or their designees shall have the right to inspect the property. If the plumber's inspection, the video required to be submitted, or the inspection by the Building Inspector or his designee indicates the lateral is not in

compliance with the requirements set forth in § 161-16above, the owner shall be required to correct the conditions not meeting the requirements and provide a plumber's certification and video indicating all conditions have been corrected and that the lateral is now in compliance with this article. Upon the Building Inspector and City Engineer determination that the lateral is in compliance, the discharge compliance certificate will be issued.

- B. If at the time of a renewal event or a required inspection the owner can prove that a discharge compliance certificate has been issued within the preceding five (5) years, and there has been no significant change in the condition of the property, the Building Inspector may waive the requirement for a new discharge compliance certificate for that particular renewal event.

**§ 161-18.2. Fees.**

The fee for the issuance of a discharge compliance certificate shall be as set forth in the fee schedule adopted by the City Council.

**§ 161-18.3. Penalties for offenses.**

Any person, firm, association, or corporation which violates any of the provisions of this article or fails to complete remediation as required herein shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than \$500 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day the violation exists shall constitute a separate offense.