

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1991**

**No. 50**

Introduced by Council Member Williams (by the request of the Mayor). Passed under a Message of Necessity from the Mayor.

**A LOCAL LAW**

To amend the charter of the city of New York, in relation to authorizing the department of environmental protection to regulate private sewage disposal.

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision b of section 1403 of the New York city charter, as added by local law number 24 for the year 1977, is amended to read as follows:

(1) The commissioner shall have charge and control over the location, construction, alteration, repair, maintenance and operation of all sewers including intercepting sewers and sewage disposal plants, and of all matters in the several boroughs relating to public sewers and drainage, and shall initiate and make all plans for drainage and shall have charge of all public and private sewers in accordance with such plans; and shall have charge of the management, care and maintenance of sewer and drainage systems therein. *In addition, the commissioner shall have the authority to supervise and adopt rules regarding private sewage disposal systems, other than community private sewage disposal systems in residential realty subdivisions, and to prescribe civil penalties for the violation of such rules of no more than ten thousand dollars per violation, and to issue permits pursuant to such rules for the construction and maintenance of such private sewage disposal systems. With regard to community private sewage disposal systems in residential realty subdivisions, the commissioner shall have the authority to perform inspections, and to issue notices of violation for violations of any provisions of the New York city health code relating to private sewage disposal, which shall be served and returnable as provided by law for violations of the New York city health code, and the power to perform such other duties with regard to the supervision and regulation of such systems as may be lawfully delegated to him or her by the board of health or department of health.*

§ 2. Subdivision b of section 1403 of such charter is amended by adding a new paragraph 3 to read as follows:

(3) *Nothing in this subdivision shall be construed to limit the authority or powers of the commissioner of health, the department of health, or the board of health relating to the declaration or abatement of nuisances, or the enforcement of applicable public health laws or rules.*

§ 3. Notwithstanding any other provisions of this local law, any permit issued to construct a private sewage disposal system by the commissioner of health pursuant to article one hundred forty-three or one hundred forty-five of the New York city health code that is in full

force and effect on the effective date of this local law, shall continue in full force and effect on and after such date; and, except for a permit for a community private sewage disposal system in a residential realty subdivision, such permit shall be deemed to constitute a permit issued by the commissioner of environmental protection, and shall continue to be so deemed on and after the effective date of rules promulgated by the commissioner of environmental protection regarding private sewage disposal systems, and shall remain in full force and effect until such time as the commissioner of environmental protection suspends or revokes such permit pursuant to law. In addition, until the effective date of such rules, the commissioner of environmental protection shall have the power to issue permits to construct and/or maintain such private sewage disposal systems, other than community private sewage disposal systems in residential realty subdivisions, pursuant to the New York city health code, and shall further have the power to issue notices of violation for violations of any provisions of the New York city health code relating to private sewage disposal, and such notices of violation shall be served and returnable as provided by law for violations of the New York city health code.

§ 4. For purposes of this local law:

(a) "Private sewage disposal system" means a water-flushed facility for the disposition of sewage which does not connect either with the municipal sewage disposal system or with a sewer or other facility connecting with such municipal system;

(b) "Community private sewage disposal system" means a private sewage disposal system which services fifteen or more dwellings; and

(c) "Residential realty subdivision" means any tract of land which is divided into five or more parcels along any existing or proposed street, highway, easement or right-of-way for sale or for rent as residential lots or residential building plots, regardless of whether the lots or plots are to be sold or offered for sale or are leased for any period of time, or are described by metes and bounds or by reference to a map or survey of the property or by any other method of description, and regardless of whether the lots or plots are contiguous. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of the fifth residential lot or building plot therefrom.

§ 5. The permits issued by the commissioner for the construction and maintenance of private sewage disposal systems pursuant to paragraph one of subdivision b of section 1403 of the city charter and the fees therefor shall be as follows:

Permit Type	Fee	Date of Expiration
PRIVATE SEWAGE DISPOSAL SYSTEM—Evaluation of site and sub-soil	\$725 for original application	Good for two years after date of issuance
	\$150 for renewal	Good for two years after date of issuance
COMMUNITY PRIVATE SEWAGE DISPOSAL SYSTEM— Fee for evaluation of application for permit to construct and maintain a private drain.	\$730	Good for two years after date of issuance
COMMUNITY PRIVATE SEWAGE DISPOSAL SYSTEM: Fee for evaluation of application for permit to construct		

and maintain and for annual evaluation of maintenance:

—for a treatment plant of over 100,000 gallons/day capacity

—initial permit	\$1,310	December 31
—annual renewal	\$1,870	December 31

—for a treatment plant of 100,000 gallons/day or lower capacity

—initial permit	\$1,155	December 31
—annual renewal	\$1,300	December 31

—for a pumping station of over 100,000 gallons/day capacity

—initial permit	\$ 975	December 31
—annual renewal	\$ 710	December 31

—for a pumping station of over 100,000 gallons/day or lower capacity

—initial permit	\$ 975	December 31
—annual renewal	\$ 710	December 31

§ 6. This local law shall take effect immediately and shall be deemed in force and effect as of July 1, 1991.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, S.S.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on July 1, 1991, and approved by the Mayor on July 17, 1991.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 50 of 1991, Council Int. No. 720-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on July 1, 1991: 35 for, 0 against.

Was approved by the Mayor on July 17, 1991.

Was returned to the City Clerk on July 18, 1991.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel