TOWN OF LEWISTON

COUNTY OF NIAGARA, STATE OF NEW YORK

LOCAL LAW NO. 6 OF THE YEAR 2026

A LOCAL LAW ESTABLISHING A TEMPORARY SIX-MONTH MORATORIUM ON THE APPROVAL OF NEW DOWNSTREAM SEWER CAPACITY ANALYSES WITHIN THE TOWN OF LEWISTON TO FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE TOWN-WIDE INFLOW AND INFILTRATION REDUCTION AND SEWER INFRASTRUCTURE MANAGEMENT PLAN

BE IT ENACTED by the Town Board of the Town of Lewiston, County of Niagara, State of New York, as follows:

SECTION 1. TITLE

This Local Law shall be known and may be cited as the "Town of Lewiston Downstream Sewer Capacity Analysis Approval Moratorium Law of 2026."

SECTION 2. LEGISLATIVE FINDINGS AND DECLARATION OF PURPOSE

The Town Board of the Town of Lewiston hereby finds and determines as follows:

A. The Town owns, operates, maintains, and is responsible for sanitary sewer collection, conveyance, and wastewater treatment infrastructure serving properties within the Town.

B. Safe, efficient, and environmentally responsible operation of that infrastructure is essential to public health, safety, welfare, property, and the natural environment.

C. The sanitary sewer system experiences operational demands attributable in part to excessive inflow and infiltration ("I&I"), whereby stormwater, groundwater, and other extraneous waters enter sanitary sewer infrastructure through direct connections, defective pipes and joints, compromised manholes, and other sources.

D. Significant rainfall events during 2026 demonstrated the vulnerability of the Town's sanitary sewer infrastructure to excessive I&I.

E. During certain periods in 2026, wastewater flows at the Town's Water Pollution Control Center reportedly exceeded its permitted treatment capacity, raising concerns about accommodating additional flows without appropriate evaluation and corrective measures.

F. Excessive I&I may contribute to surcharging, basement backups, localized flooding, increased treatment costs, unnecessary hydraulic loading, possible sewage discharges, and infrastructure deterioration.

G. Sewer capacity should be evaluated in light of wet-weather conditions, existing hydraulic limitations, and cumulative development impacts, not dry-weather flow alone.

H. Stormwater management, drainage infrastructure, sanitary sewer capacity, and wastewater treatment require coordinated municipal planning.

I. A Town-wide assessment of I&I sources, existing capacity, drainage conditions, and corrective measures is necessary to develop a comprehensive infrastructure management program.

J. Such assessment may address sewer mains, manholes, private laterals, stormwater facilities, groundwater infiltration, illicit connections, and other sources of hydraulic loading.

K. Approval of new Downstream Sewer Capacity Analyses ("DSCAs") before the Town evaluates hydraulic limitations and possible mitigation requirements may exacerbate capacity concerns.

L. On August 26, 2026, the Administrative Board of Niagara County Sewer District No. 1 reportedly adopted a six-month moratorium on approval of new DSCAs within its jurisdiction in response to sewer-capacity and inflow concerns.

M. A comparable temporary moratorium on new DSCA approvals within the Town will allow evaluation of infrastructure and development of appropriate engineering standards, policies, and possible mitigation requirements.

N. Applicable New York State Department of Environmental Conservation regulations require downstream capacity evaluations for certain sewer extensions and developments, including projects at or above an applicable 2,500-gallon-per-day threshold.

O. This Local Law addresses only approval of new DSCAs requiring Town approval; it does not prohibit their submission, acceptance, processing, technical review, or evaluation.

P. A six-month approval moratorium is a limited and reasonable period for technical, engineering, administrative, and legislative study.

Q. The objective is to protect existing capacity and public health while enabling a coordinated Town-wide I&I reduction program.

R. The moratorium is temporary and narrowly tailored, and is not intended permanently to prohibit otherwise lawful development.

SECTION 3. AUTHORITY

This Local Law is adopted pursuant to Article IX of the New York State Constitution; Municipal Home Rule Law § 10; applicable provisions of the Town Law concerning municipal infrastructure and protection of public health, safety, and welfare; applicable provisions of the Environmental Conservation Law; and other applicable law. It shall be interpreted consistently with state and federal law and shall not supersede the lawful authority of the New York State Department of Environmental Conservation or another agency with jurisdiction.

SECTION 4. DEFINITIONS

A. DOWNSTREAM SEWER CAPACITY ANALYSIS (DSCA). An engineering or technical evaluation of the ability of existing sanitary sewer collection, conveyance, pumping, or treatment infrastructure to accommodate additional wastewater flows from a proposed project, including relevant existing flows, projected flows, wet-weather conditions, and hydraulic limitations.

B. INFLOW. Stormwater or surface water entering a sanitary sewer system through direct or indirect connections, including roof drains, sump pumps, foundation drains, stormwater connections, or defective manhole covers.

