

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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
MAY 08 2000
Abigail F. Quilley
Secretary of State

9

~~County~~

~~City~~ of Lyons

~~Town~~

~~Village~~

Local Law No. 1 of the year 2000

A local law regulating the location, construction and use of septic systems
(Insert Title)

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

~~County~~

~~City~~ of Lyons

~~Town~~

~~Village~~

as follows:

see text 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 2000 of the ~~(County)(City)(Town)(Village)~~ of Lyons was duly passed by the Town Board on April 26 2000, 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.)

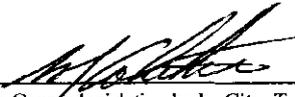
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



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

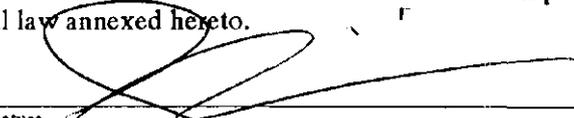
(Seal)

Date: May 5, 2000

(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 Wayne

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
Town Attorney

Title

~~County~~
~~City~~ of Lyons
Town
~~Village~~

Date: May 5, 2000

ARTICLE I
General Provisions

1. **Title.** This law shall be known as the "Town of Lyons Septic Law."
2. **Purpose.** The purpose of this law is to promote the health, safety and general welfare of the community by ensuring, through location, construction and use of properly designed facilities, that human sewage and other wastes are disposed of in a manner that will not create a health hazard or adversely affect the environment.
3. **Other Laws and Regulations.** This law is intended to supplement and complement the requirements of the State Public Health Law and Regulations, which are incorporated into this law by reference. To the extent this law conflicts with such regulations, or with the requirements of any other statute, ordinance, local law, order, rule or regulation, the provisions which are more restrictive shall govern. This law is intended to be construed in harmony with the State Public Health Law and Regulations, the Town Building Law, and the Town Zoning Law.
4. **Definitions.**
 - A. To the extent definitions of terms used in this law are provided in the State Public Health Law and Regulations, the Town Building Law, and the Town Zoning Law, the terms used in this law shall have the same meaning.
 - B. The following terms shall have the following meanings:
 - (1) **Enforcement Officer.** Either the Building Inspector, his or her deputy, or other person appointed by the Town Board whose duty and authority it is to administer and enforce the provisions of this law.
 - (2) **Increase in Living Area.** The addition of enclosed inside living area to an existing structure, which increases the load or potential load on the septic system, such as a bedroom or bathroom.
 - (3) **Leaching Facility.** Any structure that is designed to distribute sewage into the soil, such as a seepage pit or tile field.
 - (4) **Major Modification, Alteration or Extension.** Any replacement or reconstruction affecting the septic tank or at least 50% of the leaching facility of a septic system.
 - (5) **Minor Modification, Alteration or Extension.** Any remedial measure not defined as a major modification, alteration or extension.
 - (6) **Septic System.** A system for the disposal, treatment, storage, dispersal, or transmittal of sewage, other than a discharge to a public sewer system or surface waters permitted by the New York State Department of Environmental Conservation.
 - (7) **Sewage.** All human and household wastewater, with the exception of storm drains, residential floor drains, sump pumps, eaves, and agricultural waste.

(8) State Public Health Law and Regulations. The Public Health Law of the State of New York, and regulations promulgated pursuant to that law, as they may be amended time to time.

ARTICLE II Standards

1. **Incorporation by Reference.** Septic systems shall comply with the applicable specifications and standards set forth in the State Public Health Law and Regulations. Language such as "should" in these publications shall be considered mandatory ("shall") for purposes of this law. Alternative systems (e.g., fill systems, evaporation-absorption systems, etc.) may be permitted by application to the State Department of Health or, if applicable, the Department of Environmental Conservation.

2. **Requirements for New Construction.**

A. **Applicability.** This section applies to new construction or installation of a temporary, seasonal or permanent structure used as a residential, commercial or industrial facility.

B. **Permit Requirements.** Pursuant to the Town Building Law and the Town Zoning Law, a building permit is required prior to commencement of any construction, including installation of a new septic system, and a certificate of occupancy is required prior to commencement of use or occupancy, including use of any septic system.

