

SANITATION ORDINANCE

The Village Board of the Village of Hammondsport, County of Steuben and State of New York, does hereby ordain and enact the following sanitation ordinance pursuant to Section 90 of the Village Law:

SECTION I. DEFINITIONS

The Board of Health shall mean the Village Board of the Village of Hammondsport convened as a Board of Health.

The term "watercourse" means every spring, stream, pond (other than Keuka Lake) or channel of any kind which flows or eventually may flow into Keuka Lake.

The linear distance from the Lake or watercourse is the shortest horizontal distance from the nearest point of the structure, or object, to the high-water of such watercourse.

The term "human excreta" means feces, urine and other excretions commonly disposed of by the so-called dry system, as typified by the ordinary privy.

The term "sewage" means waste liquids containing human excreta and decomposing matter flowing in or from a house drainage system or sewer.

SECTION II. HUMAN EXCRETA

1. No human excreta shall be deposited, thrown, placed or allowed to escape into the lake or any watercourse.

2. No human excreta shall be placed or spread upon the surface of the ground at any point on the watershed of the Lake.

3. No human excreta shall be buried in the soil on the watershed of the Lake unless deposited in trenches, or pits, at a distance of not less than one hundred (100) feet from the Lake or any watercourse and covered with not less than twelve

(12) inches of soil in such a manner as to effectually prevent its being washed over the surface of the ground by rain, or melting snow.

4. No privy, or receptacle, of any kind for the storage or deposit of human excreta shall be constructed, placed, maintained or allowed to remain within fifty (50) feet of the Lake or any watercourse except as hereinafter provided in Rules 5 and 6.

5. Every privy, or receptacle, or any kind for the storage or deposit of human excreta built, or to be built on property which is so located, bounded, or otherwise placed that the distance named in Rule 4 cannot be obtained, shall be placed as far as possible from the Lake or any watercourse, and especially constructed of masonry, concrete or metal to form a watertight receptacle from which no outward percolation can take place. Where removable watertight containers are provided, they shall be located as far as practicable from the Lake or any watercourse. All privies, or receptacles, referred to in this regulation shall be constructed, or installed, only with the approval and under the supervision of the Board of Health and in such a manner as to effectually prevent any pollution of Keuka Lake.

6. No privy, or receptacle of any kind for the storage or deposit of human excreta, that is not watertight, shall be constructed, placed, maintained, or allowed to remain within one hundred (100) feet of the Lake or any watercourse.

7. Every privy or receptacle of any kind or place used for the temporary storage of human excreta located between the limiting distances prescribed by rules 4 and 6 shall be arranged in such a manner that all excreta shall be received to

a suitable watertight receptacle or removable container, which shall be emptied when filled within six (6) inches of the top. The contents, if disposed of as set forth in Rule 3 and the receptacle shall be thoroughly cleansed and deodorized as often as may be found necessary to maintain these receptacles in a proper sanitary condition, and shall be so removed as to effectually prevent any overflow upon the soil or upon the foundation or floor of the privy. In the case of properties occupied only during the summer, the said receptacles shall be emptied when necessary and also at the end of the summer season, disinfected and left empty during the winter. The work of emptying and disinfecting these receptacles shall be done in such a manner as to effectually prevent any pollution of the Lake.

8. Whenever, in the opinion of the [Board of Health, excremental matter from the aforesaid privy, receptacle, trench, or place of disposal may be washed over the surface of the ground or through the soil in an] imperfectly purified condition into the Lake, or any watercourse, the said privy, receptacle, trench, or place of disposal shall be removed, after due notice to the owner thereof, to such places as shall be considered safe and proper by the Board of Health.

SECTION III. SEWAGE

9. No sewage shall be discharged or allowed to flow into the Lake, or any watercourse, nor deposited, on the surface of the ground, nor deposited beneath the surface of the ground within Seventy-five (75) feet of the Lake or any watercourse except into watertight receptacles, the contents of which shall be disposed of as provided for by Rule 3. These restrictions and limiting distances shall not apply to sewage treatment plants

installed under and in accordance with plans which first have been submitted to and approved by the New York State Department of Health.

SECTION IV. WASTE, REFUSE AND GARBAGE

10. No bath water, sink or laundry waste or polluted liquid of any kind shall be discharged or allowed to flow into the Lake or any watercourse, nor be deposited on or beneath the surface of the ground within the Lake or any watercourse nor in such a manner that it can be washed by rain or melting snow or otherwise over the surface of the ground into the Lake or a watercourse.

