

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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.

**FILED
STATE RECORDS**

MAR 10 2011

DEPARTMENT OF STATE

County of Westchester

Town of Town of New Castle

Local Law No. 2 of the year 2011

A Local Law In Relation to the Inspection of Separate Sewage Disposal Systems/On-site Wastewater Systems.

Be it enacted by the New Castle Town Board of the

Town of Town of New Castle as follows:

Be it enacted by the Town Board of the Town of New Castle as follows:

Section 1. A new Chapter 102-A to be entitled "Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems" is hereby added to the Town Code of the Town of New Castle to read as follows:

"Chapter 102-A Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems

Section 102-A-1 Purpose and Intent.

The Town of New Castle hereby finds that it is necessary to the health, safety and welfare of the residents of the Town of New Castle 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 New Castle and drinking water supplies which pass through the Town of New Castle.

This local law is intended to implement the provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation, currently applicable SPDES General Permit GP-0-08A 002 ("Permit") for Stormwater Discharge from Municipal Separate Storm Sewer Systems (MS4), 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 IX.A.3.b of the Permit and/or similar provisions in successor Permits.

Section 102-A-2 Definitions.

1. SEPARATE SEWAGE DISPOSAL SYSTEM/ON-SITE WASTEWATER TREATMENT SYSTEM shall mean 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 §873.721 of the Westchester County Sanitary Code before subsurface discharge.
2. SEPTAGE COLLECTOR shall mean 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.
3. SEPTAGE shall mean the contents of a septic tank or other Separate Sewage Disposal System/On-site Wastewater Treatment System which receives sanitary sewage waste.
4. INSPECTION shall mean 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 §§873.722, 873.724 and 873.726 of the Westchester County

Sanitary Code (see Appendix for complete code sections).

5. APPEALS AUTHORITY shall mean the Building Inspector.

Section 102-A-3 Inspection requirements.

1. Beginning on May 1, 2011, the owner of any parcel located within the Town of New Castle 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.
2. Upon the completion of any inspection, every owner shall maintain a copy of the record of such inspection as required by §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.

Section 102-A-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.

Section 102-A-5 Enforcement and penalties.

Any owner of a parcel which is located in the Town of New Castle and is served 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..

Section 102-A-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.

Section 102-A-7 Severability.

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.

Section 2. Section 102-11 of the Code of the Town of New Castle is hereby amended to read as follows:

Section 102-11. Sanitary operation required.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Town and the owner shall comply with the inspection requirements of Chapter 102-A of the Town Code.

Section 3 This local law shall take effect immediately upon its adoption and filing in the office of the Secretary of State.

(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.2 of 2011 of the Town of New Castle was duly passed by the New Castle Town Board on February 22, 2011, 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 2006 of the Town of New Castle was duly passed by the New Castle Town Board on _____, 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was (Elective Chief Executive Officer*)deemed duly adopted 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 Town of New Castle was duly passed by the New Castle Town Board on _____ 20____, and was (approved)(not approved)(repassed) after disapproval) by the _____ (Elective Chief Executive Officer*) 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.

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 Town of New Castle was duly passed by the New Castle Town Board on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to (Elective Chief/Executive Officer*) 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.

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

Jill Simon Shapiro
Jill Simon Shapiro, Town Clerk

(Seal)

Date: February 25, 2011

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK)

ss.:

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.

Wormser, Kiely, Galef & Jacobs LLP
[Signature]
Signature

Town Counsel
Town of New Castle

Date: March 2, 2011