

**Town of Westport**

**Sanitation Code**  
**(On-Site Sewage Disposal)**

**February 13, 1996**

**As approved by the Westport Planning Board**

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## ARTICLE 1

### INTRODUCTORY PROVISIONS

#### Section 1.010 - Short Title

This ordinance shall be known as the TOWN OF WESTPORT on-site sewage disposal ordinance. The TOWN OF WESTPORT is hereinafter referred to as the "Town".

#### Section 1.020 - Applicability

This ordinance shall govern the disposal of sewage and the design of all sewage disposal systems within the Town except that this order shall not govern the design or installation of, or disposal of sewage by means of a community or public sewer.

#### Section 1.030 - Authority

Enactment of this ordinance is pursuant to (Article 16 of the Town Law) Article 3 of the Public Health Law, and Article 27 of the Executive Law of the State of New York.

#### Section 1.040 - Purposes

The purpose of this ordinance 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 disposed of in a manner that will not create a health hazard, adversely affect the environment, or impair the enjoyment, or impair the enjoyment or use of property.

## ARTICLE 11

### GENERAL PROVISIONS

#### Section 2.010 - Prohibited Acts

Except as otherwise provided in this ordinance:

- A It shall be unlawful for any person to construct, alter, repair, enlarge, or extend any facility or part of such facility intended or used for the discharge of sewage.
- B It shall be unlawful for any person to cause to be discharged, within the Town, any sewage except by systems designed, installed, and approved in accordance with the requirements of this ordinance except that holding tank sewage wastes shall be disposed of in a location and by a method designated by the Town/Village Board provided that such location has received all required governmental approvals.
- C It shall be unlawful for any person to use or maintain any individual sewage disposal system that is unsafe, is a source of pollution to any of the surface waters of the state, permits the seepage of sewage to ground surface or interferes with the enjoyment or use of property.
- D It shall be unlawful for any person to vacate, other than on a seasonal basis, the property upon which a septic tank or seepage pit is located, unless at the time of such vacating the septic tank is filled with clean, granular soil or inert, free-flowing, dense material.

#### Section 2.020 - Definitions

**Absorption Area** - that area to which sewage is distributed for infiltration and treatment into the soil. The sewage disposal area includes the area of the leaching facilities and, if required by the design, the area covered by fill used to grade around the system and the up-slope diversion ditch (curtain drain). This area is the finished graded edge of the sewage disposal system used for the measurement of horizontal separation distances.

**Absorption Field** - the area to which sewage is distributed for infiltration to the soil by means of a network of pipes.

**Application Rate** - the rate at which septic tank effluent is applied to a subsurface absorption trench or pit, for design purposes, expressed in gpd/square feet.

**Baffle** - a flow deflecting device used in septic tanks to check or inhibit the velocity of a stream of flow or the discharge of floating and suspended solids. See Sanitary Tee.

**Board of Health** - Westport Town Board

**Building** - a structure wholly or partially enclosed with exterior or part walls, and a roof, affording shelter to persons, animals or property.

**Building Drain** - that part of the lowest piping of a drainage system which receives the discharge of soil, wastes, and other drainage pipes inside the walls of the building and conveys such discharges to the building sewer. The building drain extends to three feet outside the building wall.

**Building Sewer** - that part of the drainage system which extends from the end of the building drain and conveys its discharges to an individual sewage disposal system, public sewer, private sewer, or other approved point of disposal.

**Cleanout** - an opening providing access to sewage disposal devices (house sewer, septic tank, distribution box) which allows for the cleaning or purging of materials and obstructions.

**Combined Sewer** - A sewer receiving both surface runoff and sewage.

**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 residences.

**Design Professional** - A person licensed or registered in the State of New York and authorized by the State Education Law to design the systems described in these standards.

**Disposal System Building Permit** - the permit required before construction of an on-site sewage disposal system.

**Disposal System Use Certificate** - the certificate required before any portions of an on-site sewage disposal system are back-filled or covered.

**Distribution Box or Device** - a device used to uniformly distribute sewage to the distribution lines.

**Emergency Repairs** - repairs designed to prevent or abate an imminent threat to the public health, safety or welfare caused or about to be caused by an individual sewage disposal system.

**Enforcement Officer** - the person appointed by the Town Board whose duty and authority is to administer and enforce the provisions of this order.

