

TOWN OF SOUTHEAST

Local Law No. __ for the Year 2011

Adopted _____, 2011

A LOCAL LAW in relation to the inspection of **on-site sanitary systems**.

BE IT ENACTED by the Town Board of the Town of Southeast as follows:

Section 1: Legislative Intent

The Town of Southeast is a regulated Municipal Separate Storm Sewer System (MS4) as defined by the New York State Department of Environmental Conservation and must comply with various provisions of State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-10-002. As an MS4 within the New York City East-of-Hudson Watershed, the Town of Southeast is required to comply with certain additional requirements including Part IX.A.3.b, which requires the Town to develop, implement, and enforce a program that ensures that on-site sanitary systems designed for less than 1,000 gallons per day are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. This Local Law would establish the necessary legal authority for the Town of Southeast to implement such a program.

Section 2: Creation of Chapter 95, “On-Site Sanitary Systems”

A new Chapter 95 to be entitled “On-site Sanitary Systems” is hereby added to the Town Code of the Town of Southeast to read as follows:

§ 95-1: Purpose and Intent.

The Town of Southeast hereby finds that it is necessary to the health, safety and welfare of the residents of the Town of Southeast that on-site sanitary systems operate and be maintained in a manner that will prevent, to the extent possible, hazards to the public health, to minimize their potential for failure and to protect the drinking water supply of the Town of Southeast and drinking water supplies which pass through the Town of Southeast.

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 Discharge from Municipal Separate Storm Sewer Systems (MS4) effective May 1, 2010, which requires that the Town implement and enforce a program to ensure that on-site sanitary 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.

§ 95-2: Definitions.

APPEALS AUTHORITY shall mean the Municipal Code Enforcement Officer.

INSPECTION shall mean the inspection and evacuation and removal of septage as necessary from an On-site Sanitary System and subsequent reporting by a Septage Collector that is licensed by the Putnam County Department of Health.

ON-SITE SANITARY 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, each being designed for the treatment of less than 1,000 gallons per day, regardless of location with respect to any building or structure or premises thereby served. Such system shall include, but shall not be limited to, septic tanks, cesspools, absorption fields and other facilities for the treatment or modification or required control of sewage.

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

SEPTAGE shall mean the contents of any container, including but not limited to a septic tank, which is designed and intended to hold sewage .

SEWAGE shall mean the combination of human and household waste with water which is discharged to the home plumbing system including the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment or machine.

§ 95-3: Inspection requirements.

1. Beginning on May 1, 2011, the owner of any parcel located within the Town of Southeast which relies upon a Separate Sewage Disposal System/On-site Sanitary System shall cause

an inspection to be performed on said Separate Sewage Disposal System/On-site Sanitary 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, which will be provided to the owner by the Septage Collector, for a minimum of six (6) years.
3. The Septage Collector shall furnish one (1) copy of the record of inspection to the Town of Southeast Code Enforcement Officer and one (1) copy of the record of inspection to the Putnam County Soil and Water District office.

§ 95-4: 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 chapter, upon the submission and consideration of evidence which may necessitate an extension of time to comply with all aspects of this chapter. Such extension shall not exceed one hundred eighty (180) days.

§ 95-5: Enforcement and penalties.

Any owner of a parcel which is located in the Town of Southeast and is served by an On-site Sanitary System that fails to comply with the provision of this chapter, shall be guilty of a violation, and shall be subject to a penalty as follows:

- (1) The Municipal Code Enforcement Officer 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) Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by a fine not exceeding two hundred fifty dollars, for conviction of a first offense; for conviction of a second

offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each fourteen day (14) period of continued violation shall constitute a separate additional violation.

§ 95-6: Compliance with Other Laws.

Compliance with this chapter shall not be deemed compliance or approval of the Town of Southeast under any other rules, regulations, codes or laws.

Section 3: 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 4: Effective Date.

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