

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.

MAY 14 2007

~~County~~

~~City~~

~~Town~~

~~Village~~

of Ballston
MAY 14 2007

Local Law No. 5 of the year 20⁰⁷

A local law amending Local Law No. 3 of the year 2000 codifying the local
(Insert Title)
laws, ordinances and certain resolutions into a municipal code,
to be designated the "Code of the Town of Ballston".

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

~~County~~

~~City~~

~~Town~~

~~Village~~

of Ballston as follows:

Amend Chapter 73
HEALTH and SANITATION
Article 1

to read as follows: SEE 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. 5 of 2007 of the ~~(County)~~(City)(Town)(Village) of Ballston was duly passed by the Town Board on May 1 2007, 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.

Munie K. Swatery

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

(Seal)

Date: _____ May 2, 2007 _____

(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 _____ Saratoga _____

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.

Carston Kouss

Signature

Town Attorney

Title

~~COUNTY~~
~~CITY~~ of _____ Ballston _____
Town
~~VILLAGE~~

Date: _____ May 2, 2007 _____

Chapter 73

HEALTH AND SANITATION

GENERAL REFERENCES

Unsafe buildings — See Ch. 52.
Building construction — See Ch. 62.
Solid waste — See Ch. 96.

ARTICLE I Sanitation Standards

§ 73-1. Purpose.

The purpose of the regulations in this article is to protect, preserve and promote the physical and mental health and social well-being of the people, to minimize the incidents of communicable diseases, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, to promote the safety of the people and to promote the general welfare by regulations which shall be applicable to all dwellings now in existence or hereafter constructed.

§ 73-2. Facilities for sewage disposal required.

No person shall undertake replacement of an existing wastewater disposal system or construction or expansion of any structure, or facility in the Town of Ballston without first meeting the requirements for wastewater disposal, in accordance with applicable regulations of the Town of Ballston, New York State Department of Environmental Conservation and the New York State Department of Health.

A. All components of sewage collection and disposal systems in the Town of Ballston shall be designed by a New York State licensed Design Professional. The replacement of existing septic tank or distribution box with like kind shall be exempt from the requirement of design by New York State licensed Design Professional. The Design Professional shall inspect construction and certify to the Town that the system has been installed in accordance with the approved drawings and specifications.

- (1) All systems shall be designed in accordance with the following standards, as applicable:
 - (a) Recommended Standards for Sewage Works, published by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, 1978 edition. (Commonly known as Ten-State Standards)
 - (b) Design Standards For Wastewater Treatment Works - Intermediate Sized

Sewerage Facilities, published by the New York State Department of Environmental Conservation, 1988 edition.

- (c) Appendix 75-A of Part 75 of the Administrative Rules and Regulations contained in Chapter II of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York.
 - (d) Individual Residential Wastewater Treatment Systems Design Handbook, published by the New York State Department of Health, latest edition.
- (2) The Design Professional shall be either a Professional Engineer or Architect licensed or registered in the State of New York and authorized by the State Education Law to design the systems described in the standards. For certain facilities of a minor nature, a Licensed Land Surveyor will be considered a Design Professional if qualified as an "exempt person" under State Education Law Section 7208, Paragraph (n). A Licensed Land Surveyor shall not be allowed to design sewage disposal or treatment plants, lift stations, pumping stations, or sewage disposal systems for commercial buildings.
- B. Community Sewerage System - a system utilized for the collection and disposal of sewage, or other waste of a liquid nature, including the various devices for the treatment of such wastes serving more than one lot, whether owned by a municipal corporation or private utility.
- (1) Connection to a Community Sewerage System shall be required where a subdivision, building or facility is reasonably accessible to an existing sewer district or service area.
 - (2) This requirement shall apply in the absence of proof satisfactory to the Town Planning Board that the developer cannot effect arrangements for the installation and/or connection of the sewerage system to the existing sewer district or service area facilities.
 - (3) The Planning Board shall require installation of dry sewers for subdivision of land in accordance with the community sewerage plan published by the Saratoga County Sewer District titled "Ballston Lake Watershed Sewer Study: Proposed Location of Sewers". Dry sewers shall also be required if a proposed project is within five hundred (500) feet of an existing dry sewer collection system.
- C. On-Site Wastewater Treatment Systems - Where an existing Community Sewerage System is unavailable, individual on-site sanitary disposal may be utilized. Designs shall comply with all requirements as set forth in section 73-2 A(1) of this chapter. Design plans shall show at a minimum:
- (1) Site evaluation data including but not limited to location of nearby water sources and water lines, terrain or surface characteristics, subsurface conditions, nearness of habitation, possibility of flooding, possibility of groundwater mounding, and room for expansion. Soil evaluation should be based on finished elevations of the site. Any proposed cut or fill work that is to be done must be

