

(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.

TOWN OF KENT

Local law No. 1 of the year 2011

**FILED
STATE RECORDS
APR 26 2011
DEPARTMENT OF STATE**

A LOCAL LAW to add a new Chapter 48A to the Kent Town Code to be entitled "Separate Sewage Disposal Systems/On-site Wastewater Systems Inspection".

BE IT ENACTED by the Town Board of the Town of Kent as follows:

Chapter 48A

Separate Sewage Disposal Systems/On-site Wastewater Systems.

48A-1. Purpose and Intent.

1. The Town of Kent hereby finds that it is necessary to the health, safety and welfare of the residents of the Town of Kent that on-site sanitary systems operate and be maintained in a manner that will prevent, to the extent possible, hazards to the public health, to minimize their potential for failure and to protect the drinking water supply of the Town of Kent and drinking water supplies which pass through the Town of Kent.
2. This local law is intended to implement the provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation, SPDES General Permit GP-0-10-002 ("Permit") for Stormwater Discharge from Municipal Separate Storm Sewer Systems (MS4) effective May 1, 2010, which requires that the Town implement and enforce a program to ensure that on-site sanitary systems are inspected and, where necessary, maintained or rehabilitated as required by Part IX.A.3.b of the Permit and/or similar provisions in successor Permits.

48A-2. Definitions.

APPEALS AUTHORITY shall mean the Municipal Code Enforcement Officer.

INSPECTION shall mean the evacuation and removal of septage as necessary from a Separate Sewage Disposal System/On-site Sanitary System and subsequent reporting by a Septage Collector that is licensed by the Putnam County Department of Health.

SEPARATE SEWAGE DISPOSAL SYSTEM/ON-SITE SANITARY SYSTEM - a system or facilities or means for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, each being designed for the treatment of less than 1,000 gallons per day, regardless of location with respect to any building or structure or premises thereby served. Such system shall include, but shall not be limited to, septic tanks, cesspools, absorption fields and other facilities for the treatment or modification or required control of sewage.

SEPTAGE COLLECTOR - an individual or entity licensed by the Putnam County Health Department who engages in the performance of any one (1) or more of the following services, or who offers to provide any one (1) or more of the following services for a fee, in Putnam County, with respect to separate sewage disposal systems: evacuation, removal, collection or transportation of septage.

SEPTAGE shall mean the contents of any container, including but not limited to a septic tank, which is designed and intended to hold sewage.

SEWAGE shall mean the combination of human and household waste with water which is discharged to the home plumbing system including the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment or machine.

48A-3. Inspection requirements.

1. Beginning on May 1, 2011, the owner of any parcel located within the Town of Kent which relies upon a Separate Sewage Disposal System/On-site Sanitary System shall cause an inspection to be performed on said Separate Sewage Disposal System/On-site Sanitary System at a minimum frequency of once every five (5) years.
2. Upon the completion of any inspection, every owner shall maintain a copy of the record of such inspection, which will be provided to the owner by the Septage Collector, for a minimum of six (6) years.

Local Law Filing

3. The Septage Collector shall furnish one (1) copy of the record of inspection to the Municipal Code Enforcement Officer in the town/village in which the Separate Sewage Disposal System/On-site Sanitary System is located and one (1) copy of the record of inspection to the Putnam County Soil and Water District office.

48A-4. Waivers/Variance.

1. The Appeals shall not grant a waiver or exemption from any of the requirements of this local law provided, however, that the Appeals Authority may vary the time requirements as referenced within this local law, upon the submission and consideration of evidence which may necessitate an extension of time to comply with all aspects of this local law. Such extension shall not exceed one hundred eighty (180) days.

48A-5. Enforcement and penalties.

1. Any owner of a parcel which is located in the Town of Kent and is served by a Separate Sewage Disposal System/On-site Sanitary System that fails to comply with the provision of this local law, shall be guilty of a violation, and shall be subject to a penalty as follows:
2. The Municipal Code Enforcement Officer shall first issue a written notice of violation to the owner informing the owner of the anticipated imposition of penalties if the violation is not corrected within 30 days.
3. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by a fine not exceeding two hundred fifty dollars, for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each fourteen day (14) period of continued violation shall constitute a separate additional violation.

48A-6. Compliance with Other Laws.

1. Compliance with this local law shall not be deemed compliance or approval of the municipality under any other rules, regulations, codes or laws.

48A-7. Severability.

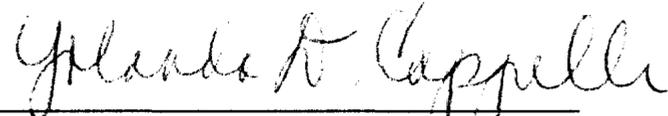
1. In the event that any provision of this local law shall be held unconstitutional or unlawful, the remaining provisions in this local law shall remain in full force and effect.”

48A-8. Effective Date.

1. This local law shall take effect immediately upon its adoption and filing in the office of the Secretary of State.

1. I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2011 of the Town of Kent was duly passed by the Town Board on April 19, 2011 in accordance with the applicable provisions of law.

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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Yolanda D. Cappelli, Town Clerk

(Seal)

Date: April 20, 2011

(Certification to be executed by Town Attorney or other authorized attorney of Locality.)

STATE OF NEW YORK
COUNTY OF PUTNAM

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



TIMOTHY CURTISS, Town Attorney
Town of Kent

Date: April 20, 2011