**Existing Grade** - the natural topography of land prior to construction activity.

**Final Grade** - the elevation that ground will have at the conclusion of cutting, filling or other site work.

**Garbage** - organic solid wastes from domestic and commercial preparation, cooking, or dispensing of food, or from the handling, storage and sale of produce,

**Grade** - the slope of a line of pipe, trench bottom, or ground surface in reference to a horizontal surface.

**Gravel** - a mixture of mineral soil particles whose individual diameters range from 1/4 inch to 3 inches.

**Groundwater** - soil moisture occupying a zone of saturated soil which has a thickness of at least 6 inches for at least a two week period during the average water year.

**Health Officer** - Appointed by the Westport Town Board.

**Impervious Material** - material with a percolation rate of slower than 60 minutes per inch.

**Individual Sewage Disposal System** - a complete system of piping, tanks or other facilities for the on-site collection, treatment and disposal of sewage, and not connected to a community or public sewer system.

**Industrial Wastes** - a liquid, gaseous, solid, or waste substance or a combination thereof resulting from any process or industry, manufacturing, trade or business or from development or recovery of any natural resource.

**In Existence** - with respect to individual sewage disposal systems that such structure has been substantially commenced or completed.

**Invert** - the bottom-most point of an open conduit or the bottom-most point on the inside of a closed conduit.

**Leaching Facility** - any structure that is designed to distribute sewage into the soil and provide for its treatment. See Absorption Field, Seepage Pit, Raised Systems.

- Local Board of Health** - the Westport Town Board acting pursuant to its authority found in Article 3 of the Public Health Law,
- Major Alteration** - see Major Repair.
- Major Repair** - any replacement or reconstruction affecting the septic tank or at least one-half of the leaching facility of an individual sewage disposal system.
- Mean High Water Mark** - the average annual high water level.
- Minor Alteration** - see Minor Repair.
- Minor Repair** - any remedial measure not defined as a major repair, major alteration, or extension.
- Percolation** - the movement of water downward through the pores of a soil or other porous medium following infiltration through the soil surface.
- Percolation Test** - a standard procedure for testing soil permeability to determine the sewage application rate. See Appendixes for proper testing procedures.
- Privy** - a building fixed to a vault or pit, equipped with seating to allow for excretion of body waste.
- Preexisting Individual Sewage Disposal System** - any individual disposal system that was lawfully in existence prior to (effective date of ordinance).
- Qualified Person** - Professional engineer, registered architect, licensed land surveyor, soil scientist, certified geologist, or others approved by the Board of Health.
- Raised System** - a sewage disposal system constructed in fill material placed above the natural soil.
- Sanitary Tee** - pipe fitting used in septic tanks to reduce flow velocities so as to increase solids settling in the tank and prevent carry-over of solids. See Baffle.
- Seasonal High Ground Water (SHGW)** - the highest surface of a zone of saturated soil which is at least six inches thick and which persists during the average year for more than one week when the ground is free of frost.
- Seepage Pit** - a covered, underground pit with a perforated lining through which septic tank effluent seeps into the surrounding soil.



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

**Subsurface Absorption System** - Absorption Fields, Seepage Pits, Raised Systems.

**Surface Water Body** - any lake, pond, river, stream, intermittent stream or wetland.

**Toilet Wastes** - human excretion and toilet flushing fluid.

**Unsafe** - Dangerous, hazardous, detrimental to life, health, safety, and or property.

**Usable Soil** - soil with a percolation rate between one and sixty minutes per inch.

## ARTICLE 111

### STANDARDS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

#### Section 3.010 - Compliance

Individual sewage disposal systems shall comply with the applicable specifications and standards set forth in the most recent editions of Waste Water Treatment Standards Individual Household Systems, New York State Department of Health (10 NYCRR Appendix 75-A, and Standards for Waste Treatment Works - Institutional and Commercial Sewerage Facilities, New York Department of Environmental Conservation. Language such as "should" in these publications shall be considered mandatory ("shall") for the purpose of this ordinance. Systems shall also comply with the other standards of this article. With reference to the 100 foot minimum setback distance required between waterbodies and a leaching facility, in no case shall any disposal field or other leaching facility be located closer than 100 feet from the mean high water mark of any lake, pond or permanent or intermittent stream. Alternative systems (e.g., raised system, evaporation transpiration (ET) system, mounds, sand filters, etc.), may be permitted by application to State or County Department of Health or, if applicable, the Department of Environmental Conservation.

