

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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

- County
- City of INLET
- Town
- Village

MAY 01 2009

Local Law No. 1 of the year 20 09

MISCELLANEOUS
& STATE RECORDS

A local law Amending Sections 129-5, 129-16,
(Insert Title)
and 129-18 of Local Law No. 1-2006,
entitled "Town of Inlet Wastewater
Treatment Law"

Be it enacted by the Town Board of the
(Name of Legislative Body)

- County
 - City of Inlet
 - Town
 - Village
- as follows:

~~(Delete this line of text and enter text of local law here)~~

Certified copy containing the
text as amended is attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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 20 09 of the (County)(City)(Town)(Village) of Inlet was duly passed by the Inlet Town Board on April 14 20 09, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.~~

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)~~

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.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)~~

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.

* 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 **1**, above.

Patricia M. Hillman
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: April 27, 2009

(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 ONEIDA

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.

C. J. Kael
Signature
TOWN ATTORNEY
Title

County
City of INLET
Town
Village

Date: 4/26/09

Chapter 129

SEWAGE DISPOSAL

[HISTORY: Adopted by the Town Board of the Town of Inlet 9-12-2006 by L.L. No. 1-2006. Amendments noted where applicable.]

ARTICLE I

Title; Authority; Purpose

§ 129-1. Short title.

This chapter shall be known as the "Town of Inlet On-Site Wastewater Treatment Local Law." The Town of Inlet is hereinafter referred to as the "Town."

§ 129-2. Applicability.

This chapter shall govern the design and installation of all wastewater treatment systems within the Town except the design or installation of, or treatment of wastewater by means of a community or public sewer. The requirements of this chapter are in addition to, and not in lieu of, any applicable county, state, and federal requirements.

§ 129-3. Authority.

Enactment of this chapter is pursuant to the Municipal Home Rule Law.

§ 129-4. Purpose.

The purpose of this chapter is to promote the health, safety and general welfare of the community by ensuring through the location, construction and use of properly designed facilities that waste discharged from wastewater treatment systems:

- A. Does not contaminate any drinking water supply.
- B. Is not accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water.
- C. Is not a health hazard by being accessible to children and adults.
- D. Does not give rise to a nuisance due to odor or unsightly appearance.
- E. Will not violate any other laws or regulations governing water pollution or sewage disposal.

§ 129-5. Compliance.

- A. Wastewater treatment systems shall comply with the specifications and standards set forth in this chapter. These specifications and standards are derived from the

contained in the following sources now in effect, or as such sources may be amended and/or superseded;

- (1) "Wastewater Treatment Standards Individual Household Systems," NYS Department of Health (DOH) (10 NYCRR Appendix 75-A).
 - (2) "Standards For Waste Treatment Works — Institutional and Commercial Sewage Facilities," NYS Department of Environmental Conservation (DEC).¹
 - (3) Adirondack Park Agency Guidelines For On-Site Sewage and Disposal Systems (1991).
 - (4) On-Site Wastewater Treatment Systems Manual, EPA (Publication EPA625-R-00-008, FEB. 2002).
- B. Copies of the above-noted regulations, standards, guidelines, and manuals, and like materials noted elsewhere in this chapter, are on file in the Town offices.

ARTICLE II Prohibitions; Definitions

§ 129-6. Prohibited acts.

Except as otherwise provided in this chapter:

- A. It shall be unlawful for any person to construct, alter, or make major repairs to, enlarge, or extend any facility or part of such facility intended or used for the discharge of wastewater without obtaining all required governmental approvals.
- B. It shall be unlawful for any person to cause to be discharged within the Town any wastewater except by systems designed, installed, and approved in accordance with the requirements of this chapter, except that holding tank wastewater shall be disposed of in a location which has received all required governmental approvals and a method approved by the Department of Health.
- C. It shall be unlawful for any person to use or maintain any individual wastewater treatment system that is unsafe, is a source of pollution to any of the surface waters or groundwater source of the state, permits the seepage of raw or partially treated sewage to ground surface, creates a potential health hazard, adversely affects the environment or impairs the use of development of the lot on which it is situated or nearby lands or interferes with the enjoyment or use of property.
- D. It shall be unlawful for any person to knowingly abandon a septic tank, seepage pit or cesspool, unless at the time of such abandonment the septic tank, seepage pit or cesspool is pumped out and filled with clean, granular soil or inert, free-flowing, dense material.
- E. It shall be unlawful for any person to discharge pollutants to the waters of the state from any outlet or point source without first obtaining a State Pollution Discharge

¹. Note: DEC permit required for domestic sewage systems which discharge (1) 1,000 or more gallons per day, (2) to surface water, and/or (3) waste other than domestic sewage.

new permit application is required.

ARTICLE IV
Preexisting Systems

§ 129-15. Continuation of preexisting systems.

Subject to the provisions of this chapter, the use or maintenance of a preexisting wastewater treatment system may be continued without a certificate provided it shows no evidence of failure. But, it shall be unlawful to alter, make major repairs or enlarge such systems except in conformity with the provisions herein.

§ 129-16. Property transfer.