C. INFILTRATION. Groundwater entering a sanitary sewer system through defective pipes, joints, laterals, manholes, or connections.

D. NEW DEVELOPMENT. A proposed subdivision, residential, commercial, institutional, industrial, or other development or sewer extension generating additional sanitary wastewater flows for which a DSCA is required by applicable law or established municipal engineering requirements.

E. TOWN. The Town of Lewiston, Niagara County, New York.

F. TOWN BOARD. The Town Board of the Town of Lewiston.

G. WATER POLLUTION CONTROL CENTER. The Town of Lewiston Water Pollution Control Center and associated wastewater treatment and collection infrastructure.

H. MORATORIUM PERIOD. Six months beginning on the effective date of this Local Law, unless earlier terminated or lawfully extended. This term may be extended, for additional periods not to exceed six (6) months each, if necessary, by resolutions of the Town of Lewiston Town Board.

SECTION 5. ESTABLISHMENT OF TEMPORARY MORATORIUM ON APPROVALS

A. Beginning on the effective date and continuing for six months, a temporary moratorium is imposed solely upon approval of new DSCAs for proposed developments within the Town requiring such Town approval.

B. During the moratorium, no Town board, department, officer, employee, engineer, consultant, or other representative with approval authority shall issue, grant, or authorize a new final affirmative DSCA approval or certification of downstream sanitary sewer capacity for a covered development.

C. The moratorium applies to new DSCA approvals associated with (1) sanitary sewer extensions; (2) residential subdivisions or developments; (3) commercial, industrial, or institutional developments; (4) expansions or modifications requiring a new DSCA; and (5) other projects requiring Town downstream sanitary sewer capacity approval.

D. Nothing in this Local Law prohibits or restricts submission, receipt, acceptance, processing, technical review, engineering evaluation, or consideration of a DSCA during the moratorium.

E. The Town Engineer, Water Pollution Control Center Administrator, and other authorized officials may review DSCAs, request additional information, evaluate engineering data, communicate with applicants, and make preliminary technical findings and recommendations.

F. Such review, evaluation, recommendation, or preliminary finding shall not constitute final DSCA approval or create a vested right to approval.

G. The Town may continue to receive and process subdivision, site plan, special use permit, building permit, and other development applications under otherwise applicable law. This Local Law does not independently prohibit their review or processing.

H. Where a final municipal approval legally depends upon an affirmative DSCA approval, that final municipal approval shall not be issued in reliance on an unapproved DSCA during the moratorium, subject to controlling state law and applicable statutory deadlines.

SECTION 6. EXEMPTIONS AND EXISTING APPROVALS

A. PREVIOUSLY APPROVED DSCAs. A project with a valid Town-approved DSCA issued before the effective date is exempt, unless materially modified in a manner requiring a new DSCA or approval.

B. PROJECTS NOT REQUIRING A DSCA. Projects and individual connections for which no DSCA is required under applicable state and municipal requirements are exempt, including qualifying ordinary residential connections and projects below an applicable 2,500-gallon-per-day threshold, provided a DSCA is not otherwise lawfully required.

C. EXISTING LAWFUL CONNECTIONS. Continued operation, maintenance, repair, or replacement of existing lawful connections is exempt if the work does not materially increase wastewater flow or require a new DSCA.

D. EMERGENCY REPAIRS. Emergency work necessary to protect public health, safety, or welfare, including sewer repairs and I&I reduction improvements, is exempt.

E. MUNICIPAL INFRASTRUCTURE IMPROVEMENTS. Town-authorized maintenance, rehabilitation, repair, improvement, or expansion of municipal sewer infrastructure is exempt, subject to other required approvals.

F. PREVIOUSLY ISSUED PERMITS. This Local Law does not automatically revoke a valid previously issued permit or approval; modifications requiring a new DSCA approval remain subject to the moratorium.

SECTION 7. TOWN-WIDE INFLOW AND INFILTRATION ASSESSMENT AND MANAGEMENT PLAN

A. During the moratorium the Town Board shall undertake, or cause to be undertaken, a comprehensive evaluation of sanitary sewer infrastructure, prioritizing sources of I&I and assessing the impact of these sources upon available capacity.

B. The evaluation shall be coordinated through the Water Pollution Control Center, Town Engineer, and such other municipal personnel or professional consultants as the Town Board determines appropriate.

C. The Town Board may consider reasonable, legally authorized mitigation requirements for future development, including measures intended to offset added wastewater flows through I&I reduction.

SECTION 8. SEVERABILITY

If any provision of this Local Law is adjudged invalid or unconstitutional by a court of competent jurisdiction, that judgment shall not affect the remainder. The Town Board declares that it would have adopted the remaining provisions notwithstanding such determination.

SECTION 9. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law § 27. The six-month moratorium shall commence on that effective date.

ADOPTED by the Town Board of the Town of Lewiston, Niagara County, New York, on the ____ day of _____, 2026.