

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.

FILED
STATE RECORDS
MAY 31 2011
DEPARTMENT OF STATE

- County
- City of PAWLING
- Town
- Village

Local Law No. 4 of the year 20 11

A local law MAINTENANCE OF SUBSURFACE SEWAGE
(Insert Title) DISPOSAL SYSTEM

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

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

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

(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. 4 of 20 11 of the ~~(County)(City)(Town)(Village)~~ of HAWKING- was duly passed by the TOWN BOARD on MAY 20 20 11, 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 _____. 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 _____, above.

Catherine Gordon

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

Date: 5/23/2011

(Seal)

(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 DUTCHESS

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.

Charles Deane

Signature TOWN ATTORNEY

Title

County
City of PAWZING

Town
Village

Date: 5/23/11

TOWN OF PAWLING

LOCAL LAW #4 of 2011

MAINTENANCE OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS

Article I. General Provisions

Section I. Statement of Purpose

This chapter's purpose is described as follows:

- A. This ordinance 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-0-08-002 for Stormwater Discharges from Municipal Separate Storm Sewage Systems (MS4), effective May 1, 2008, which require that the Town implement, through the enactment of the necessary legal authority, and enforce a program to ensure that separate sewage disposals systems/onsite wastewater treatment 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.
- B. To protect from further degradation those waterbodies located in the "New York City East of Hudson Watershed" by the New York State Department of Environmental Conservation (NYSDEC), by reducing phosphorus loading in the East of Hudson Watershed through the required periodic pumpout and visual inspection of all individual subsurface sewage disposal systems (SSDS) located on properties which are located within the New York City East of Hudson Watershed.
- C. The maintenance of septic systems on a regular basis will benefit residents by establishing a record of maintenance performed on each septic system. The maintenance will tend to provide a septic system that remains adequately functional for a longer period of time as opposed to a septic system with no maintenance.
- D. To identify failing septic systems, or the prevention thereof before they become a significant threat to the public health and/or the environment.
- E. This Chapter in no means is to replace the regulatory requirements of the Dutchess County Department of Health and/or the Dutchess County Sanitary Code.

Section II. Definitions and Acronyms

- A. As used herein, the following terms shall have the following meanings:
1. "Facility" All buildings, other structures, grounds and contiguous property at any locations related to or connected with a user at the user's location.
 2. "Individual Subsurface Sewage Disposal System" – means a system of piping, tanks or other subsurface facilities serving any premises or having a flow rate of less than one thousand (1,000) gallons per day. The system generally includes a septic tank and absorption fields but may also include any system permitted under the Dutchess County Sanitary Code and Part 75A of the New York State Sanitary Code.
 3. "Industrial" Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.
 4. "Lot" – a parcel of land bearing a tax grid designation on the Town of Pawling Tax Map. Said tax maps are prepared and maintained by the Dutchess County Real Property Tax Service Agency. Said tax maps include all residential, commercial and industrial parcels.
 5. "New York City East of Hudson Watershed" – A watershed serving as a public water supply for New York City. Its limits are generally shown on the map provided within Municipal Separate Storm Sewage System (MS4) NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit No. GP-0-10-002. The limits are more specifically provided on maps located in the Town of Pawling Planning and Building Departments.
 6. "Owner" means any person who has legal or equitable title to a property or facility.
 7. "Person" means any individual, public or Private Corporation, political entity, agency, municipality, industry, co-partnership, association, firm, trust, estate or other legal entity whatsoever.
 8. "Records" shall include, but not be limited to, any printed, typewritten, handwritten or otherwise recorded matter of whatever character (including paper or electronic media), including but not limited to, letters, files, memoranda, directives, notes and notebooks, correspondence, descriptions, telephone call slips, photographs, permits, applications, reports, compilations, films, photographs and inspection reports. For the purposes of this law, records shall mean records of and relating to waste generation, reuse and disposal, and shall include records of usage of raw materials.

