

**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.

STATE OF NEW YORK  
DEPARTMENT OF STATE

**FILED**

JUN 03 2005

MISCELLANEOUS  
& STATE RECORDS

County  
City of  
Town  
Village

Greig

Local Law No. 2 of the year 20 05

A local law promote health, safety and general welfare of the community by  
*(Insert Title)*  
insuring through the location, constructions and use of properly  
designed facilities that sewage and other wastes are dispersed

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

County  
City of  
Town  
Village

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## **Article A - Introductory Provisions**

1. **Title.** This law shall be known as the "Town of Greig On-site Sewage Treatment and Dispersal Law."
2. **Purpose.** The purpose of this law is to promote the health, safety, and general welfare of the community by insuring through the location, construction, and use of properly designed facilities that sewage and other wastes are dispersed in a manner that will not create a health hazard, or adversely affect the environment.
3. **Authority.** Enactment of this local law is pursuant to Section 10 of Municipal Home Rule Law and Article 2 and 3 of the Public Health Law of the State of New York.
4. **Applicability**
  - a. **Permits Required.** It shall be unlawful to construct, replace, or make major modifications or alterations to on-site sewage dispersal systems without first obtaining a "Sewage Dispersal Permit" from the Town of Greig.
  - b. **Certificates of Compliance Required.** It shall be unlawful to cover or use any such newly constructed, replaced, or altered facility for purposes of sewage dispersal without first obtaining a "Certificate of Compliance" from the Town of Greig.
  - c. **Any permit that is issued for expansion – i.e. a bedroom addition – must ensure compliance with the standards to the best extent possible and may require engineered/signed plans, as would a new system for a new home, cottage, or business.**
  - d. **Activities Not Requiring a Permit.** A permit is not needed for minor repairs to existing on-site sewage dispersal systems. This law shall have no application to a community or public sewage disposal system.

## **Article B - Definitions**

**Community Water Supply System** - A public water system which serves at least five service connections used by year-round residences or regularly serves at least 25 year-round residents.

**Code Enforcement Officer** - A person appointed by the Town Board to carry out the regulations of this Law and the NYS Building Codes.

**Leaching Facility** - Any structure that is designed to distribute sewage into the soil, such as a seepage pit or tile field.

**Major Modification or Alteration** - Any replacement or reconstruction affecting at least one-half of the leaching facility or the relocation/replacement of the septic tank of an individual sewage dispersal system.

**Repair** - Any remedial measure not defined as a major modification or alteration. A repair also includes an exact replacement of the septic tank in an individual sewage dispersal system.

**On-site Sewage Dispersal System** - Any facility, other than a public sewage system, intended or used for the discharge of sewage, septic tanks, leach fields, pipes, dry wells, soil absorption systems, self composting or chemical type toilets, and privies.

**Prohibited Waste** - Is non domestic waste including; toxic antifreeze, motor oils, gasoline, and other toxic or hazardous substances or chemicals including but not limited to pesticides, herbicides, paints, acids and alkalies.

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

## **Article C - Standards**

1. Incorporation by Reference. On-site sewage treatment and dispersal systems shall comply with the applicable specifications and standards set forth in the most recent editions of Appendix 75A Standards, New York State Department of Health, and Standards for Waste Treatment Works - Institutional and Commercial Sewerage Facilities, New York State Department of Environmental Conservation. Alternative systems may be permitted by application to the State Department of Health, or, if applicable, the Department of Environmental Conservation.
2. General Standards
  - a. Only sewage may be discharged into the on-site sewage treatment and dispersal system. Surface and subsurface water including roof, cellar, foundation and storm drainage, and back flush material from water treatment systems shall be excluded from such systems and shall be dispersed so they will in no way affect the system.
  - b. No leaching facility shall be located under driveways, roads, parking areas, or areas subject to heavy loading unless approved by the Code Enforcement Officer
  - c. No leaching facility will be permitted within 100 feet of the shoreline of a lake, pond, or stream.
  - d. For existing residential units that pre-date Appendix 75A (January 1, 1984) repair/replacements shall be in compliance with the standard to the best extent possible and to the satisfaction of the Code Enforcement Officer (and Adirondack Park Agency where required). Under no circumstances will the tank size vary from the minimum requirements from 75 A.

## **Article D - Administrative Provisions**

1. Application for Sewage Dispersal Permit. Applications for Sewage Dispersal Permits shall be made on forms supplied by the Town Clerk/Code Enforcement Officer and shall be submitted to the Code Enforcement Officer along with the appropriate fee as established by the Town Board.
2. Application Contents. The application shall include such information as the Town Board and Code Enforcement Officer may require, including the following.
  - a. The name and legal address of the applicant.
  - b. Specific location of the property on which the construction, alteration, or extension is proposed.
  - c. A drawing of the proposed dispersal system is required with substantiating data indicating that the minimum standards set forth in this law are complied with. Licensed Engineer, Architect, or land surveyor approval may be required.
  - d. A sketch of the property showing the location of the proposed dispersal system construction, alteration, and including delineation of the property lines and sources of water supply for the property and adjoining properties.
  - e. A percolation test is required for the site of a proposed leaching facility. An engineer, architect, licensed surveyor or others approved by Town of Greig Code Enforcement Officer, shall certify perk tests for alteration of existing systems. The Code Enforcement Officer shall review the results of such tests and require supporting information from the applicant necessary for such review.

