

ADOPT LOCAL LAW TO ADD A NEW CHAPTER TO THE TOWN CODE OF THE TOWN OF PUTNAM VALLEY-REQUIRING INSPECTION OF SEPARATE SEWAGE DISPOSAL SYSTEMS LOCATED ON PROPERTIES WITHIN THE TOWN THAT ARE IN THE NEW YORK CITY RESERVOIR WATERSHED

Presented by Councilman Yetter

RESOLUTION #R11-177

RESOLVED, that the Town Board adopt Local Law #1-2011 adding a new chapter to the Town Code of the Town of Putnam Valley requiring inspection of separate sewage disposal systems located on properties within the town that are in the New York City Reservoir Watershed.

LOCAL LAW #1-2011

A LOCAL LAW to add a new Chapter to the Town Code of the Town of Putnam Valley (“Town”) so as to require inspection of Separate Sewage Disposal Systems located on all properties within that portion of the Town that are within the New York City Reservoir Watershed.

BE IT ENACTED by the Town Board of the Town of Putnam Valley as follows:

- (1) A new Chapter 91 shall be added to the Town Code, reading as follows:

“Chapter 91”
ON-SITE SANITARY SYSTEMS ON PROPERTIES
LOCATED WITHIN THE NEW YORK CITY
RESERVOIR WATERSHED

1. Purpose and Intent
 2. Definitions
 3. Inspection Requirements
 4. Waivers/Variance
 5. Enforcement and Penalties
 6. Compliance with Other Laws
 7. Severability
 8. Effective Date
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1. Purpose and Intent.

The Town of Putnam Valley ("Town") hereby finds that it is necessary to the health, safety and welfare of the residents of the Town 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 City of New York and drinking water supplies that pass through the Town.

This Chapter 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 located on properties in the New York City Reservoir Watershed are inspected and, where necessary, maintained or rehabilitated as required by Part DC.A.3.b of the Permit and/or similar provisions in successor Permits.

2. Definitions.

For the purpose of this Chapter, the following definitions shall apply:

APPEALS AUTHORITY - Town Code Enforcement Officer

SEPARATE SEWAGE DISPOSAL SYSTEM/ON-SITE SANITARY SYSTEM ("SSTS") - A system or facility 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.

INSPECTION - The visual examination of an SSTS and the evacuation and removal of septage therefrom and subsequent reporting of said examination and removal through the completion of an approved inspection form by a Septage Collector that is licensed by the Putnam County Health Department.

SEPTAGE COLLECTOR - An individual or entity licensed by the Putnam County Health Department who engages in the performance of any one or more of the following services, or who offers to provide any one 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 - The contents of any container, including but not limited to, a septic tank, which is designed and intended to hold sewage.

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

3. Inspection Requirements.

Beginning on May 1, 2011, the owner of any parcel located within that portion of the Town located within the New York City Reservoir Watershed 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 and, where said inspection reveals the need therefor, to perform maintenance on and/or rehabilitation of said system. The inspection shall be performed in accordance with the most current version of the Federal Environmental Protection Agency publication entitled "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance".

Upon the completion of any inspection (including any maintenance and/or rehabilitation performed as a result thereof), every owner shall maintain a copy of the record of such inspection (including maintenance and/or rehabilitation, as needed), which will be provided to the owner by the Septage Collector, for a minimum of six (6) years.

The Owner shall furnish one (1) copy of the record of inspection to the Town Code Enforcement Officer.

4. Waivers/Variance.

The Appeals Authority shall not grant a waiver or exemption from any of the requirements of this Chapter provided, however, that the Appeals Authority may vary the time requirements 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.

5. Enforcement and Penalties.

An owner of a parcel which is located in that portion of the Town within the New York City Reservoir Watershed and is served by a Separate Sewage Disposal System/On-Site Sanitary System that fails to comply with the provisions of this Chapter, shall be guilty of a violation and shall be subject to a penalty as follows:

The 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 thirty (30) days.

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 (\$250.00) for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine of not less than Three Hundred Fifty Dollars (\$350.00) nor more than Seven Hundred Dollars (\$700.00) and, upon conviction for a third or subsequent offense, all of which

were committed within a period of five (5) years, punishable by a fine of not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00). For the purposes 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 (14) day period of continued violation shall constitute a separate additional violation.

6. Compliance with Other Laws.

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

7. Severability.

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

8. Effective Date.

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

Dated: Putnam Valley, New York
April 29, 2011

Seconded Councilman Cinque

Voting in Favor

Voting Against

Hon. Jacqueline Annabi	AYE	
Hon. Robert Cinque	AYE	
Hon. Eugene Yetter	AYE	
Hon. Wendy Whetsel	ABSENT	
Hon. Robert Tendy, Supervisor	AYE	

Motion carried.

OFFICE OF THE TOWN CLERK

State of New York
County of Putnam ss.:
Town of Putnam Valley

I have compared the preceding or annexed copy of


TOWN BOARD MEETING APRIL 29, 2011

RESOLUTION #R 11-177

with the originals filed in this office and **DO HEREBY CERTIFY** the same to be correct transcripts therefrom and of the whole of such originals.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of said Town
this:

2nd Day of May 2011



Town Clerk, Town of Putnam Valley