9. Septage – The contents of a septic tank or other separate sewage disposal system/onsite wastewater treatment system which receives sanitary sewage waste.
10. “Septic Contractor” – A contractor registered with the NYSDEC to haul residential septage, a.k.a “Registered Waste Transporter”.
11. “Septic System” – The common name for an individual subsurface sewage disposal system (SSDS), a.k.a. individual subsurface treatment system (SSTS).
12. “Septic Tank” is an underground receptacle (typically concrete) for wastewater from a residential or commercial properties. The bacteria in the sewage decompose the organic wastes, and the sludge settles to the bottom of the tank. The effluent flows out of the tank into the ground through drains.
13. “State” - State of New York.
14. “Town” The Town of Pawling as incorporated on (date).

B. As used herein, the following acronyms shall have the following meanings:

- 1) CEO – Code Enforcement Officer
- 2) CO – Certificate of Occupancy
- 3) EOH – New York City East of Hudson Watershed
- 4) DCDH – Dutchess County Department of Health
- 5) MS4 – Municipal Separate Storm Sewage System
- 6) NYSDEC – New York State Department of Environmental Conservation
- 7) NYCDEP – New York City Department of Environmental Protection
- 8) SMO – Stormwater Management Officer
- 9) SPDES – State Pollutant Discharge Elimination System
- 10) SSDS – Subsurface Sewage Disposal System

Article II. Specific Requirements

Section I. Required Maintenance

- A. The owner of each lot located within the EOH watershed which contains one or more septic systems, shall have the system(s) pumped, cleaned and visually inspected by a “Registered Waste Transporter” in a manner sufficient to enable the “Registered Waste Transporter” to furnish the information as required in Article II. Section III.A. of this Chapter.
- B. The septic system is required to be pumped, cleaned and visually inspected at least once every five (5) years.

Section II. Implementation

- A. Beginning on May 1, 2011, the owner or any parcel located within the Town of Pawling which relies upon a separate sewage disposal system/onsite 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/onsite wastewater treatment system at a frequency as required by the Permit and/or successor Permits.
- B. Within sixty (60) days following the adoption of this Local Law, the Town shall identify each lot to which this law shall apply on the date of its adoption, and shall in writing notify the owner of each such lot by registered mail to include a copy of the “Town of Pawling Septic System Data and Inspection Form”. Said inspection form will also be available at the Town of Pawling Town Hall upon request.
- C. Those lot owners now or hereafter subject to this Local Law, whose septic systems have been pumped within twelve (12) months prior to the date upon which this Local Law shall take effect in respect to said lots, shall be exempt from this Local Laws initial application to said lots pursuant to Article III Section III.A. To qualify for said initial exception said lot owners must provide to the Town of Pawling SMO or CEO, within ninety (90) days following the date upon which this Local Law shall take effect in respect to said owners lot, a copy of a paid receipt containing the information specified in Article II. Section III.A hereof (except tax lot grid number, which the owner may enter upon said receipt), which receipt shall confirm the pumpout of the septic tank of said owners septic system within the preceding twelve (12) month period.
- D. Within the preceding twelve (12) month period.

Section III. Compliance Confirmation

A. Upon completion of a septic system pumpout and visual inspection performed by a “Registered Waste Transporter” each lot owner shall, within 30 days following said pumpout and visual inspection, provide the Town of Pawling SMO or CEO with a copy of a paid receipt and a completed “Town of Pawling Septic System Data and Inspection Form” endorsed by said “Registered Waste Transporter”. Said “Town of Pawling Septic System Data and Inspection Form” shall contain the following:

- 1) The property owners name; and
- 2) The property owners street address; and
- 3) The property owners tax grid I.D. number; and
- 4) Property type; and
- 5) The pumpout and inspection date; and
- 6) The components serviced; and
- 7) The type of component; and
- 8) The septic tank capacity; and
- 9) The type of septic tank; and
- 10) The approximate amount of gallons of septage pumped from the system; and
- 11) The approximate percentage of sludge layer; and
- 12) A documented visual inspection of the inlet and outlet; and
- 13) The structural integrity of the septic tank; and
- 14) A documented visual inspection of the ground condition in the area of the absorption fields; and

- 15) Any other information or comments as provided on the “Town of Pawling Septic System Data and Inspection Form”. Said Inspection form may be revised by action of the Town of Pawling Town Board at their discretion.
- B. Duplicate copies of the receipts and “Town of Pawling Septic System Data and Inspection Form” as specified above shall be retained by the lot owner for a period of five (5) years, and a copy shall be provided to the Town of Pawling SMO or CEO upon request.
- C. Duplicate copies should be retained and reviewed by the Town of Pawling SMO or CEO.

