

**VILLAGE OF CANASTOTA
LOCAL LAW NO. A OF 2024**

**A LOCAL LAW TO ADD A NEW ARTICLE XII OF CHAPTER 163 OF THE CODE OF
THE VILLAGE OF CANASTOTA TO PROHIBIT ILLICIT SUMP PUMP DISCHARGE**

Be it enacted by the Village Board of Trustees of the Village of Canastota as follows:

SECTION 1. LEGISLATIVE INTENT & PURPOSE

The Village Board of the Village of Canastota recognizes its responsibility and obligation to provide for the health, safety and welfare of its citizens and intends by the enactment of this Local Law to provide certain protections related to discharge control of water, specifically sump pumps and other point source discharges from private properties in a responsible manner. The purpose of this Local Law is to regulate non-storm water discharges and illicit sump pump discharge into the public right-of-way and from private properties. These sump pump drainage regulations govern the proper management of water runoff from Village properties by aiming to prevent flooding, protecting groundwater quality, and providing for efficient functioning of municipal stormwater systems so as to not create a nuisance to any adjacent properties or roadways.

SECTION 2. AUTHORITY

The adoption of this Local Law is in accordance with Section 10 of New York's Municipal Home Rule Law.

**SECTION 3. ADDING ARTICLE XII OF CHAPTER 163 OF THE CODE OF THE
VILLAGE OF CANASTOTA**

Chapter 163 of the Code of the Village of Canastota is hereby amended to include a new Article XII to read in its entirety as follows:

“Article XII. Illicit Discharges

§163-109 Sump pump and other illicit discharges.

- A. In order to protect against the adverse consequences of uncontrolled sump pump and other illicit discharges, no person shall construct, install, improve, maintain or permit to be operated on the person's owned or occupied property any device which allows any point discharge of water by either forced pumping, such as a sump pump, or gravity, such as a pipe drain, onto a street, sidewalk or public right-of-way.
- B. All sump pumps shall be discharged into rear or side yard swales or, where available, into storm sewer systems.

- C. Where discharges are into swales, there shall be a positive grade from the pipe outlet to the swale, and the swale must be in a Village easement which is part of an approved drainage system.
- D. In cases where the natural drainage is toward the road, the sump pump's discharge may be connected, as approved by the village engineer or Village Code Officer, to the storm sewer to avoid excessive costs, the potential for freezing, and erosion that is associated with piping uphill to a swale.
- E. Sump pumps shall not discharge into the sanitary sewer system.
- F. Such sump pump or pipe discharge shall be directed onto an absorbent surface such as grass, mulch, rock or soil in such a manner that the discharge will be dissipated and not immediately drain on to the village street or on to adjacent properties. The discharge location shall be as approved by the Village Code Officer or his/her designee. In the event that it is not feasible to direct discharge on to an absorbent surface, the discharge may be directed to a storm sewer, swale, ditch, detention basin, drainage basin or other drainage facility or location as approved by the Village Code Officer or his/her designee. If a connection to the storm sewer is approved, a permit will be required from the Department of Public Works prior to installation.
- G. The discharge location shall not create a public nuisance which is anything, condition or act which is or may become injurious or hazardous to the public.
- H. The discharge shall not create a build-up of icing, standing water or algae growth on the street, sidewalk or public right-of-way.
- I. The discharge shall not be directed to adjacent property in such a manner as to cause damage to the adjacent property or create a nuisance.
- J. No person shall connect, or cause or permit to be connected, any sump pump, pipe drain, floor drain, surface drain, subsoil drain or leader pipe with the house sanitary sewer, or to use the sanitary sewer connection or any pipe or drain connected therewith for the purpose of receiving and discharging drainage of any kind other than from plumbing fixtures.
- K. Sump pump and pipe drain discharges may not be directed into a village street or right-of-way unless permission is granted by the Village Code Officer or his/her designee.

§163-110 Existing sump pump and pipe drain installations

- A. An existing sump pump or pipe drain discharge, as of January 1, 2024, may continue as long as such discharge does not:

1. Create a public nuisance which is anything, condition or act which is or may become injurious or hazardous to the public, and
 2. Create a build-up of icing, standing water, algae growth or cause erosion on the street, sidewalk or public right-of-way.
 3. In no instance may a property discharge into the sanitary sewer conveyance system.
- B. An existing sump pump or pipe drain discharge that is causing a public nuisance or is creating a build-up of icing, standing water, algae growth or cause erosion on the street, sidewalk or public right-of-way shall be corrected by the owner to bring the sump pump or pipe drain discharge into compliance.
- C. The Department of Public Works, Village Code Officer or his/her designee may require the following:
1. That the sump pump or pipe drain have a point of discharge that is located a minimum of ten feet or greater, as directed by the Department of Public Works, Village Code Officer or his/her designee, from any property line or Village right-of-way.
 2. That the discharge be directed within the limits of the owner's property onto an absorbent surface, such as grass, mulch, rock or soil, so that the discharge will be dissipated and not immediately drain to the Village right-of-way or adjacent properties.

§163-111 Violations & Penalties

- A. Violation. Except as provided in Subsection B below, a violation of any provision of this chapter shall be deemed an offense punishable upon conviction by a fine of not less than \$50 and not to exceed \$250 per violation for a first offense, and by a fine of not less than \$100 and not to exceed \$250 per violation for a second or subsequent offense. Each day of continuing non-compliance shall be a separate and distinct offense.
- B. Misdemeanor. Any person convicted of three or more violations of Article XII of this chapter within a one-year period shall be guilty of an unclassified misdemeanor punishable upon conviction by a fine of not less than \$500 and not to exceed \$1,000 per violation, or imprisonment for a term not to exceed 30 days, or by both such fine and imprisonment.”

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause,

sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.