

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.

County City Town Village
(Select one.)

of Huron

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

APR 04 2013

MISCELLANEOUS
& STATE RECORDS

Local Law No. 1 of the year 2013

A local law to Amend the Town of Huron Septic Law Regarding Alternative Septic Systems, Gray
(Insert Title)
Water and Inspection Criteria

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

County City Town Village
(Select one.)

of Huron as follows:

(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. 1 of 2013 of the (County)(City)(Town)(Village) of Huron was duly passed by the Huron Town Board on March 18 2013, 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) *(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 *(Elective Chief Executive Officer*)* 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.

Jammy A. Vergese
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *3-15-13*

(Seal)

TOWN OF HURON

Proposed Local Law No. 1 of the Year 2013

A Local Law to Amend the Town of Huron Septic Law Regarding Alternative Septic Systems, Gray Water and Inspection Criteria

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

1. The Town of Huron Septic Law, Local Law No. 3 of 1996, as amended, is further amended as follows:

A. Subdivision 4(B) is amended as follows:

(1) Paragraphs (1) and (2) are renumbered (3) and (4), respectively, paragraph (3) is renumbered (6), paragraph (4) is renumbered (9), and paragraphs (5) through (22) are renumbered (11) through (28), respectively. Furthermore, paragraphs (.5) and (.7) are deleted.

(2) The following new paragraphs are added in the proper sequence:

(1) **Aerobic System.** An Enhanced Treatment Unit (ETU), which provides for the biological decomposition of the organic portion of the wastewater by mechanical aeration of the wastewater. All aerobic systems shall have a label indicating compliance with the standards for a Class I unit as described in the National Sanitation Foundation (NSF) International Standard 40 or equivalent testing.

(2) **Alternative Systems.** Holding tanks and non-waterborne sewage disposal systems as described or defined in Part 75A, Section 75-A.10 including composting toilets, chemical and recirculating toilets and incinerator toilets.

(5) **Coastal Area.** Any beach, bluff, other natural protective feature, or coastline as those terms are defined in the Town of Huron Coastal Erosion Hazard Area Law (Local Law No. 4 of 2002, as amended), including the Crescent Beach Sandbar.

(7) **Enhanced Treatment.** The biological and physical treatment of wastewater to reduce the amount of biochemical oxygen demand (BOD) and total suspended solids (TSS) of wastewater prior to distribution to an absorption area.

- (8) **Enhanced Treatment Unit (ETU).** A pre-manufactured wastewater treatment system that provides Enhanced Treatment of wastewater prior to discharge to a subsurface soil absorption area. All ETUs shall have a label indicating compliance with the standards for a Class I unit as described in the National Sanitation Foundation (NSF) International Standard 40 or equivalent testing.
- (10) **Gray Water System.** A septic system for disposal, treatment, storage, dispersal, transmittal, or disposal of gray water, other than a discharge to a public sewer system or discharge to surface waters permitted by the New York State Department of Environmental Conservation.
- (29) **Wastewater.** Any water discharged through a plumbing fixture to include, but not limited to, sewage and any water or waste from a device which is produced in the house or property.

(3) Paragraph (21) is amended to read as follows:

- (21) **Septic System.** A system for disposal, treatment, storage, dispersal, transmittal, or disposal of sewage or gray water, other than a discharge to a public sewer system or a discharge to surface waters permitted by the New York State Department of Environmental Conservation.

B. Subdivision 5(l) is amended to read as follows:

- I. **Maintenance Contracts.** Whenever a maintenance or service contract is required for all or part of a septic system, the property owner shall provide the Town with a current copy of the contract, and maintain written evidence of continuous contract coverage satisfactory to the Town. Maintenance contracts are required for ETUs, and may be required by the Town for other systems. Maintenance contracts for ETUs shall require, at a minimum, semi-annual inspections and subsequent necessary adjustments by the manufacturer or a certified manufacturer's representative for the life of the system. Maintenance contracts for ETUs shall include the cost of regular pumping, the frequency of which shall be recommended by the manufacturer or its certified representative, based on the semi-annual inspections of the system. In no case shall the time between pump-outs exceed three years, unless specifically recommended otherwise by the manufacturer or its certified representative. Within ten (10) business days of any ETU inspection, the Town shall be provided with a written report documenting the results of the inspection including a written certification from the manufacturer or its certified representative that the system is fully functional and operating property; or that repairs or system replacement is warranted.

C. Subdivision 6(B) is amended to read as follows:

B. Permit Requirements. Pursuant to the Town Building Law, a Building Permit is required prior to commencement of any construction, including installation of a new septic system, and a Certificate of Occupancy is required prior to commencement of use or occupancy, including use of any septic system. Furthermore, any work in the Coastal Area, including the Crescent Beach Sandbar, or any other coastal erosion hazard area, may require a permit under the Town of Huron Coastal Erosion Hazard Area Law (Local Law No. 4 of 2002, as amended).

D. Subdivision 6(C) is amended to delete paragraph (2), renumber subparagraphs (1)(a) and (1)(b) as (1) and (2), respectively, and add the following new paragraphs:

- (3) All new septic systems installed in Coastal Areas shall be aerobic systems, unless it is clearly demonstrated that the requirements of Part 75A can be satisfied with another type of system.
- (4) Due to the limited lot sizes and unique physical configuration of the Crescent Beach Sandbar, all aerobic systems installed on the Crescent Beach Sand Bar shall include ultra-violet (UV) disinfection. Chlorine disinfection will be an acceptable alternative provided that there are no health, environmental, or water quality related regulatory constraints that prohibit its use. Further, any chlorine disinfection system must include an accompanying de-chlorination system to eliminate chlorine residual prior to discharge. The UV or chlorine disinfection system shall be designed by a New York State licensed professional engineer and be bundled with the aerobic system as an integral part of the overall pre-manufactured treatment system.
- (5) Alternative Systems will be permitted provided that they are designed and installed in compliance with Part 75A and this law and that all gray water is treated with a gray water system in compliance with Part 75A and this law. Gray water systems in Coastal Areas shall comply with Section 6 (C) of this law.

E. Subdivision 6(D) is amended to read as follows:

D. Submittals. With an application for a Building Permit, the property owner shall submit: design plans, sealed by a New York State licensed professional engineer, for the septic system including the following:

- (1) Date, North point and scale. The plan shall be at a scale of no more than 100 feet to the inch.
- (2) Name of owner of the property.

- (3) Name of the engineer, surveyor, or architect responsible for the plans.
- (4) Contours at vertical intervals no greater than 5 feet as determined by a topographic survey.
- (5) Delineation of any land exceeding a slope of 10%, land within a New York State designated freshwater wetland, or land within a FEMA Special Flood Hazard Zone.
- (6) Delineation of limits of any land to be disturbed in any manner including areas to be cut, filled, excavated, or graded and contours, both existing and proposed, at vertical intervals of no more than 5 feet.
- (7) Location and description of all swales, ponds, basins, fences, dikes or other devices to control soil erosion and sedimentation.
- (8) Datum to which contour elevations refer. Where reasonably practical, datum shall refer to USGS established elevations.
- (9) All existing watercourses, tree masses, and other significant natural features.
- (10) All existing buildings, sewers, water mains, culverts, wells, and other significant man-made features and utilities.
- (11) All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
- (12) As required by Part 75A, the results and locations of deep hole tests and percolation tests to determine soil percolation capabilities and deep soil profiles.
- (13) Detailed design and layout of all components of the septic system including all necessary information to document compliance with Part 75A.
- (14) A legible location map.
- (15) A map revision box.
- (16) A map legends/key.
- (17) A signature block for the Town Building Inspector.

F. Subdivision 7(C) is amended to delete paragraph (3), and add the following paragraphs:

(3) All replacement septic systems installed in Coastal Areas shall be aerobic systems unless it is clearly demonstrated that the requirements of Part 75A can be met with another type of system.

(4) Due to the limited lot sizes and unique physical configuration of the Crescent Beach Sandbar, all aerobic systems installed on the Crescent Beach Sand Bar shall include ultra-violet (UV) disinfection. Chlorine disinfection will be an acceptable alternative provided there are no health, environmental, or water quality related regulatory constraints that prohibit its use. Further, any chlorine disinfection system must include an accompanying de-chlorination system to eliminate chlorine residual prior to discharge. The UV or chlorine disinfection system shall be designed by a New York State licensed professional engineer and be bundled with the aerobic system as an integral part of the overall pre-manufactured treatment system.

(5) All existing ETUs, as of the effective date of this law, shall be modified as necessary so as to be in compliance with Part 75A and, to the extent practical, this law.

(6) Alternative Systems will be permitted provided that they are designed and installed in compliance with Part 75A and this law and that all gray water is treated with a gray water system in compliance with Part 75A and this law. Existing gray water systems in Coastal Areas shall comply with subdivision 7(C) of this law.

(7) All repairs to existing septic systems, downstream of the distribution box shall be designed and supervised by a New York State licensed professional engineer. The plans for such repairs shall be submitted to the Building Inspector per the requirements of subdivision 6(D) of this law.

G. Paragraph 7(E)(2) and subparagraph 7(E)(2)(a) are amended to read as follows:

(2) **System Design.** Design of replacement systems and components shall, to the extent practical, comply with Part 75A and this law. On existing sites where full compliance with Part 75A is determined by the Town to be unattainable, the Town may allow reduced design requirements, to the extent appropriate, as follows:

(a) For ETUs only, a reduction of up to thirty-three (33%) percent of the required leach lines. For aerobic systems in Coastal Areas, a further reduction may be permitted, depending upon site constraints and the design of the system.

H. Paragraph 7(E)(3) is deleted and replaced with the following:

(3) Submittals. With an application for a Building Permit, the applicant shall submit design plans, sealed by a New York State licensed professional engineer, meeting the requirements of subdivision 6(D) of this law. In addition, for a complete replacement of an existing system with a conventional septic system incorporating a mechanical pump, proof must be submitted that the pump station has an engineered design and is sized for the septic system application.

I. Paragraph 8(C)(1) is amended to read as follows:

- (1)** Results of a septic inspection indicate that the existing septic system has failed, or is failing to protect public health and safety of the environment based on one or more of the following criteria:
- (a) The dye test required by subdivision 8(D) of this law results in the presence of dye on the ground surface, the septic tank inlet or any inlets or outlets to the distribution box.
 - (b) There is a back-up of sewage into the home, building or facility as a result of an overloaded or clogged leach field.
 - (c) There is a discharge of effluent directly or indirectly to the ground surface and ponding, surface outbreaks and damp soils are frequently or seasonally observed over the leach field.
 - (d) The level of liquid in the distribution box is above the level of the outlet invert.
 - (e) The septic tank requires pumping more than four times per year and/or sewage is observed running back into the septic tank from the leach field during pumping.
 - (f) The septic system is clearly non-compliant with the design criteria and one or more of the requirements of Part 75A, whether or not there is obvious visual evidence of system failure.

J. Paragraph 8(C)(4) is amended to read as follows:

- (4) Transfer of Ownership, if at such time the septic inspection reveals that system upgrade is required.

K. Subparagraph 8(D)(1)(b) is amended as follows:

- (1) Paragraphs (ii), (iii), (iv) and (v) are renumbered (vii), (viii), (ix) and (x), respectively;

(2) The subparagraph is amended to read as follows:

(b) Inspection Criteria.

The Septic Inspector may determine that the existing septic system has failed or is failing to protect public health and the environment based on a combination of one or more of the following criteria:

- (i) A dye test shall be conducted to ascertain if all fixtures are connected to the tank and to ascertain if effluent is being discharged to the surface or surface waters. However, a dye test will not be an inspection criteria on the Crescent Beach Sandbar or any other area where the Septic Inspector determines that dye testing would be inconclusive due to the hydrogeologic conditions of the area.
- (ii) There is a back-up of sewage into the house, building or facility as a result of an overloaded or clogged leach field.
- (iii) There is a discharge of effluent directly or indirectly to the ground surface and ponding, surface outbreaks and damp soils are frequently or seasonally observed over the leach field.
- (iv) The level of liquid in the distribution box is above the level of the outlet invert.
- (v) General condition of the septic tank including its age, size and condition, any evidence of effluent back-up or leakage into or out of the tank, or evidence that the septic tank requires pumping more than four (4) times per year and/or sewage is observed running back into the septic tank from the leach field during pumping.
- (vi) The septic system is clearly non-compliant with the design criteria and one or more of the requirements of Part 75A, whether or not there is obvious visual evidence of system failure.
- (vii) The distribution box shall only be exposed if a problem is found and further evaluation is required.
- (viii) Leach lines and seepage pits shall only be exposed if a problem is found and further evaluation is required.
- (ix) The holding tank shall be maintained, and pump-out records shall be presented at time of inspection, which document holding tank maintenance. The Septic Inspector shall witness a pump-out to ascertain if the tank is water tight.

(x) At time of inspection, the Septic Inspector shall verify that ETUs have been serviced by the maintenance provider at the frequency, and in accordance with the requirements of subdivision 5(I) of this law.

L. Paragraph 8(D)(2) is amended as follows:

(1) Subparagraphs 8(D)(2)(b)(ii) and (iii) are renumbered 8(D)(2)(b)(iii) and (iv), respectively.

(2) The paragraph is amended to read as follows:

(2) Residential and Other Non-Commercial Properties. All other properties shall be inspected at least once every ten (10) years except that properties in Coastal Areas shall inspected at least once every five (5) years. If a property passes inspection, it shall be issued a Certificate of Compliance that expires ten years after the inspection, except that Certificates of Compliance issued for properties in Coastal Areas shall expire five years after the inspection. However, if a Conditional Certificate of Acceptance is issued rather than a Certificate of Compliance, the Septic Inspector may require an inspection at such time as the Septic Inspector deems appropriate.

(a) Property Owner. The property owner or his or her agent shall:

- (i) Provide access to all structures that have plumbing.
- (ii) Uncover all tanks and outlet ports so that a dye test may be performed, and if the tank is over twelve inches below grade, ensure that risers have been installed.

(b) Inspection Criteria. The Septic Inspector may determine that the existing septic system has failed or is failing to protect public health and the environment based on a combination of one or more of the following criteria:

- (i) A dye test shall be performed using 25 gallons of water per bedroom introduced into the septic system to ascertain if effluent is discharging to the surface or surface waters, and if the system has a working leach system. However, a dye test will not be an inspection criteria on the Crescent Beach Sandbar or any other area where the Septic Inspector determines that dye testing would be inconclusive due to the hydrogeologic conditions of the area.
- (ii) Any of the criteria listed in paragraph 8(D)(1) of this law.

- (iii) The holding tanks must be maintained, and pump-out records shall be presented at time of inspection, which document that the holding tank is being maintained. The Septic Inspector shall witness a pump-out to ascertain if the tank is water tight.
 - (iv) At time of inspection, the Septic Inspector shall verify that ETUs have been serviced by the maintenance provider at the frequency, and in accordance with the requirements of subdivision 5(I) of this law.
- (c) **Failed Systems.** Failures shall be brought into compliance within two years from the date of initial inspection. Repeated failures found in a subsequent inspection shall be corrected within 45 days. In the event of direct discharge of raw sewage to the surface or surface water, the Building Inspector shall order that the discharge be terminated immediately, and if the septic system has a tank, the outlet shall be sealed, and the tank used as a holding tank until the system is brought into compliance immediately. The Building Inspector may also take further enforcement action, or refer the matter to the Town Board of Health, as provided in section 11 of this law.
- (d) **Demonstrated Compliance.** If a Building Permit and Certificate of Occupancy, or a Certificate of Compliance (after proper inspection under this law) are issued for a new or upgraded septic system, no inspection shall be required for five (5) years after issuance of the Certificate of Occupancy.

M. Paragraph 8(E) is amended to read as follows:

(1) Paragraph (E), prior to subdivisions, shall read as follows:

(E) Property Transfer Inspections. Inspection is to be performed by the Building Inspector or his or her designated Septic Inspector.

(2) Subparagraphs 8(E)(2)(a) through (i) are renumbered 8(E)(2)(b) through (j), respectively, and subdivision 8(H) is renumbered 8(F).

(3) Paragraph 8(E)(2) is amended to read as follows:

(2) Inspection Criteria.

The Septic Inspector may determine that the existing septic system has failed or is failing to protect public health and the environment based on a combination of

one or more of the following criteria:

- (a) **General.** Any of the criteria listed in paragraph 8(D)(1) of this law.
- (b) **Tank.** The tank inspection shall include, but not be limited to:
 - (i) Determination of the proper liquid level in tank.
 - (ii) General condition of the tank including its age and size, and any evidence of effluent back-up or leakage into or out of the tank.
 - (iii) A dye test shall be performed using 75 gallons of water per bedroom introduced into the septic system to ascertain house fixtures are connected to the tank and to ascertain if effluent is discharging to the surface or surface waters, and if the system has a working leach system. However, a dye test will not be an inspection criteria on the Crescent Beach Sandbar or any other area where the Septic Inspector determines that dye testing would be inconclusive due to the hydrogeologic conditions of the area.
 - (iv) The tank shall be pumped completely by a septic hauler to ascertain if tank is water tight and if the baffles are correctly installed. If the Building Inspector determines that the tank may float, then the tank shall only be pumped to a level to support baffle inspection.
 - (v) The volume of the tank shall be determined. If the volume of the tank is less than 1,000 gallons, the tank shall be replaced with a tank with a minimum volume of at least 1,000 gallons. Furthermore, the volume of the tank shall be in accordance with Part 75A and this law.
- (c) **Distribution Box.** The distribution box shall be located and exposed and its condition characterized including any evidence of solids carryover, leakage into and out of the distribution box, unequal diversion of flow, or any evidence of back-up.
- (d) **Leach Lines.** Leach lines shall only be exposed if a problem is found and further evaluation is required. However, the overall condition of the leach field will be observed including any signs of hydraulic failure, condition of surface vegetation, and ponding within the disposal area.

- (e) **Seepage Pits.** Seepage pits are allowed if effluent is passed through a septic tank before the seepage pit, and shall only be exposed if a problem is found and further evaluation is required.
- (f) **Holding Tank.** The holding tank shall be maintained, and pump-out records shall be presented at time of inspection, which document holding tank maintenance. The Building Inspector or his or her designated septic inspector shall witness a pump-out to ascertain if the tank is water tight.
- (g) **ETUs.** It will be the responsibility of the property owner or his or her agent to arrange for an inspection of ETUs, with a written report of such inspection to be furnished to the Building Inspector or his or her designated septic inspector at the time of property transfer. At time of inspection, adequate proof shall be produced that ETUs have been serviced by the maintenance provider at the frequency, and in accordance with the requirements of subdivision 5(I) of this law.
- (h) **Demonstrated Compliance.** If a Building Permit and Certificate of Occupancy, or a Certificate of Compliance (after proper inspection under this law) have been issued within two (2) years prior to the transfer of ownership for commercial properties or three (3) years prior to the transfer of ownership for residential or other properties, no additional inspection shall be required until the time of the next periodic inspection.
- (i) **Winter Inspections.** Winter inspections shall only be conducted when the area is free of snow and frozen ground. On waterfront properties, winter inspections shall not be conducted when the adjoining waterway is frozen over. A partial inspection of the septic tank and exposed components may be conducted for property transfer inspections, and a Conditional Certificate of Acceptance issued, provided that a full inspection is completed when conditions permit.
- (j) **Failed Systems.** Failed systems shall be brought into compliance, to the extent practical, to comply with Part 75A and this law before transfer of ownership or re-occupation of the structure.

2. If any provision of this Local Law is determined to be unconstitutional or invalid, the validity and enforceability of the remainder shall not be affected.

3. This Local Law shall take effect upon filing with the Secretary of State.