#### Section 3.020 - General Standards

- A. Only sewage may be discharged into the individual sewage disposal system. Surface and subsurface water including roof, cellar, foundation and storm drainage shall be included from such systems and shall be disposed of so they will in no way affect the system.
- B. No component of a leaching facility shall be located under driveways, roads, parking areas or areas subject to heavy loading.
- C. No on-site sewage disposal systems shall be allowed in areas within a ten-year flood plain.
- D. Conventional in-ground absorption trenches shall only be permitted on natural slopes of 15% or less. All other acceptable on-site sewage disposal systems shall only be permitted on natural slopes of 8% or less. For the purpose of this ordinance, the slope is measured as the ratio of the maximum vertical rise or fall of the land in 50 feet of horizontal distance and is expressed as a percentage.
- E. No individual sewage disposal system except a sanitary privy or system employing a holding tank as sole receptacle for sewage may be placed on

a lot not served by a community water supply, if such lot is less than 20,000 square feet in size.

- F. The natural ground intended for the leaching facility must have a minimum depth of four feet if usable soil above bedrock, impervious material, or a maximum high groundwater. When fractured bedrock is encountered, the usable soil depth must be at least six feet. See Appendices for high groundwater determination and percolation test procedure.
- G. Within 200 feet of the shoreline of a lake, pond, river or stream: if the percolation rate is 0 to 3 minutes per inch, a leaching facility will be <sup>not</sup> permitted.
- H. All proposed lots for new subdivisions subject to this ordinance are required to have an area of suitable site conditions large enough to accommodate a sewage system designed for a design flow of 110 GPD per bedroom and reserve area capable of installing a 100 percent replacement system according to the specifications in this ordinance.
- I. Sewage disposal systems are generally not allowed on sites where the natural soil materials have been disturbed by excavation, removed or covered by more than 12 inches of fill. Where proposed on such sites, an intensive subsurface investigation will be required.
- J. See next page ( Page#9)

J Horizontal Separation Distances:

The table below sets forth the minimum horizontal separation distances required, measured from the finished graded edge if the average absorption area to each listed feature:

| MINIMUM HORIZONTAL SEPARATION DISTANCES           |            |
|---|------------|
| Individual Drilled Well                           | 100 feet   |
| Community Drilled Well                            | 200 feet   |
| Dug Well  | 150 feet   |
| Wetland   | 100 feet*  |
| Lake George'                                      | 200 feet   |
| Other Waterbodies, including intermittent streams | 100 feet** |
| Property Line                                     | 25 feet    |
| Dwellings   | 20 feet    |
| Soil Depth to: Bedrock $\leq 48''$                | 25 feet    |
| Impervious Layer $\leq 48''$                      | 25 feet    |
| SHGWT $\leq 24''$                                 | 25 feet*** |
| 25% Slope   | 25 feet    |

\*May require a greater separation distance where low nutrient bogs are present.

\*\*o Intermittent streams with a defined bed and bank, regardless of navigability (9 NYCRR 575.1(c)).

o Within 200 feet of the shoreline of a lake, pond, river or stream: if the percolation rate is 0 to 3 minutes per inch, a leaching facility will not be permitted (9 NYCRR Appendix Q-4).

\*\*\*Seasonal High Groundwater Table.

For features not listed in the above table, use Table 2 in the Design Standards for Wastewater Treatment Works 1988, NYS Department of Environmental Conservation, 1980, revised 1988.

Section 3.030 -Alternative Systems (see 10 NYCRR Appendix 75.A.9.b)

- A. In those cases where tests for high groundwater determination and soil percolation as provided for in the Appendix indicates that the quality and depth of natural soil is inadequate for an installation, a raised system may be utilized, provided the following specifications are met. Final approval of raised systems shall not be granted until the fill is in place and the systems evaluated according to the administrative provisions of this ordinance. Notwithstanding any provision of this ordinance, no raised system or mound whatsoever shall be installed, except (1) to replace a Preexisting Individual Sewage Disposal System, or (2) on any lot separately owned or under contract of sale on the effective date of this ordinance, on which an Individual Sewage Disposal System other than a raised system would not be feasible or practicable.
- B. The design and installation of a raised or mound system shall comply with specifications set forth in 10 NYCRR Appendix 75-A.9.

## ARTICLE IV

### PREEXISTING SYSTEMS

#### Section 4.010 Continuation of Preexisting Systems

Subject to the provisions of this ordinance, the use or maintenance of a properly functioning preexisting individual sewage disposal system may be continued but it shall be unlawful to alter, enlarge, repair, or extend such systems except in conformity with the provisions herein. This article shall not be construed to permit any unsafe use or structure, or permit such structures or their use when such structure or use constitutes a threat to public health, safety, welfare or environmental quality; permits the seepage of sewage to ground surface; or interferes with the enjoyment or use of property.

#### Section 4.020 Repair, Alteration, Enlargement, or Extension of a System

- A. It shall be unlawful to repair, alter, enlarge, or extend a preexisting individual sewage disposal system except that:
- 1) Minor repairs and minor alterations may be undertaken without a permit.
  - 2) Major\* repairs, extensions or major alterations may be undertaken pursuant to a disposal system building permit.
- B. It shall be unlawful to use any system that has been extended or undergone major repairs or major alterations unless a disposal system use permit is issued pursuant to Article V of this ordinance.

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\*"Major Repair" - means any replacement or reconstruction affecting the septic tank or at least one-half of the leaching facility, of an individual sewage disposal system.

## ARTICLE V

### ADMINISTRATIVE PROVISIONS

#### Section 5.010 Enforcement Officer

The Enforcement Officer shall have the duty to administer and enforce the provisions of this ordinance. The Enforcement Officer shall be appointed and may be removed by the Westport Town Board. Persons adversely affected by an action, omission, decision or ruling by the Enforcement Officer may appeal to the Local Board of Health, which shall render a decision regarding the appeal only after holding a hearing on the matter pursuant to the terms of this article.

#### Section 5.020 Required Records

The original or a certified copy of all findings, decisions, permits, certificates or other rulings of the Enforcement Officer or Local Board of Health under this ordinance, shall be retained in the files of the Enforcement Officer as a permanent public record. (It is recommended that owners also retain a copy of the plan of the disposal system.)

#### Section 5.030 Issuance of Disposal System Building Permits and Disposal System Use Certificates

##### A. Disposal System Building Permits:

1. It shall be unlawful for any person to construct, alter, repair, enlarge, or extend an individual sewage disposal system within the Town unless a disposal system building permit has been issued therefor, except that minor repairs and alterations or emergency repairs may be made without a permit.
2. Applications for disposal system building permits may be made only by the owner or lessee of the lot for which the system is proposed or his duly authorized agent or assign. Applications shall be in writing, signed by the applicant in such form as the Local Board of Health shall determine. A fee ( Fee schedule to be determined by the Westport Town Board ) shall accompany the application for a disposal system building permit. Applications shall be submitted to the Enforcement Officer and include such information as the Local Board of Health and Enforcement Officer shall require including the following:

- a) The name and address of the applicant.

- b) Specific location of the property on which the construction, alteration, repair or extension is proposed. For applications involving lots in new subdivisions, replacement areas as specified in 3.020.H. must also be indicated.
- c) A plan of the proposed disposal system with substantiating data indicating that the minimum standards set forth in this ordinance would be complied with.
- d) A sketch of the property showing the location of the proposed disposal system construction, alteration, repair, or extension and including delineation of the property lines and sources of water supply for the property and adjoining properties.
- e) Evidence to demonstrate to the satisfaction of the Enforcement Officer that there is no public sewer available into which the sewage can be discharged from plumbing facilities on the proposed building site, or that it is impracticable to discharge sewage from on-site plumbing facilities into a public sewer system.
- f) A percolation test series is required for the site of a proposed leaching facility. The percolation rate shall be determined by the methods described in the Appendices.

The Enforcement Officer may verify the results of such tests and require supporting information from the applicant necessary for such review. When in his discretion warranted, the Enforcement Officer shall request an individual designated by the Board of Health to conduct this test.

- g) Site data which might affect, or be affected by, the proposed system including but not limited to specifications regarding soil type, topography, depth to seasonal high ground water, depth to impervious material, depth to bedrock and distance to surface bodies of water. (Refer to Appendix B.) All determinations shall be accompanied by a detailed statement of the testing methods used as well as the basis for the determination.

The Enforcement Officer shall determine whether or not an application is complete. (See Appendices for technique for determination of seasonal high ground water.) (It is recommended that the Local Board of Health consult with the State Department of Health for assistance in the training of the Enforcement Officer.)



3. The Enforcement Officer shall have the authority to require certification or retesting to verify information submitted as part of the application.
4. The Enforcement Officer may conduct such investigations, examinations, tests and site evaluations as he deems necessary to verify information contained in an application for a disposal system building permit, and the applicant or owner of land on which the system is proposed shall grant the Enforcement Officer or his agents permission to enter on his land for these purposes.
5. The Enforcement Officer shall not issue a disposal system building permit unless:
  - a) all pertinent site data has been submitted, verified and certified as required by this ordinance; all permit fees have been paid, and the Enforcement Officer has determined that the alteration, repair or construction as proposed in the application complies with all specifications contained in this ordinance, or
  - b) the Enforcement Officer is specifically ordered to issue a disposal system building permit by the Local Board of Health pursuant to Section 5.070 of this ordinance and all permit fees have been paid.
6. The Enforcement Officer shall disapprove an application for a disposal system building permit if he determines:
  - a) that the individual sewage disposal system, as proposed, will not conform to the requirements or specifications of of this ordinance or an order of the Local Board of Health. (Refer to Appendix 75-A.)
  - b) that the applicant has failed to supply all data necessary to make a determination as to whether or not such individual sewage disposal system conforms to the requirements or specifications of this ordinance and has failed to supply such information for sixty (60) days after a written request for such additional information has been mailed
  - c) the applicant has failed to pay all necessary fees and has failed to make such payment for sixty (60) days after notice of such nonpayment has been mailed.

7. The Enforcement Officer may, by written notice, order all further work stopped on any individual sewage disposal system which is being constructed or installed in violation of this ordinance.

B. Disposal System Use Certificates:

1. It shall be unlawful for any unauthorized person to cover with soil or other material, or utilize, any individual sewage disposal system unless a disposal system use certificate has been issued therefor.

2. It shall be the duty of the holder of the disposal system building permit to notify the Enforcement Officer when the installation of the disposal system is ready for inspection. The inspection shall be made as soon as thereafter as practicable by the Enforcement Officer. The Enforcement Officer may also make inspections during construction to insure that the system is being installed in accordance with the terms of the disposal system building permit. Any part of any installation which has been covered prior to final approval shall be uncovered upon order of the Enforcement Order.

3. A disposal system use certificate shall not be granted until the Enforcement Officer has determined that the individual sewage disposal system has been installed in compliance with the terms of the disposal system building permit. The Enforcement Officer may make such a determination only after he has made an on-site investigation of the system, or received a certification from the design professional that the system conforms to the specifications as set forth in the application and this ordinance, or an order of the Local Board of Health pursuant to this article. The 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

**Section 5.040 Form of Petitions, Applications and Appeals**

Unless otherwise stated, all petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the Local Board of Health. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

**Section 5.050 Application Fees**

Fees shall be paid upon submission of applications provided for by the terms of this ordinance. Fee schedule to be determined by the Westport Town Board.

**Section 5.060 Appeals from Actions of Enforcement Officer:  
Notice of Public Hearing**

- A. Appeals of any actions, omissions, decisions or ruling of the Enforcement Officer must be instituted within thirty (30) days of the act, omission, decision or ruling from which relief is sought.
- B. Within fifteen (15) days of receipt of a completed application for appeal of an action, omission, decision, or ruling of the Enforcement Officer, the Local Board of Health shall give notice of a public hearing to be held on the application.
- C. Each notice of hearing upon an application for an appeal to the Local Board of Health shall be published once in the official newspaper of the Town at least ten (10) days prior to the hearing date) In addition, at least fifteen (15) days prior to the date of the hearing, notices shall be mailed to the applicant, each owner of record of the land involved in the application, the county or State Department of Health, Department of Environmental Conservation, the Adirondack Park Agency, and all owners of property adjoining the property for which the application is made, as may be determined by the latest assessment records of the Town.

**Section 5.070 Hearing and Decisions on Appeals**

- A. Public hearings on appeals of actions of the Enforcement Officer shall be held not less than thirty (30) days after the notice is mailed, as provided for in 5.060C above.

Any hearings may be recessed by the Board 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 resumed shall be announced. No further notice or publication will be necessary.

All persons entitled to notice under Section 5.060, as well as any person showing he may be directly affected by a proposal, shall be full parties in interest, with standing to participate in any and all proceedings under this article. Within thirty (30) days of the final adjournment of a public hearing, the Board shall affirm, modify or deny the action, decision or ruling of the Enforcement Officer or correct any omission by him, or approve, approve with conditions or disapprove the application.

The decision of the 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 Board. The Board's discretion in

considering an appeal under this article shall not extend to granting variances\*\* from this ordinance but shall rather be limited to reviewing the Enforcement Officer's interpretation or application of the terms hereof.

- B. As part of any decision, the Board shall direct the Enforcement Officer to issue any appropriate permit in conformity with its ruling and shall state a time by which the permit shall be issued, in conformity with this ordinance.

#### Section 5.080 Appeal from Action of the Local Board of Health

An action, omission, decision or ruling of the Local Board of Health pursuant to this ordinance 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 sixty (60) days from the effective date of the decision or ruling or the date when the action or omission occurred.

