

LOCAL LAW NO. 1 of the YEAR 2018

A Local Law Enacting a

**CLARYVILLE-DENNING
SEPTIC MAINTENANCE
DISTRICT SEWER USE
LAW**

governing the use of Claryville-Denning' s Septic Maintenance District.

Town of Denning

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ARTICLE 1

SHORT TITLE AND PURPOSE

Section 101	Short Title
Section 102	General Purpose
Section 103	Specific
Section 104	Purposes
	Replacement of Previous Sewer Use Law or Ordinance

Section 101 - Short Title

For brevity and ease of communication, this Law may be cited as the Claryville-Denning Sewer Use Law.

Section 102 - General Purpose

The general purpose of this Law is the following:

To provide for an efficient, economic, environmentally safe on-site sewer maintenance program to protect surface and groundwater supplies from pollution, to maintain a high quality physical environment and to eliminate malfunctioning septic systems that could impact nearby water bodies while minimizing the costs to the property owners within the Claryville-Denning Septic Maintenance District.

Section 103 - Specific Purposes

The specific purposes of this Law are the following:

- (1) To prevent the introduction of substances into the surface water and groundwater supplies of the Town of Denning that will:
 - (a) pass into the State's waters and cause contravention of standards for those waters, or
 - (b) hamper the disposal of septic system sludge and/or other residuals, or
 - (c) endanger employees responsible for the operation, maintenance, and repair of the septic systems, or
 - (d) cause air pollution, or groundwater pollution, directly or indirectly, or
 - (e) cause, directly or indirectly, any public nuisance condition.
- (2) To ensure that the costs of operating and maintaining the district are minimized and such costs are properly and equally distributed to property owners within the district.

Section 104 - Replacement of Previous Sewer Use Law or Ordinance

If there is an existing local sewer use law or ordinance applicable to septic systems within the District, then the provisions of the existing law or ordinance are hereby repealed and said provisions are replaced by the herein set forth Articles 1 through 11.

ARTICLE 2
DEFINITIONS

Section 201	Defined Terms
Section 202	Abbreviations
Section 203	Undefined Terms

Section 201 - Defined Terms

Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. For the purposes of this Law, shall is mandatory; may is permissive.

Applicant - That person who makes application for any approval. The applicant may be an owner, new or old, or his agent.

Appropriate Agencies - For purposes of this Ordinance, with respect to the Inspector's exercise of judgment in fulfilling his/her responsibilities and obligations under this Local Law, Appropriate Agencies shall include, in the discretion of the Inspector on a case-by-case basis, any or all of the following: Water and Sewer Public Works Superintendent, the Town Board, the Town engineer or consulting engineer, NYSDEC, NYSDOH, NYCDEP and US EPA.

ASTM, denoting American Society for Testing and Materials - The latest edition of any ASTM specification, when stipulated in this Law.

Builder - Any person who undertakes to construct a building or any part of a building, either under contract or for resale.

Building Drain - That part of the lowest horizontal piping of a building drainage system which receives the discharge from waste pipes inside the building walls, and conveys it to the building lateral, which begins five (5) feet outside the inner face of the building wall.

City of New York's Water Supply - The New York City public water supply system includes all water courses, wetlands, reservoirs, reservoir stems and controlled lakes tributary thereto.

Connection - Attachment of a structure with plumbing to a Septic System.

CWC - Catskill Watershed Corporation, the entity responsible for administering the Community Wastewater Management Program that is funded by the City.

Developer - Any person who subdivides land for the purpose of constructing, or causing to be constructed, buildings for which wastewater disposal facilities are required.

Domestic Wastes - see Sewage, Domestic.

Easement - An acquired legal right for the specific use of land owned by others.

Existing Septic System - A Septic System existing as of the effective date of law. A septic system constructed and/or expanded in compliance with all applicable law after the effective date of this law that is approved by the Town Board pursuant to Article 4 herein is deemed an "Existing Septic System" hereunder.

Facility - All buildings, other structures, grounds and contiguous property at any locations related to or connected with a User at the User's location.

Flow Rate - The quantity of liquid or waste that flows into a septic system in a certain period of time.

Fund or Septic Maintenance Fund - All funds collected by the District for the maintenance, repair, replacement and inspections of systems within the District

Garbage - The solid wastes from the preparation, cooking, and dispensing of food.

Grab Sample - A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time.

Grease Trap - A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

Industrial - Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

Industrial Wastes - The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage.

Infiltration - Water, other than wastewater, that enters a Septic System (excluding building drains) from the ground through such means as defective pipes, pipe joints, or connections. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the Septic System.

Inflow - Water, other than wastewater, that enters a Septic System (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Inspector - Individual (or his/her authorized representative) chosen by the Town Board who is responsible to oversee the operations of the Septic Maintenance District. The Inspector is also responsible for enforcing the Town of Denning Sewer Use Law.

Lateral or Building Lateral - Pipe or conduit that goes from the septic tank up to the Building Drain.

New Owner - That individual or entity who purchased property within the Septic Maintenance District after the effective date of this law.

New York City Department of Environmental Protection (NYCDEP) - An agency of the City of New York that is involved principally with water supply and environmental protection activities, including watershed protection activities, in both New York City proper and the City's East and West of Hudson Watershed areas.

Nuisance - The use or lack of use of a Septic System in such a manner so as to endanger life or health, give offense to the senses, or obstruct or otherwise interfere with the reasonable use or maintenance of the Septic System.

NYC Rules and Regulations - Rules and Regulations For the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources, 10 NYCRR Part 128, 18 RCNY Chapter 18, as the same may be amended from time to time.

Occupant - The occupants of any real property that a septic system and is located within the District.

Oil and Grease - The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease, and oil, in a sample, expressed in milligrams per liter.

Other Wastes - Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage.

Owner - The person who owns real property with a septic system within the District.

Person - Any individual, public or private corporation, political subdivision, Federal, State, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

Plumbing - The pipes and accessory parts and equipment starting at the foundation and extending into the building for the management of wastewater (includes Building Drain).

Records - Shall include, but not be limited to, any printed, typewritten, handwritten or otherwise recorded matter of whatever character (including paper or electronic media), including but not limited to, letters, files, memoranda, directives, notes and notebooks, correspondence, descriptions, telephone call slips, photographs, permits, applications, reports, compilations, films, graphs and inspection reports. For the purposes of this law, records shall mean records of and relating to waste generation, reuse and disposal, and shall include records of usage of raw materials.

Repair Charge - The charge to a property owner for the costs incurred by the District in repairing, replacing and/or maintaining a septic system that are chargeable to the Owner pursuant to Section 504 hereof.

Roof Drain - A drain installed to receive water collecting on the surface of a roof for disposal.

Septic System - A septic system treating Domestic Sewage from a facility is within the Service Area of the Septic Maintenance District which includes, but is not limited to, an underground tank and a subsurface exfiltration system.

Service Area of the Septic Maintenance District - The legally defined bounds of real property from which Septic Systems will be maintained by the District. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of Town Board, subject to applicable law.

Sewage Water-carried wastes from residences, and such ground, surface, and storm water as may be inadvertently present.

Sewage, Domestic (Domestic Wastes) - Liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, or liquid wastes from clothes washing and/or floor/wall washing. Therefore, domestic sewage includes both black water and grey water. Domestic waste does not include industrial wastes.

Sewage, Unusual Strength or Character- Sewage which has characteristics greater than those of Normal Sewage and/or which contains Toxic Substances in significant concentrations which could result in an exceedance of one or more of the objectives set forth in Section 103(1) hereof.

Shredded Garbage - The wastes from the preparation, cooking, and dispensing of food that have been shredded by a garbage disposal.

State - State of New York.

State's Waters - See Waters of the State.

Storm Water - Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

Sump Pump - A machine used for removing standing water from one location and disposing it elsewhere.

Town - The Town of Denning, an incorporated municipality of the State of New York.

Toxic Substances - Any substance, whether gaseous, liquid, or solid, that when discharged to a Septic System in sufficient quantities may be hazardous to the personnel conducting the operation and maintenance of the Septic Systems, tend to interfere with any biological sewage treatment process, or to constitute a hazard to groundwater or surface water.

User - Any property owner located within the Septic Maintenance District that has a Septic System.

User, Existing - Any property owner located within the District that has a Septic System on or before the effective date of this Law.

User, New - Any property owner located within the Septic Maintenance District that constructs a new Facility requiring wastewater disposal services after the effective date of this Law.

Wastewater - The liquid and domestic wastewater from a dwelling or facility which discharges to a Septic System within the District.

Waters of the State (State's Waters) - All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Section 202 - Abbreviations

The following abbreviations shall have the designated meanings:

ANSI	American National Standards Institute
ASTM	American Society for Testing and Materials
AWWA	American Water Works Association
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CPLR	Code of Public Law and Rules
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
L	Liter
Mg	Milligram
Mg/l	Milligrams per liter
NCPI	National Clay Pipe Institute
NPDES	National Pollutant Discharge Elimination System
NYCDEP	New York City Department of Environmental Protection
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYSDOT	New York State Department of Transportation
P	Total Phosphorus
PSI	Pounds per Square Inch

PPM	Parts per Million, weight basis
SIC	Standard Industrial Classification
SPDES	State Pollutant Discharge Elimination System
SWDA	Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq.
TSS	Total Suspended Solids
U.S.C.	United State Code of Laws
USEPA	United State Environmental Protection Agency

Section 203 - Undefined Terms

Terms not defined in this Article, or terms found to be ambiguous or improperly defined in this Article, shall be defined by the Act, or Regulations, pursuant thereto

ARTICLE 3
SEPTIC SYSTEMS REQUIRED

Section 301	Stormwater Discharge Into Septic System Prohibited
Section 302	Discharge of Sewage into Well Prohibited
Section 303	Building Permit Allowed Only When Approved Wastewater Disposal Available
Section 304	Property Owners with Septic Systems Required to join Septic Maintenance District
Section 305	Interior Clean-Out
Section 306	Care of Septic System

Section 301 - Stormwater Discharge Into On Site Septic System Prohibited

It shall be unlawful to intentionally discharge any stormwater (including from within or outside of a private residence or other structures) into the Septic System within the District.

Section 302 - Discharge of Sewage into Well Prohibited

No person shall discharge sewage into a well unless such discharge is authorized and permitted under State and federal law.

Section 303 - Building Permit Allowed Only When Approved Wastewater Disposal Available

No property owner, builder, or developer shall be issued a building permit for a new, modified, or expansion of existing dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to state, federal, Ulster County Health Department, and New York City Rules and Regulations is available. All housing construction or building development which takes place after this Law is enacted within the District shall provide for an approved system for wastewater treatment.

Section 304 - Property Owners with Septic Systems Required to Join Septic Maintenance District

Property owners within the District will be required to join the District unless exempted and/or otherwise agreed to by the Town Board. If property owner that refuses to provide access to their property in accordance with Section 501 of this Local Law, the District will not be required to provide the inspection, operation and maintenance and replacement/repairs of their septic system set forth in Article 5 of this Local Law. The District will provide the property owner with written notice with a ten (10) day opportunity to cure. If the property owner fails to allow access during the cure period, the termination of service will be permanent as long as the property owner who denied access remains as owner or remains in control or possession of the facility served by the on-site septic system. The District will, to the extent allowed under Law, file at the Ulster County Clerk's Office a notice that said property is not eligible for septic maintenance services provided by the District. A property

owner may also enter into an agreement with the District in which the property will no longer participate in the district. The property owner will be required to sign a contract acknowledging their decision not to participate in the district and acknowledging their obligation, if at a later date they want to join the district, to be subject to a special benefit assessment required as a matter of law. The agreement will be filed at the Ulster County Clerk's Office and will bind future owners, successors and assigns, unless the Town Board, in its sole discretion, determines to allow the future owner to obtain service. The property owner will be responsible for any assessments that occurred prior to the effective date of the contract. The Town Board will have the sole discretion to assess a special benefit assessment and reserves the right to determine such charged based upon all attendant circumstances.

Section 305 - Interior Clean-Out

For new users, an interior clean-out fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall.

The cleanout diameter shall be no less than the building lateral diameter.

Section 306 – Care of Septic System

The Owner shall prohibit anyone from driving or parking over the septic tank and drainfield. The area over the drainfield should be left undisturbed with only a vegetative cover that does not have deep roots that could interfere with or clog the drainfield. The Owner shall, as soon as practical, notify the Inspector of any evidence that its septic is failing (e.g., breakthrough, surface discharge).

ARTICLE 4

NEW SEPTIC SYSTEMS OR SEPTIC SYSTEM EXTENSIONS

Section 401	Proper Design
Section 402	Criteria
Section 403 A	Planning Board Site Plan Approval or Subdivision Approval
Section 403 B	State Environmental Quality Review Act
Section 403 C	Procedure
Section 403 D	Application Fee

Section 401 - Proper Design

Before initiating any construction of a Septic System and all expansions of Septic Systems within the Service Area of the Septic Maintenance District, plans and specifications shall be submitted to, and written approval shall be obtained from the Inspector, after consultation and review with Appropriate Agencies. All plans, specification and construction documents shall, unless otherwise waived by the Inspector, be prepared and stamped by a licensed professional engineer and/or other licensed professional allowed under law. All plans and specifications shall include flow estimates.

Section 402 - Criteria

Each new Septic System for a New User or expansion of an existing Septic System from a parcel within the Septic Maintenance District will require an approval of the Town Board and shall be designed and constructed in accordance with applicable law.

Section 403 A - Planning Board Site Plan Approval or Subdivision Approval

Prior to issuing any subdivision approval and/or site plan approval to a parcel within the District and/or prior to issuing a building permit to a parcel within the District, the development of which in accordance with the approval would result in a sewage discharge or an increase in sewage discharge requiring State, Ulster County Health Department, or NYCDEP approval, the Planning Board and/or the Code Enforcement Officer shall refer the applicant/property owner to the Town Board and appropriate agencies for approval in accordance with this Article. The Town Board's approval is not intended to be proof of or support for or against an application before the Planning Board and is limited to the Town Board's determination that the proposed septic system, once constructed and fully permitted, is eligible for funding under Section 503.

Section 403 B - State Environmental Quality Review Act

For purposes of compliance with the State Environmental Quality Review Act, Environmental Conservation Law, Article 8, as authorized under 6 NYCRR 617.(S)(b), the Town Board's approval and/or denial of a Septic System for individual or two-family residence or a commercial structure under 4,000 ft² under this Article to a parcel within the District is a Type 2 action under SEQRA.

Section 403 C - Procedure

The Town Board shall issue its decision within sixty (60) days of the submission of a complete application. At its own discretion, the Town Board may extend review period beyond sixty (60) days in order to obtain more information regarding the criteria set forth above. The Town Board, in its discretion, may conduct a public hearing prior to making a determination. In all cases, the applicant shall have the right to appear at the Town Board meeting and/or hearing (if held) to present his /her case.

Section 403 D - Application Fee

There is an application fee of \$50 per application. The fee is due with the submission of the application and is nonrefundable. In addition to the application fee, the Town Board reserves the right to charge the applicant for any out-of-pocket costs actually incurred by the Town Board or the District in retaining consultants to evaluate the application and the installation of the septic system.

**ARTICLE 5
OPERATION, MAINTENANCE AND REPLACEMENT
OF SEPTIC SYSTEMS**

Section 501	Access to Septic Systems
Section 502	Inspection of Existing Septic Systems
Section 503	Operation and Maintenance of Septic Systems
Section 504	Repair and/or Replacement of Septic Systems
Section 505	Liability of Property Owner
Section 506	Liability of District

Section 501- Access to Septic Systems

The Inspector (or an agent of the District authorized by the Inspector), bearing proper credentials and identification, shall be permitted to enter all premises with an Existing Septic System located within the District for the purpose of inspection, observation, measurement, sampling, repair, replacement and maintenance of the Septic System on the premises. To the extent that an Owner does not provide access pursuant to Section 501, the owner shall not be provided septic maintenance services and the District shall have no responsibility for replacing, maintaining and repairing said septic system. The Inspector (or its agents) shall provide the property owner with reasonable advance notice prior to entering or inspecting the property.

Section 502 - Inspection of Existing Septic Systems

On a periodic basis established by the Town Board, the Inspector (or its authorized agent) shall inspect the Existing Septic Systems within the District to determine the status of each Septic System. The following categories shall represent each Septic System:

- (1) In failure;
- (2) Not in failure, requires monitoring; and
- (3) Functioning system.

The District shall develop a plan, schedule and design for those Septic Systems that need to be repaired and/or replaced. Except for New User and/or expansion of Existing Septic System or except as otherwise provided for herein, the cost of repairing and/or replacing any Septic System shall be paid by the District through the Fund provided adequate funds remain within the Fund.

Section 503 - Operation and Maintenance of Septic Systems

The District shall be responsible for the operation and maintenance of the Existing Septic Systems (commencing at the septic tank) located within the District. The District, with its consultant's assistance, will develop a maintenance schedule for the Existing Septic Systems. The maintenance schedule shall provide for each conventional septic system to be inspected on a regular basis (e.g., three years) and each septic tank pumped out on a regular basis (e.g., every three years) as deemed prudent and

necessary by the Board. Alternative septic systems (advanced or mechanical systems) may be inspected more frequently (e.g., one year) as deemed prudent and necessary by the Board. The cost of the inspections and pumping will be paid by the District through the Fund. Notwithstanding the foregoing, the District's obligation to operate and maintain Septic Systems under this section is limited to Septic Systems that are used to treat Domestic Wastes.

Section 504 - Repair and/or Replacement of Septic Systems

The District is not responsible for any damage and/or maintenance to the lateral and/or plumbing. The District is not responsible for the repair and/or replacement of a septic system if the repair and/or replacement was caused, in substantial part, by the failure of the property owner (or occupant) to comply with the terms and conditions of the Sewer Use Law and/or the intentional malfeasance of the Owner and/or occupant. In the event that the Inspector determines that the User is responsible for the cost of repairing or replacing the Septic System, the User may contest the Inspector's determination by submitting a petition to the Town Board within thirty (30) days of receipt of the Inspector's determination. The Town Board, in its discretion, may conduct a public hearing prior to making a determination. In all cases, the User shall have the right to appear at the Town Board meeting and/or hearing (if held) to present his /her case. The repair charge shall be due from the User within thirty (30) days from the mailing of the invoice and, if appealed to the Town Board, thirty (30) days from the Town Board's determination, whichever is later.

Section 505 - Liability of Property Owner

During the performance, on private premises, of inspections, sampling, or other similar operations, the Inspector (or his/her agents) shall observe all applicable and reasonable safety rules established by the owner of the premises. The owner shall be held harmless for personal injury or death of the Inspector (or his/her agents) and the loss of or damage to the District's or agent's supplies and/or equipment; and the District shall indemnify the owner against such loss or damage except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

Section 506 - Liability of District

The District's responsibility is to maintain, repair and/or, if necessary, replace Existing Septic Systems within the District. The District's obligation to maintain, repair and replace Existing Septic Systems is contingent upon the available funds within the Fund. In the fall of each year, the District will prepare a budget and a schedule for repairs, maintenance, inspections and replacements to be made in the upcoming calendar year. As a condition of the District providing sewer maintenance services, under no circumstances will the District be responsible for consequential damages or indirect damages for failure to repair, replace or maintain a septic system and/or the improper repair, replacement or maintenance of a septic system. As a condition to the District providing such service to a property owner, the property owner, by providing property access, is deemed to consent to the conditions set forth herein. Under no circumstances is the District responsible for damages (property or bodily) arising from contamination of soils, groundwater, surface water or air (including any remedial costs) arising from its obligations hereunder or its failure to timely implement corrective action hereunder.

**ARTICLE 6
DISCHARGE RESTRICTIONS**

Section 601	Inflow/Infiltration Prohibited
Section 602	New Inflow Sources Prohibited
Section 603	Existing Inflow Sources Disconnected
Section 604	Existing Inflow Sources Disconnected When Property Sold
Section 605	No Reconnection of Inflow Source Allowed
Section 606	General Prohibitions
Section 607	Garbage Disposals
Section 608	Access to User's Records
Section 609	Grease, Oil, and Sand Interceptors

Section 601 - Inflow Prohibited

No person shall discharge or cause to be discharged any stormwater, cooling water or Industrial wastes to any Existing Septic System. Swimming pool drains shall not be connected to any Septic System.

Section 602 - New Inflow Sources Prohibited

No connections shall be made to an Existing Septic System which connections are intended to discharge inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, swimming pool drains, uncontaminated cooling water discharges, or other sources of inflow.

Section 603 - Existing Inflow Sources Disconnected

Any connections which contribute inflow to an Existing Septic System must be disconnected by the property owner in a fashion approved by the Inspector within thirty (30) days of notification.

Section 604 - Existing Inflow Sources Disconnected When Property Sold

If requested by the Town Board, the Tax Assessor shall notify the Inspector of property sales. