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STATE DEPARTMENT OF
STATE

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Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City of Cooperstown

Town

Village

Local Law No. 1 of the year 2004

A local law Watershed Regulations

(Insert Title)

Be it enacted by the Board of Trustees of the

(Name of Legislative Body)

County

City of Cooperstown as

follows:

Town

Village

Local Law # 1 of 2004

January 31, 2004

A. MISSION OF THE OTSEGO LAKE WATERSHED SUPERVISORY COMMITTEE

I. HISTORY AND AUTHORITY

On January 22, 1985, Section 1100 of the NYS Public Health Law was amended by Section 136.3 to Part 136 of Chapter III of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York, referred to herein as Public Law 1100. "This Law shall apply to Otsego Lake and all water courses tributary thereto or which may be developed in the future to serve as sources of water supply of the Village of Cooperstown in the towns of Otsego, Middlefield and Springfield..." excluding "any areas not within Otsego County and, in addition, shall also exclude Allen Lake and its tributary water courses".

Public Health Law Section 136.3 (d) (6) (ix) states; "Before any existing sewage disposal system is altered or any new septic system is constructed on the watershed, the plans in relation thereto shall have first been approved by the Board of Water Commissioners of the Village of Cooperstown. Standards for water treatment works as published from time to time by the New York State Department of Health shall comprise the criteria to approve any proposed sewage disposal system. For existing systems that cannot meet these standards due to lot restriction, the guidelines shall be as outlined by the Board of Water Commissioners".

The Village of Cooperstown Water Board established the Watershed Supervisory Committee (WSC) in 1985 as a means to administer Public Law 1100 on behalf of the Water Board with representation from each of the affected municipalities, two members from the Village and one member from each of the Towns (5 members in all).

In 1994 the Otsego Lake Watershed Council was established with "representatives from the Towns of Middlefield, Otsego and Springfield and the Village of Cooperstown" with participation from the public and a broad base of stakeholders for the purpose of preparing a management plan for the Otsego Lake watershed. "A Plan for the Management of the Otsego Lake Watershed" was published in April, 1998, and subsequently endorsed for implementation by each of the municipalities noted above. Page 7 of the 1998 Plan presents a list of recommendations containing 14 items. Item 13, "Plan Administration and Financing", states in part "Continue and further define the Otsego Lake Watershed Supervisory Committee's role in coordinating the management of the lake and watershed".

The Watershed Council voted itself out of existence in March, 2003, whereupon the Otsego County Water Quality Coordinating Committee (WQCC), a broadly based coalition of environmental groups, voted to accept the responsibility for continued management of the 1998 Plan on March 31, 2003.

II ORGANIZATION

1. The Otsego Lake Watershed Supervisory Committee (WSC) shall administer Public Health Law 1100 and local laws which are established for the purpose of protecting Otsego Lake as a public water supply, and shall be guided by the 1998 Plan for the Management of the Otsego Lake Watershed in carrying out their responsibilities. Advice and guidance will be given by the Otsego County Water Quality Coordinating Committee (WQCC).
2. Membership shall consist of two members from the Village of Cooperstown and one member each from the Towns of Middlefield, Otsego and Springfield. Appointments shall be for two years, except that initial appointments during reorganization may be staggered to promote smooth transfers.
3. The Village Water Board Chairman will communicate with the Chief Executive Officer of each respective municipality and seek concurrence on the proposed appointee's qualifications and abilities.

The Village Water Board will vote to decide on the appointments to the WSC.

III WATERSHED SUPERVISORY COMMITTEE MEETINGS

The WSC shall meet routinely during the first week of the third month of each quarter, in order to precede the monthly Water Board meeting. Normally meetings will be held at 3:00 p.m. in the Village Building. Special meetings will be held as needed upon the call of the Chairman. Three members of the WSC shall constitute a quorum.

IV DUTIES

1. The WSC will develop and promulgate Management Regulations for onsite treatment systems in the Otsego Lake Watershed.
2. The WSC will implement these regulations by a system of inspection of these systems that lie within 500 feet of the shoreline of Otsego Lake or 100 feet from one of its tributaries. Inspection shall be both periodic and upon transfer of property or failure of a system.
3. The Watershed Supervisory Committee shall employ a Watershed Coordinator. Duties of the Coordinator shall include:
 - a. Organizing and maintaining an inventory of Watershed septic systems on a suitable computerized filing system.
 - b. Planning and supervising a five-year rotation of inspections of all septic systems in the Watershed.
 - c. Assisting in hiring inventory takers and inspectors.
 - d. Organizing training of inventory takers, inspectors, and contractors.
 - e. Organizing an educational program for Watershed property owners
 - f. Preparing the annual report of regular inspections as required by Section 136.3(f) of Public Health Law 1100 for submission by the Board of Water Commissioners by 30 January.

V. DEFINITIONS

1. Definitions found in Section (b) of Section 136.3 of the Public Health Law 1100 and in Appendix 75-A of Section 201(1) (1) of the Public Health Law shall apply.
2. The shore line of Otsego Lake shall be defined as the edge of the water at a lake height of 1194.5' above sea level. This is essentially equal to 1.5' above the concrete surface of the dam at Mill St.
3. A tributary stream to Otsego Lake shall be defined as being listed in the Department of Environmental Conservation "Index of Waters".
4. WSC: Otsego Lake Watershed Supervisory Committee.

B. MANAGEMENT REGULATIONS FOR ONSITE TREATMENT SYSTEMS

I. PURPOSE

The purpose of these regulations is to protect the water quality of Otsego Lake. These standards are established to protect public health by ensuring adequate performance of onsite wastewater treatment systems (OWTS), and so to optimize the effectiveness of the systems at removing pathogens and nutrients from wastewater.

II. APPLICABILITY

The provisions of these regulations shall be in effect in the Municipalities of Cooperstown and the Towns of Middlefield, Otsego and Springfield, and shall include the land within 500 feet of the shoreline of Otsego Lake, and within 100 feet of feeder streams to Otsego Lake having a DEC index of waters number.

III. VALIDITY

If any section, paragraph, subdivision, or provision of this Law shall be judged invalid or held unconstitutional, the same shall not affect the validity of this Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

IV. WASTEWATER SYSTEM INSPECTIONS

The Watershed Coordinator and Town Codes Enforcement Official (Codes Official) shall be allowed to make regular visits to wastewater treatment systems in the Municipality for purposes of inspection, observation and testing. It shall be the duty and obligation of the wastewater system owner to supply, upon request to the Watershed Coordinator or municipal Codes Official, available information regarding wastewater system type, capacity, location, usage, age, maintenance, etc. in order to determine the system's effectiveness. Data gathered during an inspection will be included in a wastewater treatment system inventory of all systems covered by this Law, and maintained on behalf of the Otsego Lake Watershed Supervisory Committee.

V. APPROVAL OF NEW OR MODIFIED SEPTIC SYSTEMS

1. Systems farther than 500 feet from the Lake or 100 feet from a tributary:
Codes Official approves or deny, report to WSC.
2. Systems 500 feet or less from the Lake or 100 feet from a tributary, standard systems:
Codes Official plus one member of the WSC from the Town concerned and one member from Cooperstown visit the site and approve or deny. If a member of the Town concerned is not available, a member from another Town may be substituted. Report to WSC.
Disapproval would be brought to full WSC for review.

3. Systems 500 feet or less from the Lake or 100 feet from a tributary, variance or special permit needed: Codes Official notifies WSC, which holds a special meeting to approve or deny.
4. Systems falling under categories (2) and (3) above, 500 feet or less from the Lake or feet from a tributary, must be built in accordance with an engineer-designed plan or have been approved by the NYS Department of Health.

VI. FREQUENCY OF INSPECTION OF EXISTING SYSTEMS

1. Septic systems shall be inspected and tanks pumped within thirty days **before the transfer of property**, at the expense of the seller. These inspections are performed by the appropriate Town Codes Officials.
2. Septic systems shall be inspected following any reported violation. These inspections are performed by the appropriate Town Codes Officials, at the expense of the property owner.
3. The goal as set forth in the Watershed Plan is to perform routine inspections of all septic systems 500 feet or less from the lake or 100 feet or less from a tributary every three years. This goal shall be followed by the WSC within the limits of practicability. These inspections are performed by trained WSC septic system Inspectors.

VII. VIOLATIONS

1. Whenever it shall appear to a septic system Inspector that a system is not performing properly, it shall be reported to the Watershed Coordinator, who shall further report it to the Codes Official for the Town concerned for action.
2. Whenever it shall appear to or be reported to a Codes Official that a wastewater system is inadequate, he shall deliver a written Notice of Violation to the property owner, with a copy sent to the Watershed Coordinator, specifying the nature of the violation, the required corrective action, and the date by which corrective action shall be completed. The owner of the wastewater system has up to 30 days from receipt of the Notice of Violation to obtain a Construction Permit from the Codes Official. Completion of the work detailed in the construction permit shall be performed within the time period specified in the Permit, not to exceed one year. Any violation beyond that date shall be punishable as provided in the local laws of Otsego County or the Town concerned..

VIII. FEES

A fee which may be charged for each routine Wastewater System Inspection shall be set by the Board of Trustees of the Village of Cooperstown.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2004 of the ~~(County)~~(City)(Town)(Village) of Cooperstown was duly passed by the Board of Trustees on March 15, 2004, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 __, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Laura M. Lee

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: April 5, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF OTSEGO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]

Signature

Village Attorney

Title

County

City

Town

Village

of Cooperstown

Date: 04-26-04