#### Section 5.090 Site Inspections

- A. In filing an application for disposal system building permit, an applicant shall be deemed to have consented to the Enforcement Office, and/or other person designated by the Local Board of Health, conducting examinations, tests and other inspections of the disposal system site. Entrance upon the applicant's property shall be made only at reasonable times and with advance notice to the applicant where possible.

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Variances from the substantive requirements (e.g., septic tank sizes, setback distances, etc.) remain under the jurisdiction of the New York State Department of Health (NRCRR Part 75) to be referred to New York State District Engineer.

- B. The Enforcement Officer or his designee may inspect any individual sewage disposal system built after this ordinance takes effect to insure that it is being maintained in proper working order. It shall be unlawful for the owner or occupant of the property to deny such official or his designee access to the property at reasonable times for the purpose of making such inspections. Where practical, inspections shall be made only after reasonable notice to the owner or occupant. Where the Enforcement Officer determines that a system is not being maintained in compliance with this ordinance or any permit issued hereunder, he may order that use of the system cease, and/or that the defects be corrected, and/or misuse abated within a reasonable time. If the prescribed action is not taken within the time fixed by the Enforcement Office, he may revoke the use

permit for the system and/or refer the matter to the Local Board of Health for appropriate corrective action.

**Section 5.100 Recording or Expiration of Permits**

Any permit issued pursuant to this ordinance shall expire within sixty (60) days from the date of issuance thereof unless within such sixty-day period such permit and plans shall have been filled and duly recorded by the applicant in the Town Clerk's Office.

**Section 5.110 Expiration of Permits**

Unless otherwise provided for in the permit, all permits shall expire within two (2) years of issuance. Once a permit expires, and the disposal system is not completed, a new permit application is required.

ARTICLE VI  
ENFORCEMENT

Section 6.010 Penalty

Any person owning, controlling or managing a building, structure, land, or premises therein or whereon there shall be placed on or there exists a structure or system in violation of this ordinance; and any person who shall commit or assist in the commission of any violation of this ordinance, or who shall build, erect, construct, or attempt the same, any structure contrary to the plans or specifications submitted to the authorized official and by him certified as complying with this ordinance; and any person who shall omit, neglect, or refuse to do any act required by this ordinance, shall be subject to a civil penalty of not more than (\$ ) to be recovered by the Town Board in any court of competent jurisdiction. Every such person shall be deemed guilty of a separate offense for each day 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.

Section 6.020 Alternative Remedy

In case of any violation or threatened violation of any of the provisions of this ordinance, 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 disposal system or to prevent any illegal act, conduct, business or use regarding such disposal system.

Section 6.030 Misrepresentation

Any permit or approval granted under this ordinance 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 remedies available to the Town Board under Sections 6.010 and 6.020 of this ordinance.

## ARTICLE VII

### MISCELLANEOUS PROVISIONS

#### Section 7.010 Interpretation

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

#### Section 7.020 Severability

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

#### Section 7.030 Savings Clause

The adoption of this ordinance 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 ordinance takes effect.

#### Section 7.040 Effective Date

This ordinance shall take effect and be in force ten (10) days after its passage, publication and filing as prescribed by Section 308 of the Public Health Law.