C. **System Compliance.** All new installations shall comply with the State Public Health Law and Regulations.

D. **Septic System Design Submittal.** With an application for a building permit, the property owner shall submit: (i) a scale drawing of the proposed septic system, showing compliance with the State Public Health Law and Regulations; (ii) a sketch of the property showing the location of the proposed septic system and including delineation of the property lines, adjacent structures and sources of water supply for the property and adjoining properties; (iii) results and location of at least two percolation (perk) tests and a deep hole test; (iv) site data which might affect, or be affected by, the proposed system, including but not limited to specifications regarding soil type, topography, depth to seasonal high groundwater, depth to impervious material, depth to bedrock and distance to surface bodies of water; all certified by a registered architect, a professional engineer, or the New York State Department of Public Health.

E. **Inspection of Septic System Installation.** Prior to backfilling any newly installed septic system, the Enforcement Officer shall visually inspect the following for conformance to the design and the State Public Health Law and Regulations:

- (1) Septic tank.
- (2) Distribution box.

- (3) All lateral/leach lines.
- (4) Connection to house or other structure.

F. Septic Inspection Report. Prior to issuance of a certificate of occupancy, the Enforcement Officer shall complete and file a Septic Inspection Report in the office of the Building Inspector, with a copy to the property owner, which shall document observed conformance of the installation with the septic system design and the State Public Health Law and Regulations. A certificate of occupancy shall not be granted until the Enforcement Officer has determined that the system components have been installed in compliance with this law.

3. Existing Installations.

A. Applicability. An inspection of all septic systems at an existing residence, or commercial or industrial facility, as provided by this section, shall be completed prior to:

- (1) Increase in living area.
- (2) Change in use.

B. System Compliance. All existing septic systems must be functional, consistent with the existing or proposed use. As a minimum, all existing septic systems must provide for separation of solids and grease, and adequate percolation.

C. Preparation by Property Owner. The following actions shall be completed by the property owner:

- (1) The septic tank shall be uncovered prior to inspection.
- (2) A licensed septic tank pumper shall pump the tank in the presence of the Enforcement Officer.

The Enforcement Officer may waive the pumping requirement if the possibility exists for floating of the tank. However, in such a case, a visual inspection of the inside of the tank shall still be required (the tank must be open for inspection). If the Enforcement Officer finds that inadequate leaching may exist, he or she is authorized to require additional actions, including a dye test or the inspection of the distribution box and/or leach lines.

D. Inspection Report. The Enforcement Officer shall complete and file a Septic Inspection Report in the office of the Building Inspector, with a copy to the property owner, which shall document observed conditions and use.

E. Demonstrated Compliance. If the property owner can demonstrate full compliance with this law within the past five years, and certifies that no known violations or concerns exist concerning the operation of the septic system, such septic system is exempt from this section.

4. Replacement, Modification or Upgrade of an Existing Septic System.

- A. Applicability. This section shall apply to the replacement, modification or upgrade of an existing septic system.
- B. Permit Requirements. A building permit is required prior to the major modification, alteration or extension of any septic system. A certificate of compliance is required prior to commencement of use of any new or upgraded system.
- C. Activities Not Requiring a Permit. A permit is not needed for minor modifications, alterations or extensions of, nor for repairs to, an existing septic system.
- D. System Compliance. All existing septic systems that are replaced, modified or upgraded shall, to the extent reasonably feasible, comply with the standards for new systems specified by the State Public Health Law and Regulations, including design, size and location requirements. All such septic systems must be functional, consistent with the existing use, and as a minimum, provide for the separation of solids and grease, and adequate percolation.
- E. Complete Replacement. Complete replacement of existing septic systems are subject to the following requirements:
- (1) Percolation Tests. The property owner (or his or her designee) shall perform percolation (perk) tests, in the planned location of all leach fields. The Enforcement Officer may verify the results of such tests and require supporting information from the applicant necessary for such review.
 - (2) Septic System Design Submittal. With an application for a building permit, the property owner shall submit: (i) a scale drawing of the septic system, showing compliance with the State Public Health Law and Regulations; (ii) a sketch of the property showing the location of the septic system and including delineation of the property lines, adjacent structures and sources of water supply for the property and adjoining properties; (iii) results and location of at least two percolation (perk) tests and a deep hole test; (iv) site data which might affect or be affected by, the replacement septic system, including but not limited to specifications regarding soil type, topography, depth to seasonal high groundwater, depth to impervious material, depth to bedrock, and distance to surface bodies of water.
 - (3) Inspection of Septic System Installation. Prior to backfilling any complete replacement of an existing septic system, the Enforcement Officer shall visually inspect the following for conformance to the design and the State Public Health Law and Regulations:
 - (a) Septic tank.
 - (b) Distribution box.
 - (c) All lateral/leach lines.