accounted for when determining the suitability of the site for soil absorption systems.

- (2) Soil profile observations from deep hole test pits dug at the perimeter of the expected soil absorption area. Required soil profile information shall at a minimum include:
 - Thickness of layers or horizons, texture (USDA), consistence, and structure of soil layers.
 - General color and color mottling or variation (this should be done in natural light only).
 - Depth to water, if observed and depth to estimated or observed seasonally high groundwater level, depth to and type of bedrock, if observed.
 - Other prominent features such as visible pores, stoniness or roots.
 - (3) Soil percolation information from percolation tests run in an area immediately adjacent to or in between the areas planned for absorption trenches if such details are known at the time. For mound system the percolation test must be run just within the estimated boundary of the basal area of the mound. At least two percolation tests for every 1000 sq. ft. of absorption area shall be performed in holes spaced uniformly throughout the site. If the soil conditions are highly variable, more tests may be required.
 - (4) Design flow information for the proposed use in accordance with estimated hydraulic loading rates published in the applicable design standards set forth in section 73-2 A(1) of this chapter.
 - (5) For wastewater flows that are not residential in nature, detailed data shall be provided regarding the character and quantity of the wastewater flow.
 - (6) Minimum and proposed separation distance information.
 - (7) Typical service connection.
 - (8) Location of all water supply wells and wastewater disposal areas within two hundred (200) feet of the proposed treatment area.
 - (9) Construction and material specifications.
 - (10) For low-pressure sewers, design pressure information and pumping equipment information shall be provided. Cleanout, fittings, appurtenances and pump tank information shall also be provided.
- D. Alternative Treatment Systems - Certain site conditions may prohibit installation of conventional subsurface wastewater treatment systems as described in the "Individual Residential Waste Water Treatment Systems Design Handbook" published by the New York State Department of Health or the "Design Standards For Wastewater Treatment Works - Intermediate Sized Sewerage Facilities" published by the New York State Department of Environmental Conservation.

- (1) Alternative Treatment Systems shall be designed by a Professional Engineer or Architect.
- (2) Alternative Treatment Systems for new construction shall be reviewed and approved by the New York State Department of Health prior to the issuance of a building permit.
- (3) Alternative Treatment Systems for existing buildings. The applicant shall be required to prove that a conventional wastewater treatment system cannot be installed and that the proposed alternative treatment system will be able to meet minimum wastewater treatment performance standards set forth in this chapter.
- (4) Construction of alternative treatment systems must be supervised by the design professional, and certification of construction in conformance with the approved plans shall be provided by the design professional to the Town of Ballston.

E. **Building Permit Requirement** - A building permit is required for construction, enlargement or replacement of any on-site wastewater treatment system.