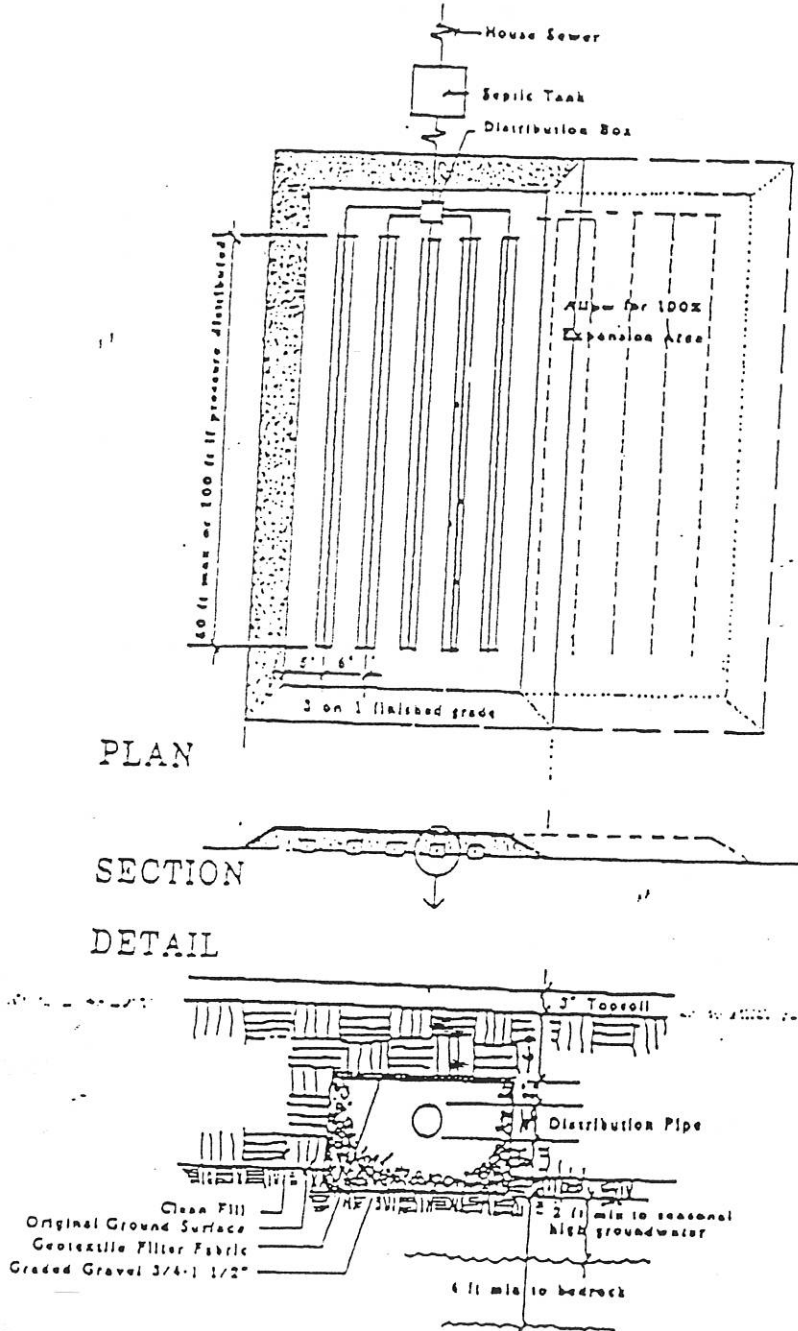






APPENDIX A

DIAGRAM II



SHALLOW ABSORPTION  
TRENCH SYSTEM

## APPENDIX B

### HIGH GROUNDWATER DETERMINATION

Subsurface conditions may be determined by digging a hole five feet deeper than the anticipated depth of the proposed leaching facility.

The determination of the seasonal high groundwater level shall be made during the months of March, April, May or June, within six weeks of the time that the frost leaves the ground; such determination may be made by monitoring the water level in the open soil test pit as described above, for a period of not less than twenty-four hours and recording the highest level observed. If such determination is made at other than such times, the seasonal high groundwater shall be evaluated and certified by a qualified person approved by the Local Board of Health.

Run Number

Time - Minutes

|   |    |
|---|----|
| 1 | 14 |
| 2 | 20 |
| 3 | 24 |
| 4 | 27 |
| 5 | 30 |
| 6 | 30 |

The stabilized rate of percolation would then be taken as 30 minutes per inch.

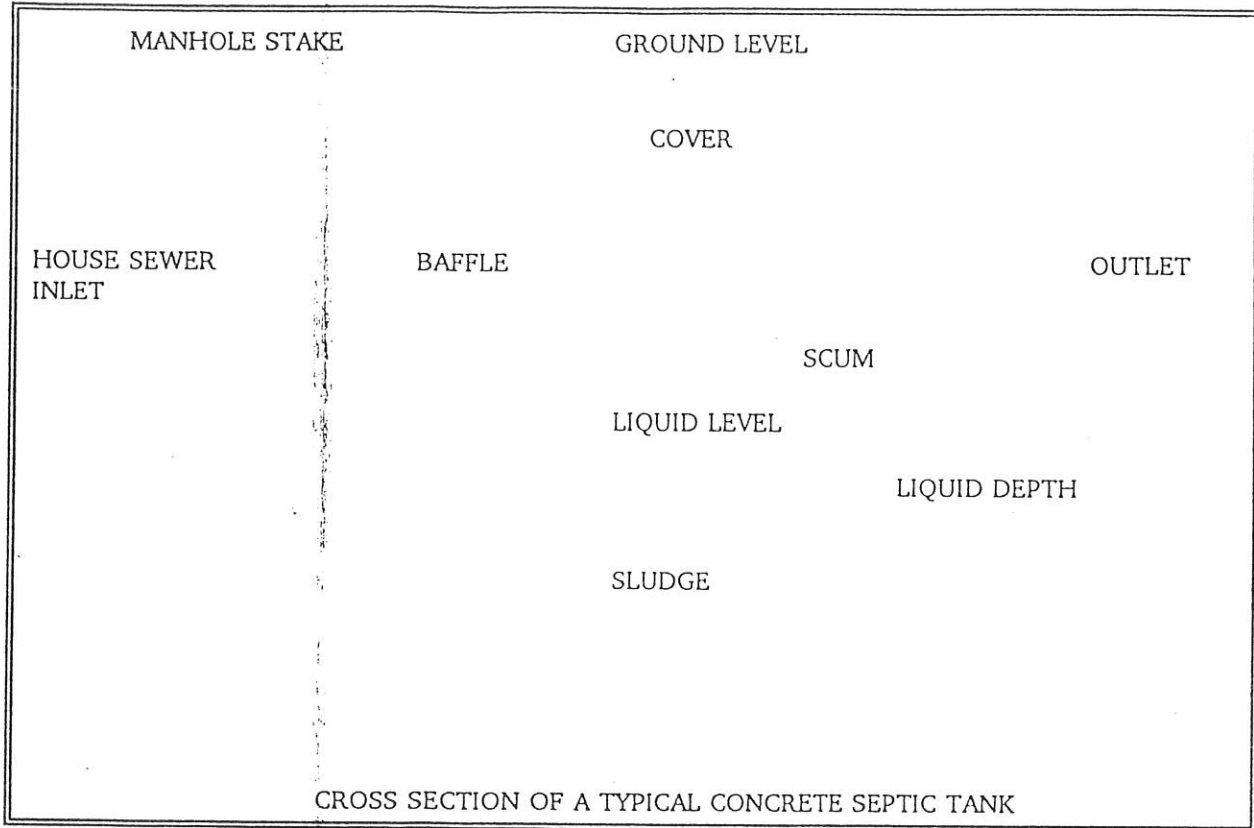
## APPENDIX D

### GUIDELINES FOR OPERATION AND MAINTENANCE

- The contents of the septic tank should be pumped every 2-3 years or when the total depth of sludge and scum exceeds one-third of the liquid depth of the tank (See Figure 1). If the tank is not cleaned periodically, the solids are carried into the disposal field; rapid clogging occurs; premature failure follows and finally, the disposal field must be replaced. Pumping your septic tank is less expensive than replacing your disposal field.
- Detergents, kitchen wastes, laundry wastes, and household chemicals in normal amounts do not affect the proper operation of household sewage disposal systems. However, excessive quantities can be harmful.
- Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, plastics, trash, etc., into your household sewage system. These items are not readily decomposed.
- Septic tank additives are not recommended. Additives are unnecessary to the proper operation of household systems and may cause the sludge and scum in the septic tank to be discharged into the disposal field, resulting in premature failure.
- Garbage grinders substantially increase the accumulation of solids in the septic tank, as well as the solids entering the disposal fields and pits. Their disadvantages outweigh the convenience they provide and are not recommended for households with their own sewage disposal systems. If used, the septic tank size and disposal field should be increased.
- ~~Connecting laundry wastes to a separate waste system (dry well or seepage pit), while not normally necessary, will reduce the load on the regular system and permit the survival of a marginal system.~~
- All roof, cellar and footing drainage, and surface water must be excluded from the system. This drainage water can be discharged to the ground surface without treatment; make sure it drains away from your sewage disposal system.
- Roof downspouts should not drain toward the disposal field.
- Roots from trees in the immediate area of the absorption lines may clog the system.

- Keep swimming pools (above or in-ground) away from the disposal field.
- Never permit heavy equipment to pass over the disposal field.
- Conserve water usage; this can prolong the life of your sewage disposal system. Check defective toilet tank valves, repair leaky fixtures, install appliances and fixtures which use less water, and avoid wasteful practices.
- A sewage disposal system is normally designed to accommodate two persons per bedroom. If the household is larger than this, or if additional bedrooms are added, enlarge the system.
- If surface water from higher ground is running onto the disposal field, install a ditch or berm to intercept this surface water.

For more detailed information concerning special conditions in your area, contact the county health department or the NYS District Health Office serving your locality.



CROSS SECTION OF A TYPICAL CONCRETE SEPTIC TANK

FIGURE 1