- f. Site data which might affect, or be affected by, a proposed, modified or altered system including but not limited to specifications regarding soil type, topography, depth to seasonal high groundwater, depth to impervious material, depth to bedrock and distance to surface bodies of water. The determination of depth to seasonal high water shall be made in the months of March, April, May, or June, within six weeks of the time that the frost leaves the ground. If such determination is made at any other time, seasonal high groundwater shall be evaluated and certified by a qualified person approved by the Town Board. All determinations shall be accompanied by a detailed statement of the testing method used as well as the basis for the determination.
- g. The Code Enforcement Officer shall determine whether an application is complete.

3. Duties and Powers of the Code Enforcement Officer. A Code Enforcement Officer shall be appointed by the Town Board and shall have the duty to administer and enforce the provisions of this law.

- a. Authority to Verify Information. The Code Enforcement Officer shall have the authority to require certification or retesting to verify information submitted as part of the application. The Code Enforcement Officer may conduct such investigations, examinations, tests, and site evaluations as he deems necessary to verify information contained in an application for a Sewage Dispersal Permit, and the applicant or owner of land on which the system is proposed shall grant the Code Enforcement Officer (or his agent) permission to enter on his land for these purposes.
- b. Issuance of Sewage Dispersal Permit. The Code Enforcement Officer shall issue a Sewage Dispersal Permit if:
  - (1) All pertinent site data has been submitted, verified, and certified as required by this law; all permit fees have been paid; and the Code Enforcement Officer has determined that the construction, alteration, or modify as proposed in the application complies with all specifications contained in this law; or
  - (2) The Code Enforcement Officer is specifically ordered to issue a Sewage Dispersal Permit by the Town Board pursuant to Section 7 of this article and all pertinent fees have been paid.
- c. Disapproval of Permit Application. The Code Enforcement Officer may disapprove an application for a Sewage Dispersal Permit if he determined:
  - (1) That the individual sewage dispersal system, as proposed, will not conform to the requirements or specifications of this law or an order of the Town Board.
  - (2) That the applicant has failed to supply all data necessary to make a determination as to whether or not such individual sewage dispersal system conforms to the requirements or specifications of this law and has failed to supply such information for 30 days after a written request for such additional information has been mailed.
  - (3) The applicant has failed to pay all necessary fees and has failed to make such payment for 30 days after notice of such nonpayment has been mailed.
- d. Order to Stop Work. The Code Enforcement Officer may, by written certified notice, order all further work stopped on any individual sewage dispersal system which is being constructed, altered, or modified in violation of this law.

4. **Certificate of Compliance.** It shall be Unlawful for any unauthorized person to cover with soil or other material or utilize any new/modified individual sewage dispersal system unless a Certificate of Compliance has been issued.

- a. **Inspection.** It shall be the duty of the holder of the Sewage Dispersal Permit to notify the Code Enforcement Officer when the installation of the dispersal system is ready for inspection. The inspection shall be made as soon thereafter as practicable by the Code Enforcement Officer. The Code Enforcement Officer may also make inspections during construction to insure that the system is being installed in accordance with the terms of the Sewage Dispersal Permit. Any part of any installation which has been covered prior to final approval shall be uncovered upon order of the Code Enforcement Officer.
- b. **Compliance.** A Certificate of Compliance shall not be granted until the Code Enforcement Officer has determined that the individual sewage dispersal system has been installed in compliance with this law. The Code Enforcement Officer may make such a determination only after he has made an onsite investigation of the system, or received a certification from the individual designing and installing the system that the system conforms to the specifications as set forth in the application and this law, or an order of the Town Board pursuant to this article. The Code Enforcement Officer may withhold a determination until after an on-site investigation has been completed notwithstanding that the system has been certified as properly installed and designed.

5. **Site Inspections.** In filing an application for a Sewage Dispersal Permit, an applicant shall be deemed to have consented to site inspections by the Code Enforcement Officer, and/or other person designated by the Town Board, conducting examinations, tests, and other inspections of the dispersal system site. Entrance upon the applicant's property shall be made only at reasonable times and with advance notice to the applicant where possible.

6. **Expiration of Permits.** Unless otherwise provided for in the permit, all permits shall expire within one year of issuance. Once a permit expires, and the dispersal system is not completed, a new permit application is required.

7. **Appeals/ Variances.** Appeals from any actions, decisions, or rulings of the Code Enforcement Officer or from the strict application of the standards stated in Article C herein may be made to the Zoning Board of Appeals. Requests for all appeals shall be made in writing to the Zoning Board of Appeals not later than 30 days of the act, decision, or ruling from which relief is sought.

- a. **Public Hearing.** The Zoning Board of Appeals shall hold a Public Hearing on the appeal, with prior publication and notice as required by law, within 30 days of receipt of the written request. The cost of publication shall be paid by the applicant.
  - (1) Any hearing may be recessed by the Zoning Board of Appeals in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resume shall be announced. No further notice or publication will be necessary.
  - (2) Within 30 days of the final adjournment of a public hearing, the Zoning Board of Appeals shall affirm, modify, or deny the action, decision, or ruling of the Code Enforcement Officer or correct any omission by him, or approve, approve with conditions, or disapprove the application.

- (3) The decision of the Zoning Board shall be in writing and shall contain findings and the factual basis for each finding from the record of the hearing, which shall support the decision of the Zoning Board.
- (4) As part of any decision, the Zoning Board shall direct the Code Enforcement Officer to issue any appropriate permit in conformity with its ruling and shall state a time by which such permit shall be issued, in conformity with this law.

b. Appeal to Vary Standards. The discretion of the Zoning Board in considering an appeal shall not extend to granting variances from the standards stated in Article C herein unless such variance has a coordinated review with the New York State Department of Health and is consistent with the spirit and purpose of this law.

8. Judicial Appeal. An action, omission, decision, or ruling of the Zoning Board of Appeals pursuant to this law may be reviewed at the instance of any aggrieved person in accordance with Article 78 of the Civil Practice Law and Rules, but application for such review must be made not later than four months from the effective date of the decision or ruling or the date when the action or omission occurred.

### **Article E - Enforcement**

1. Penalty. Any person owning, controlling, or managing any building, structure, land, or premises therein or whereon there shall be placed or there exists a structure or system in violation of this local law; and any person who shall commit or assist in the commission of any violation of this local law, or who shall build, erect, construct, or attempt the same, any structure contrary to the plans or specifications submitted to the Code Enforcement Officer and by him certified as complying with this local law; and any person who shall omit, neglect, or refuse to do any act required by this order, shall be subject to a civil penalty of not less than \$100.00 nor more than \$250.00 for the first offense to be recovered by the Town Board in any court of competent jurisdiction. For a second offense within a three (3) year period a fine of not less than \$200.00 nor more than \$350.00 and/or fifteen (15) days in jail. A third or subsequent offenses within a three (3) year period a fine of not less than \$250.00 or no more than \$500.00 and/or fifteen (15) days in jail. Every such person shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect, or refusal shall continue. Where the person committing such violation is a partnership, association, or corporation, the principal executive officer, partner, agent, or manager may be considered to be the person for the purposes of this article.

2. Alternative Remedy. In case of any violation or threatened violation of any of the provisions of this local law, in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent unlawful construction, structural alteration, repair, reconstruction, moving and/or use, to restrain, correct, or abate such violation to prevent the use of the individual sewage dispersal system or to prevent any illegal act, conduct, business, or use regarding such dispersal system.

3. Misrepresentation. Any permit or approval granted under this local law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void. This section shall not be construed to affect the other remedies available to the Town Board under this local law.

### **Article F - Miscellaneous Provisions**

1. Interpretation. Where the conditions imposed by any provision of this law are less restrictive than comparable conditions imposed by any other provisions of this law, or of any other statute, ordinance, local law, order, rule, or regulation, the provisions which are more restrictive shall govern.

2. **Severability.** The provisions of this law are severable. If any article, section, subsection or provision shall be invalid, such invalidity shall apply only to the article, section, subsection, or provision adjudged invalid, and the rest of this law shall remain valid and effective.

3. **Savings Clause.** The adoption of this law shall not affect or impair any act done, offense committed, or right accrued or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time this law takes effect.

4. **Effective Date.** This local law shall be effective upon filing with the Secretary of State and the State District Health Officer.

(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 20 05 of the ~~(County)(City)(Town)(Village)~~ of Greig Town Board was duly passed by the Town Board on May 18 20 05, 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) (repassed after disapproval) by the \_\_\_\_\_ and was 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 (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.

**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.

\* 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.

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

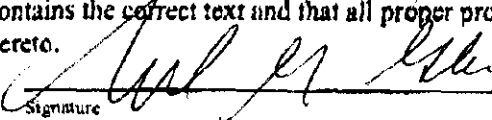
Date: May 18, 2005

(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 Lewis

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.

  
\_\_\_\_\_  
Signature

Town Attorney

\_\_\_\_\_  
Title

County  
City of Greig  
Town  
Village

Date: May 18, 2005