F. Other Work. Prior to backfilling any modification or upgrade of an existing septic system other than a complete replacement, the Enforcement Officer shall visually inspect the following for functionality and reasonable conformance to the State Public Health Law and Regulations. The property owner shall leave uncovered for inspection, as applicable, all of the following that may be newly installed:

- (1) Septic tank.
- (2) Distribution box.
- (3) All lateral/leach lines.

G. Septic Inspection Report. Prior to issuance of a certificate of occupancy, the Enforcement Officer shall complete and file a Septic Inspection Report in the office of the Building Inspector, with a copy to the property owner, which shall document conformance of the installation with the system design and observed conditions and use. A certificate of occupancy shall not be granted until the Enforcement Officer has determined that the system components have been installed in compliance with this law.

ARTICLE III Enforcement

1. Inspections.

A. Site Inspections. In filing an application for a building permit, an applicant shall be deemed to have consented to site inspections by the Enforcement Officer to conduct examinations, tests and other inspections of the septic system site. Entrance upon the applicant's property shall be made only at reasonable times and with advance notice to the applicant where possible. It shall be the duty of the holder of the building permit to notify the Enforcement Officer when the installation of the system is ready for inspection. The inspection shall be made as soon thereafter as practicable by the Enforcement Officer. The Enforcement Officer may also make inspections during construction to ensure that the system is being installed in accordance with the terms of the permit. Any part of any installation which has been covered prior to final approval shall be uncovered upon order of the Enforcement Officer.

B. Inspection upon Complaint. The Enforcement Officer is authorized to investigate all written complaints or concerns regarding sewage and septic system compliance. If the Enforcement Officer finds a basis to investigate such complaints or concerns, he or she shall first make efforts to notify the property owner of the complaint or concerns, and then proceed to visually inspect the septic system. The Enforcement Officer shall attempt to obtain the property owner's cooperation to validate and resolve any concerns.

2. Enforcement Action. If the Enforcement Officer finds that a septic system is not functioning properly, or is not in compliance with applicable legal requirements, he or she is authorized to order: (i) replacement of the tank; (ii) pumping of the tank; (iii) other repairs or improvements; to the extent reasonably necessary to restore functionality and compliance with legal requirements. The property owner shall be responsible for all actions and costs necessary to support septic system inspection and repairs. If a violation of applicable legal requirements is

found to exist, the Enforcement Officer shall order the property owner to terminate use of the septic system and discharge of sewage either (i) immediately; or (ii) within thirty (30) days if the property owner fails to bring the septic system into compliance or perform required repairs as ordered by the Enforcement Officer. If deficiencies are not resolved within thirty (30) days, the property owner shall also submit a schedule for compliance to the Enforcement Officer, who may order compliance with such schedule or such other schedule as he or she deems appropriate to protect public health, welfare and the environment. The Enforcement Officer may also take further enforcement action, or refer the matter to the Town Board, as provided in (D) below.

3. **Violations.** In case any septic system is constructed, reconstructed, altered, converted or maintained or used, or any property is transferred, in violation of this law, or any order of the Enforcement Officer under this law is not complied with, the Enforcement Officer or the Town Board, in addition to other remedies, may institute any appropriate action to restrain, correct, or abate such violation, prevent the use of such septic system, or enforce this law or requirements under the State Public Health Law and Regulations. The Enforcement Officer is authorized to appearance tickets for violations of this law, requiring appearance by the alleged violator in Lyons Town Court.

4. **Penalties.** Any person, firm or corporation who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this law or any written order of the Enforcement Officer issued under this law shall be guilty of an offense, and upon conviction thereof shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), or imprisonment for a period of not more than fifteen (15) days, or both such fine and imprisonment for each offense. Each week such violation or offense is continued or not corrected shall be deemed a separate violation or offense.