
(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.

The Town of Pound Ridge

Local Law No. 2 of the Year 2011

Local Law Regulating the Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems

Section 73-1 Legislative Intent:

The Town of Pound Ridge hereby finds that it is necessary to the health, safety, and welfare of the residents of the Town of Pound Ridge that separate sewage disposal systems operate and be maintained in a manner that will prevent, to the extent possible, hazards to the public health and to protect the drinking water supply of the Town of Pound Ridge and drinking water supplies which pass through the Town of Pound Ridge.

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-0-08-002 (Permit') for Stormwater Discharges, from Municipal Separate Storm Sewer Systems (MS4), effective May 1, 2008, which require that the Town implement, through the enactment of the necessary legal authority, and enforce a program to ensure that separate sewage disposal systems/onsite wastewater treatment systems are inspected and, where necessary; maintained or rehabilitated as required by Part IX.A.3.b. of the Permit and/or similar provisions in successor Permits.

Section 73-2 Definitions:

1. Separate Sewage Disposal System/On-site Wastewater Treatment System shall mean a system or facilities or means for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, regardless of location on with respect to any building or structure or premises thereby served, including but not limited to septic tanks. Such system shall include but shall not be limited to facilities for the treatment or modification or required control of harmful or deleterious substance before subsurface discharge.
2. Septage Collector shall mean a licensee who engages in the performance of any one or more of the following services, or who offers to provide any one (1) or more of the following services for a fee, in Westchester County, with respect to separate sewage disposal systems: evacuation, removal, collection or transportation of septage.
3. Septage shall mean the contents of a septic tank or other Separate Sewage Disposal System/Onsite Wastewater Treatment System which receives sanitary sewage waste.
4. Inspection shall mean the evacuation and removal of septage from a Separate Sewage Disposal System/On-site Wastewater Treatment System and subsequent required reporting by a Septage Collector that is licensed by the Westchester County Department of Health pursuant to 873.722, 873.724 and 873.726 of the Westchester County Sanitary Code.
5. Appeals Authority – shall mean the Building Inspector.

Section 73-3 Inspection Requirements:

1. Beginning on May 1, 2011, the owner of any parcel located within the Town of Pound Ridge which relies upon a Separate Sewage Disposal System/On-site Wastewater Treatment System for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, with respect to any building or structure thereon, shall cause an inspection to be performed on said Separate Sewage Disposal System/On-site Wastewater Treatment System at a minimum frequency of once every five (5) years.
2. Upon the completion of any inspection, every owner shall maintain a copy of the most recent record of such inspection as required by 873.724 of the Westchester County Sanitation Code, which will be provided to the owner by the Septage Collector, for a minimum of six (6) years.

Section 73-4 Waivers/Variances:

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 requirement as referenced within this local law, upon the submission and consideration of evidence which may necessitate an extension of time to comply with all aspects of this local law .Such extension shall not exceed one hundred eighty (180) days.

Section 73-5 Penalties and Enforcement:

Any owner of a parcel which is located in the Town of Pound Ridge and is served by a Separate Sewage Disposal System/On-site Wastewater Treatment System who violates the provisions of this local law, shall be guilty of a violation, and shall be subject to a penalty, as follows:

- (1) The Building Inspector shall first issue a written notice of violation to the owner informing the owner of the anticipate imposition of penalties if the violation is not corrected within 30 days.
- (2) If the violation is not remedied within 30 days, the owner shall be subject to a fine of \$500.00.
- (3) Thereafter, and beginning on the 31st day of the continuing violation, the owner shall be subject to a fine in the amount of \$250.00 for each 30 day period until the violation is remedied and can be verified in writing by the Building Inspector.

Section 73-6 Compliance with Other Laws:

Compliance with this local law shall not be deemed compliance or approval of the municipality under any other rules, regulations, codes, or laws including, but not limited to, Article VIII of the Westchester County Sanitary Code.

Section 73-7 Severability:

In the event that any provision of this ordinance shall be held unconstitutional or unlawful, the remaining provisions of this ordinance shall remain in full force and effect.

Section 73-8 Effective Date:

This ordinance shall take effect immediately upon the filing with the Town Clerk.