- (1) Sewage collection and disposal systems as part of a new building or structure shall not require a separate building permit application but will require design plans prepared in accordance with this chapter.
- (2) An individual building permit shall be required for the replacement or enlargement of any existing on-site wastewater treatment system in the Town of Ballston. Design plans prepared in accordance with this chapter are required before a permit will be issued. Replacement includes exchange of any component of an existing wastewater treatment system, including septic tank, distribution equipment or absorption component. Enlargement includes installation of additional system components including but not limited to grease traps and absorption field area.
- (3) The Town of Ballston Building Inspector shall be scheduled to inspect the installed wastewater treatment system prior to backfill.
- (4) Certification of construction in conformance with the approved plans shall be provided by the Design Professional to the Town of Ballston Building Department before issuance of a Certificate of Compliance or Occupancy.

F. **System Failure** – (1) Any wastewater treatment system in the Town of Ballston that sustains a major failure (e.g., raw sewage or effluent discharge), as such failure is determined by the Town of Ballston Building Inspector, Health Officer or Town designated Engineer, the owner of such building shall take immediate action to contain the failure. The owner shall also be required to permanently correct such failure within 30 days following written notice by the appropriate Town official. This written notice may be delivered either to the owner of the property, or to the tenant, or occupant of the property, and such time limit shall be based on calendar days. Correction of the failure shall be to the reasonable satisfaction of the Town of Ballston Building Inspector, Health Officer or Town designated Engineer.

- (2) (a) In the event that the property owner fails to make such corrections within the

thirty-day time limit specified herein, the owner may be subject to a daily fine of up to \$500, in addition to revocation of any issued certificate of occupancy or legally permissible injunctive relief or any other civil actions; or, in the alternative, the Town Board may order the repair of the wastewater treatment system and further order that a notice be served upon the persons in the manner provided below.

(b) Contents of notice. The notice shall contain the following:

(1) A description of the premises upon which the wastewater treatment system is failing (the "Premises").

(2) A statement of the particulars in which the wastewater treatment system is failing.

(3) An order outlining the manner in which the wastewater system is to permanently corrected.

(4) A statement that the correction of such wastewater treatment system shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter unless the Town Board, for good cause shown, and in its discretion, extends such time.

(5) A date, time and place for a hearing before the Town Board in relation to such failed wastewater treatment system, which hearing shall be scheduled not less than five business days from the date of service of the notice.

(6) A statement that, in the event of neglect or refusal to comply with the order to correct such wastewater treatment system, the Town Board is authorized to provide for its correction, to assess all expenses thereof against the Premises and to institute a special proceeding to collect the costs of correction, including but not limited to legal, surveying, engineering and architectural expenses.

(c) Service of notice. Said notice shall be served by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in the Premises as shown by the records of the receiver of taxes (or tax collector) or of the County Clerk or, if no such person can be reasonably found, by mailing such owner by registered mail a copy of such notice directed to his last known address as shown by the above records; and by personal service of a copy of such notice upon any adult person residing in or occupying the Premises if such person can be reasonably found; and by securely affixing a copy of such notice upon the Premises.

(d) Filing of notice. A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Saratoga.

(e) Refusal to comply. In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board and after the hearing, the Town Board shall provide for the correction of the wastewater treatment system either by town employees or by contract. Except in emergency, as provided in subparagraph (g) below,

the Town Board, prior to the commencement of the correction of the wastewater treatment system, shall cause to be served upon the persons and in the manner provided in subparagraph (c) above, a final notice that the Town Board intends to provide for the correction of the wastewater treatment system either by town employees or by contract. Except in an emergency, as provided in subparagraph (g) below, any contract for correction of a wastewater treatment system in excess of \$5,000 shall be awarded through competitive bidding.

(f) Assessment of expenses. All expenses incurred by the Town of Ballston in connection with the proceedings to correct the wastewater treatment system shall be assessed against the Premises and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

(g) Emergency cases. If the Town Board finds that there is present a clear and imminent danger to the life, safety or health of any person or property unless a failed wastewater treatment system is immediately corrected, the Town Board may, by resolution, authorize the Building Inspector to immediately cause the correction of such wastewater treatment system. The expense of such correction shall be a charge against the Premises and shall be assessed, levied and collected as provided in subparagraph (f) above.