Article III. Enforcement

Section I. Septic System Failure

- A. If a pumpout and visual inspection concludes that the septic system deems a “detailed investigation needed”, and therefore cannot meet the requirements of Section 19.7 of the Dutchess County Sanitary Code, upon notification by the Town of Pawling SMO or CEO, then the owner shall meet the requirements of Section 19.8 of the Dutchess County Sanitary Code by causing an investigation of the septic system failure to be undertaken with the cooperation of the DCDH within sixty (60) days of the date of the notification. Evidence of said investigation in the form of a letter from a contractor or a New York State licensed Professional Engineer (P.E) and a completed Town of Pawling Subsurface Sewage Disposal System Investigation and Remediation Form must be submitted to the Town of Pawling SMO or CEO.
- B. If the Town of Pawling finds that no investigation has begun if the septic system is deemed “detailed investigation needed”, the Town of Pawling SMO or CEO will further notify the DCDH that a failing septic system condition may exist and request that the DCDH perform an investigation for possible further action as specified in the Dutchess County Sanitary Code.
- C. If the Town of Pawling finds that an investigation has begun and has been completed in accordance with Article III. Section I.A. above, and remediation or repair of said SSDS is recommended, said lot owner shall commence remediation or repair of said SSDS within sixty (60) days, proof of which shall be provided to the Town of Pawling SMO and CEO. If the Town of Pawling finds that no remediation or repair has begun, the Town of Pawling SMO or CEO will further notify the DCDH that a failing septic system condition may exist and request that the DCDH perform an investigation for possible further action as specified in the Dutchess County Sanitary Code.

Section II. Penalties

- A. Failure to timely perform the inspection and maintenance required by this law.
- B. Failure to timely submit evidence of timely inspection and maintenance as required by this law.
- C. Failure to timely notify DCDOH and/or to request an investigation by DCDOH when the results of an inspection indicate that the requirements of the Dutchess Sanitary Code cannot be met by the septic systems.
- D. In addition to, or as an alternative to, any penalty provided herein or by law, any person who violates the provisions of this law shall be guilty of a violation punishable by a fine not exceeding \$100 annually; for conviction of a first offense; for conviction of a second offense; a fine not exceeding \$200 annually, for conviction of a third offense; a fine not exceeding \$300 annually; for a fourth offense; a fine not exceeding \$400 annually; for a fifth offense; a fine not exceeding \$500 which were committed within a period of five years, punishable by a fine not less than \$100 nor more than \$1,500.00. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each year's continued violation shall constitute a separate additional violation.

Section III. Excluded Properties

- A. If only a portion of a lot is located within the EOH watershed, then the owner of the lot may be exempted from this regulation if the existing SSDS is located outside the EOH watershed. If an "as-built" plan of the SSDS exists, said plan shall be provided to the Town of Pawling SMO or CEO for a determination. If no "as-built" plan of the SSDS exists, the owner of the lot shall contact the Town of Pawling SMO or CEO to conduct an investigation for a determination if said SSDS is located within, or outside of the EOH watershed.
- B. A letter for exemption from this regulation must be submitted to the Town of Pawling SMO or CEO. If an owner receives notice that their property must have an inspection performed and the owner feels that the notice is in error, the owner may submit information to the SMO or CEO to show that no Septic Systems is present.

- C. The Town of Pawling SMO or CEO will prepare a written acknowledgement that the location of the SSDS on the lot is exempted from this regulation.

Section IV. New Septic Systems

- A. If a septic is installed on a lot, the system must be maintained as describe in this Chapter at least once within 5-years from the date that the DCDOH issue a permit to discharge in compliance with the requirements of this Chapter.

Section V. Severability

- A. Should any portion of this Chapter be declared illegal, the remaining portion shall remain in full force and effect and be enforceable as such.

Section VI. Effective Date

This ordinance shall take effect immediately upon filing with the Department of State.