11. No garbage, refuse, or putrescible matter shall be deposited in the Lake or watercourse, nor on or beneath the surface of the ground within fifty (50) feet of the Lake or of any watercourse nor in such a manner that it can be washed by rain, melting snow or otherwise over the surface or through the ground into any reservoir or watercourse.

12. No manure pile shall be maintained or allowed within fifty (50) feet of the Lake or any watercourse nor in such a condition as to pollute the Lake or watercourse.

SECTION V. CEMETERIES

13. No interment of a human body shall be made within a distance of [three hundred (300) feet of the Lake or any watercourse unless such interment shall be in a watertight vault.

SECTION VI. GENERAL CLAUSE

14. The Board of Health or such other person or

persons as may be charged with the maintenance or supervision of the water supply or the duly appointed representative of the Board shall make regular and thorough inspections of the Lake, watercourses, and watersheds, tributary thereto for the purpose of ascertaining whether the above rules and regulations are being complied with, and it shall be the duty of the said Board to cause copies of any rules and regulations violated to be served upon the person violating the same, together with notices of such violation. If persons served do not immediately comply with the rules and regulations, it shall be the further duty of said Board to maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any such rule or regulation, notwithstanding that the ordinance, rule or regulation may provide a penalty or other punishment for such violation.

SECTION VII. PENALTIES

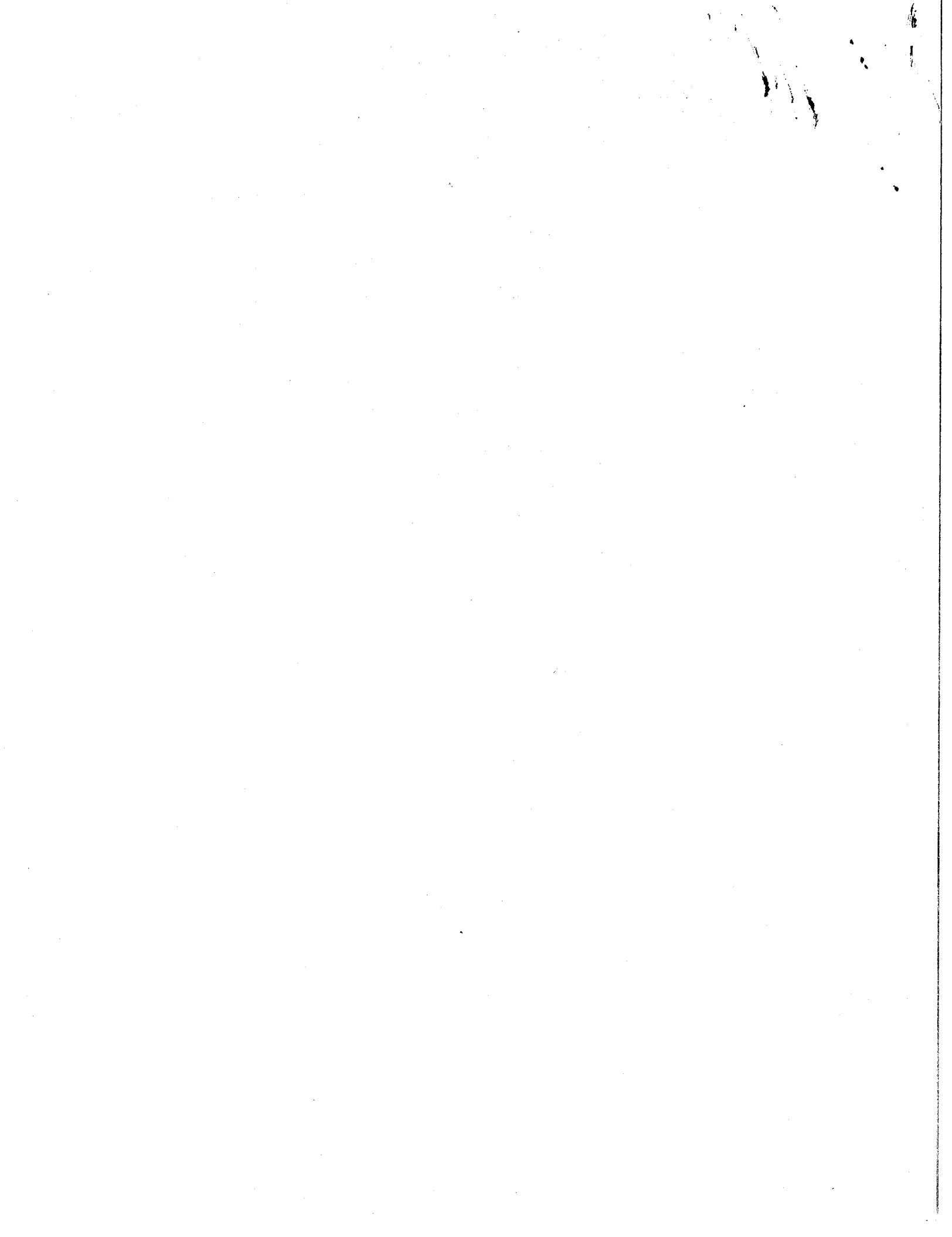
15. A violation of this ordinance is hereby declared to be a misdemeanor and any person violating the same may, upon conviction, be punished by a fine not exceeding One Hundred Dollars (\$100.00) or by imprisonment not exceeding six (6) months or by both such fine and imprisonment.

This ordinance shall take effect ^{10 days after publication} March 30, 1964.

Set
Dated: February 26, 1964.

By Order of the Village Board of the Village of Hammondsport.

Laura Sparthout, Clerk
Village of Hammondsport



WAYNE

KEUKA WATERSHED IMPROVEMENT COOPERATIVE

DATE: December 9, 1993

THIS AGREEMENT made this 9th day of December, 1993, among the Town of Barrington, a municipal corporation situate in the County of Yates, New York hereinafter called "Barrington"; the Village of Hammondsport, a municipal corporation situate in the County of Steuben, New York hereinafter called "Hammondsport"; the Town of Jerusalem, a municipal corporation situate in the County of Yates, New York hereinafter called "Jerusalem"; the Town of Milo, a municipal corporation situate in the County of Yates, New York hereinafter called "Milo"; the Village of Penn Yan, a municipal corporation situate in the County of Yates, New York hereinafter called "Penn Yan"; the Town of Pulteney, a municipal corporation situate in the County of Steuben, New York hereinafter called "Pulteney"; the Town of Urbana, a municipal corporation situate in the County of Steuben, New York hereinafter called "Urbana"; and the Town of Wayne, a municipal corporation situate in the County of Steuben, New York hereinafter called "Wayne"; and hereinafter collectively called "Member Municipalities".

Pursuant to Section 7-741 of Village Law, the Board of Trustees may enter into agreements with other municipal corporations to undertake all or a portion of the powers functions and duties vested in the Village to prepare a comprehensive plan and enact land use regulations.

Pursuant to Section 284 of Town Law, the Town Board may enter into agreements with other municipal corporations to undertake all or a portion of the powers functions and duties vested in the Town to prepare a comprehensive plan and enact land use regulations.

Section 10 Municipal Home Rule Law provides in part that a Town and/or a Village may adopt and amend local laws for the protection and enhancement of its physical and visual environment, and the government, protection, order, conduct, safety, health and well-being of persons or property therein.

Section 1100 of the Public Health Law provides that the Department of Health may make rules for the protection from contamination of any public supplies of potable water.

Part 157.1 of Title 10 of the New York Code of Rules and Regulations provides for certain regulations and inspection to ensure the waters of Keuka Lake remain free from contamination

BACKGROUND

Keuka Lake is situate in the Counties of Steuben and Yates; Keuka Lake is bounded by the above six Towns and two Villages. Keuka Lake is of high scenic, aesthetic, recreational, environmental, and economic value to residents and visitors alike. Shoreline and lake-view property tax revenues are increasingly important to the above named Towns and Villages. Keuka Lake, with it's watershed, is a "Community Resource" within the meaning of Town Law Section 284 and Village Law 7-741.

THEREFORE, pursuant to Section 119(o) of the General Municipal Law, Section 284 of the Town Law and Section 7-741 of the Village Law, IT IS AGREED AS FOLLOWS:

I. NAME

The name of this cooperative effort shall be "The Keuka Watershed Improvement Cooperative" hereafter called the KWIC.

II. PURPOSE

The purpose of the KWIC is to protect and improve the purity of waters in the Keuka Lake watershed by the following activities. The KWIC shall:

- a) Provide comprehensive planning for uniform regulation of wastewater (septic system) management, and after adoption by Local Law or ordinance, assist with uniform enforcement of those regulations within member municipalities of the watershed. Regulations may be independently adopted by each participating municipal corporation.
- b) Additional threats to Keuka Lake may exist and the KWIC may pursue appropriate action to resolve these issues cooperatively in a uniform manner. Potential threats to Keuka Lake are documented in the Yates and Steuben County Water Quality Strategies pursuant to Article 17, Title 14 of New York State Environmental Conservation Law.
- c) If the KWIC determines that uniform regulations and enforcement is required, the KWIC may develop a DRAFT model ordinance and send its recommendation to all Town and Village Boards in the watershed for action. The KWIC may also determine that other measures are necessary to solve a water quality problem (e.g., an educational program) and the KWIC may seek support of the County Water Quality Committees or others to implement these programs.
- d) Assure that the provisions of Part 157.1 of Title 10 of the New York Code of Rules and Regulations, as promulgated by the Department of Health under authority of section 1100 of the Public Health Law, are met.

III. GOVERNING BOARD

The KWIC shall be governed by a Board of Directors.

- a) The Towns of Barrington, Jerusalem, Milo, Pulteney, Urbana, and Wayne, and the Villages of Hammondspport and Penn Yan shall have one Director each.
- b) The Chief Executive Officer, the Town Supervisor, or Village Mayor, shall represent his or her respective municipality as its Director.
- c) Each Member Municipality shall appoint an Alternate Director. If for any reason the Chief Executive Officer of a Member Municipality cannot attend or act on the Board, the Alternate Director shall attend meetings and shall have the same powers and duties on the Board as his or her Chief Executive Officer.
- d) The Alternate Director must be an elected official of the Member Municipality.
- e) Voting/Quorum of the Board of Directors, unless otherwise provided, shall consist of a simple majority of Directors entitled to vote. A simple majority of all Directors entitled to vote being necessary to carry a motion.
- f) Review by Member Municipalities: Any Director may invoke privilege following a vote of the Board of Directors. In such event, the decision of the Board of Directors shall not be implemented until each Member Municipality has the opportunity for review and comment. Sixty days shall be allowed for receipt of such comment by the Board of Directors. Failure to respond means consent. After the expiration of the sixty days, the Board of Directors may vote on the question and a three-quarter majority of all members entitled to vote shall be required for approval.
- g) Officers: The KWIC, by it's Board of Directors, shall annually elect from it's members, a Chairman, Secretary, and Treasurer and such other officers as it may require from time to time. Those elected shall perform such duties as are customary to the office or as otherwise directed by the Board of Directors. Each such officer shall serve until a successor has been elected and taken office.

IV. STAFFING

- a) Professional and Administrative Staff: The KWIC will establish the position of Watershed Program Manager, hereafter referred to as Manager. Minimum professional qualifications for the Manager shall be a Bachelors degree in a related field and at least 2 years experience in the areas of wastewater system design and management, water quality, public policy, and program supervision, or an Associates degree in a related field and 4 years experience as above. The Board of Directors may change such requirements from time to time by 3/4 vote. The

duties will include watershed management, design, layout, specifications and enforcement for wastewater systems. Duties may also include budget recommendations, control and accounting, personnel management, office management, fee recommendations, or any other duty assigned or delineated by the Board of Directors at any time. In no event shall any such duty exceed the scope authorized by town/village law. The KWIC shall develop a uniform policy and procedures manual for the Manager and Watershed Inspectors, with appropriate revisions from time to time.

b) The KWIC, by order of the Board of Directors, will hire, or cause the Manager to hire, supporting or administrative staff, including part-time or temporary staff. When mutually agreed upon, KWIC may contract with any member municipality for such staff.

c) Local Watershed Inspectors will be hired by the Member Municipalities to enforce laws, ordinances and regulations and policies under the supervision of the KWIC acting through the Manager. Duties of the local Watershed Inspectors shall be those customarily or previously associated with that office within the Member Municipalities. The duties of a Watershed Inspector will additionally include those as may from time to time be established by the KWIC and outlined in the policy and procedures manual.

V. ANNUAL BUDGET AND THREE-YEAR FORECAST

a) The accounting year of the KWIC is a calendar year beginning January 1 and ending December 31. On or before August 1, the KWIC will adopt and recommend to the Towns and Villages a preliminary budget of income, expense, and capital expense for the next accounting year and a similar preliminary budget for the two accounting years following. The adoption of the preliminary budget and forecast shall require approval by three-quarters of the Board of Directors. Voting on the budget shall be by roll call.

b) On or before September 15 of the same year, the preliminary budget shall be approved and returned by each Member Municipality to the KWIC with comment, if any. Failure to comment shall be interpreted as approval by the Member Municipality.

c) On or before October 15 of current accounting year, the KWIC, by its Board of Directors, will make or cause to be made any revisions to the preliminary budget as in its sole discretion are deemed necessary. The revised budget shall require approval by roll call vote of three-quarters of the KWIC. Thereafter, the budget shall become final unless any Director present requests that the revised budget be resubmitted to the governing body of each Member Municipality for further review and comment.