

Local Law Filing

New York State Department of State  
41 State Street, Albany, NY 12231

TOWN OF LEWISBORO

LOCAL LAW NO. 4-2011

**FILED**  
**STATE RECORDS**  
**MAY 04 2011**  
**DEPARTMENT OF STATE**

A local law to amend the Code of Town of Lewisboro

Re Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems

Be it enacted by the Town Board of the  
Town of Lewisboro as follows:

**Section 1.** A new Chapter --- to be entitled "Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems" is hereby added to the Town Code of the Town of Lewisboro to read as follows:

**§ ---1. Purpose and Intent.**

The Town of Lewisboro hereby finds that it is necessary to the health, safety and welfare of the residents of the Town of Lewisboro that separate sewage disposal systems operate and be maintained in a manner that will prevent, to the extent possible, hazards to the public health and to protect the drinking water supply of the Town of Lewisboro and drinking water supplies which pass through the Town of Lewisboro.

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 Discharges from Municipal Separate Storm Sewer Systems (MS4) effective May 1, 2010, which require that the Town implement and enforce a program to ensure that separate sewage disposal systems/on-site wastewater treatment systems are inspected and, where necessary, maintained or rehabilitated as required by Part LX.A.3.b of the Permit and/or similar provisions in successor Permits.

**§ ---2. Definitions.**

SEPARATE SEWAGE DISPOSAL SYSTEM/ON-SITE WASTEWATER TREATMENT 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, regardless of location with respect to any building or structure or premises thereby served, including but not limited to septic tanks. Such system shall include, but shall not be limited to, facilities for the treatment or modification or required control of harmful or deleterious substance, as defined in 5873.721 of the Westchester County Sanitary Code, before subsurface discharge.

SEPTAGE COLLECTOR - an individual or entity licensed by the Westchester County Commissioner of Health 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 Westchester County, with respect to separate sewage disposal systems: evacuation, removal, collection or transportation of septage.

SEPTAGE - the contents of a septic tank or other Separate Sewage Disposal System/On-site Wastewater Treatment System which receives sanitary sewage waste.

INSPECTION - the evacuation and removal of septage from a Separate Sewage Disposal System/On-site Wastewater Treatment System and subsequent reporting by a Septage Collector that is licensed by the Westchester County Department of Health pursuant to §5873.722, §873.724 and §873.726 of the Westchester County Sanitary Code.

APPEALS AUTHORITY - the Building Inspector.

**§ ---3. Inspection requirements.**

- A. Beginning on May 1, 2011, the owner of any parcel of land located in the Town of Lewisboro and within the watershed which relies upon a Separate Sewage Disposal System/On-site Wastewater Treatment System for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, with respect to any building or structure thereon, shall cause an inspection to be performed on said Separate Sewage Disposal System/On-site Wastewater Treatment System at a minimum frequency of once every five (5) years.
- B. Upon the completion of any inspection, every owner shall maintain a copy of the record of such inspection as required by Section 873.724 of the Westchester County Sanitary Code, which will be provided to the owner by the Septage Collector, for a minimum of six (6) years.

**§ --- 4. Waivers Variance.**

The Appeals Authority 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.

**§ --- 5. Enforcement and penalties.**

Any owner of a parcel of land which is located in the Town of Lewisboro and within the New York City Watershed serviced by a Separate Sewage Disposal System/On-site Wastewater Treatment System that violates the provision of this local law, shall be guilty of a violation, and shall be subject to a penalty as follows:

- (1) The Building Inspector 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.
- (2) If the violation is not remedied within 30 days, the owner shall be subject to a fine not to exceed \$200.00 for each violation. Thereafter, beginning on the 31st day of the continuing violation, the owner shall be subject to a fine in the amount of \$200.00 for each fourteen (14) day period until the violation is remedied and can be verified in writing by the Building Inspector.

**§ --- 6 Compliance With Other Laws.**

Compliance with this local law shall not be deemed compliance or approval of the municipality under any other rules, regulations, codes or laws including, but not limited to, Article VIII of the Westchester County Sanitary Code.

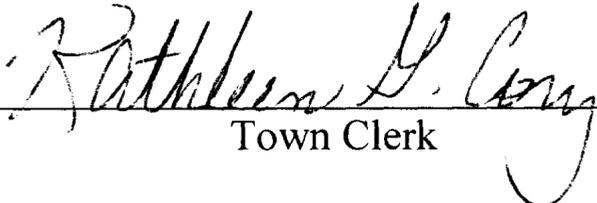
**§ --- 7 Severability.**

In the event of 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.

**Section 2. This local law shall take effect immediately upon its adoption and filing in the office of the Secretary of State.**

I hereby certify that the local law annexed hereto, designated as Local Law No. 4 of 2011 of the Town of Lewisboro was duly passed by the Town Board on April 25, 2011 in accordance with the applicable provisions of law.

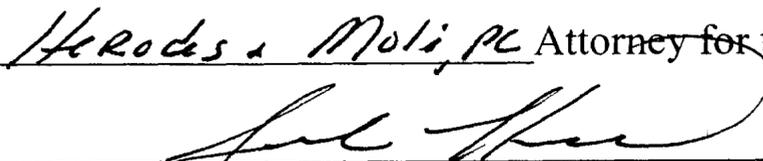
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1. above.

  
Town Clerk

April 25, 2011

STATE OF NEW YORK  
COUNTY OF WESTCHESTER

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.

  
Attorney for the Town

Signature

Town of Lewisboro  
April 25, 2011