- A. (I) Prior to any property sale/conveyance for consideration, any existing on-site wastewater systems shall be inspected by an individual meeting the qualifications shown on Appendix E⁶ of this chapter and a report of findings shall be provided to the Code and Zoning Enforcement Officer.
- (II) The report shall consist of the OTN System Inspection Information Request and System Inspection Findings Worksheet as set forth in Appendix D⁷ and, for purposes of this provision, the report shall be good for two years from the date of inspection.
- (III) In the event that weather conditions reasonably prevent an inspection and the submission of said report prior to sale/conveyance, the buyer must provide the report to the Codes and Zoning Enforcement Officer within six months of sale/conveyance and is responsible for any upgrades necessary to obtain an approved wastewater system.
- (IV) Within seven days of any such sale/conveyance, the buyer of any such property shall send written notice to the Code and Zoning Enforcement Officer advising of the closing date of any such sale/conveyance.
- (V) These requirements shall not apply to (i) a property transfer of vacant land, or (ii) a property transfer of a parcel(s) which has had a new on-site wastewater system installed within 36 months prior to the date of transfer.
- B. If, based upon the inspection report, the existing wastewater system is determined to be a failure or does not otherwise meet the requirements of this chapter, a written notice of violation shall be issued to the property owner and an approved wastewater treatment system permit must be obtained within six months of any property sale/conveyance for consideration. Properly functioning systems not otherwise in compliance with the requirements of this chapter may be found to be acceptable upon approval of a variance by the Zoning Board of Appeals.

6. Editor's Note: Appendix E is located at the end of this chapter.

7. Editor's Note: Appendix D is located at the end of this chapter.

- C. If a lending institution requires a property owner to obtain a wastewater treatment system inspection, and pumping of septic tank for refinancing, such reports shall be filed with the Code and Zoning Enforcement Officer and must be on the report format set forth in Appendix D.⁸
- D. Pursuant to §129-25, failure to abide by these provisions shall be deemed a violation, running, per day, from the date of the sale/conveyance of the property.

§ 129-17. Repair, alteration, enlargement or extension of a system.

It shall be unlawful to make major repairs, alter, enlarge or extend a preexisting wastewater treatment system without an approved permit, except as follows: Emergency repairs — repairs designed to prevent or abate an existing or imminent threat to public health, safety or welfare caused or to be caused by on-site wastewater treatment system. The Code and Zoning Enforcement Officer shall be notified immediately of any such existing or imminent threat, and in no case should this repair include enlarging the absorption area or replacing or disconnecting septic tanks.

**ARTICLE V
Administration**

§ 129-18. Code and Zoning Enforcement Officer.

- A. The Code and Zoning Enforcement Officer shall have the duty to administer and enforce the provisions of this chapter. Persons adversely affected by an action, omission, decision or ruling by the Code and Zoning Enforcement Officer may appeal to the ZBA, which shall render a decision regarding the appeal only after holding a hearing on the matter in accordance with the time periods set forth in § 129-23 of this chapter. The Code and Zoning Enforcement Officer shall not plan, design, construct, sell or install wastewater treatment systems within the Town.
- B. The Code and Zoning Enforcement Officer may, by written notice, order all further work stopped on any wastewater treatment system which is being constructed or installed in violation of this chapter.
- C. As further set forth in Subsection E, the Code and Zoning Enforcement Officer may conduct such inspections, investigations, examinations, tests and site evaluations with respect to an application for a wastewater treatment system permit and/or the issuance of a treatment use certificate.
- D. In the case of multiple-family systems or systems serving more than one principal use, the establishment of a proper legal entity, such as a transportation corporation or homeowners' association, will be required and a copy of any agreement between the property owners shall be provided to the Code and Zoning Enforcement Officer.
- E. Inspection, investigation, examination, testing and evaluation of systems.
 - (1) The Code and Zoning Enforcement Officer or his/her designee may inspect,

⁸. Editor's Note: Appendix D is located at the end of this chapter.

investigate, examine, test and evaluate (hereinafter collectively referred to as "inspections") any wastewater treatment system built after this chapter takes effect to ensure that it is being maintained in proper working order. Inspections shall be made during any reasonable hours. Where the Code and Zoning Enforcement Officer determines that a system is not being maintained in compliance with this chapter or any certificate issued hereunder, he/she may order that use of the system cease, that the defects be corrected, that the misuse be abated within a reasonable time, and/or issue any other written order concerning the elimination or removal of any substandard system or component thereof. If the prescribed action is not taken within the time fixed by the Code and Zoning Enforcement Officer, he/she may revoke any certificate issued, and/or refer the matter to the Department of Health or other agency/department, in addition to other remedies herein provided.

- (2) If admission for inspection(s) is refused or cannot be obtained from the person in possession or occupancy, the Code and Zoning Enforcement Officer or his his/her designee shall be authorized to obtain a warrant to make an inspection, provided that reasonable or probable cause is shown.
- (3) In case of an emergency, the Code and Zoning Enforcement Officer or his/her designee may, without a warrant, enter any premises to inspect the same, at any time, without the permission of the person in possession or occupancy.

§ 129-19. Required records.

The original or certified copy of all applications, plans, findings, decisions, permits, certificates or other rulings of the Code and Zoning Enforcement Officer or ZBA under this chapter shall be retained in the files of the Code and Zoning Enforcement Officer as a permanent public record.

§ 129-20. Form of petitions, applications and appeals.

Unless otherwise stated, all petitions, applications and appeals provided for in this chapter shall be made on forms prescribed by the Code and Zoning Enforcement Officer. Completed forms shall be accompanied by whatever further information, plans or specifications may be required by such forms.

§ 129-21. Variances.

The ZBA may vary or adapt the strict application of any of the requirements of this chapter in the case whereby such strict application would result in unnecessary hardship that would deprive the property owner of the reasonable use of the land involved. No variance in the strict application of any provision of this chapter shall be granted by the ZBA unless it shall find all of the following:

- A. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to such land and that such circumstances or conditions are such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land.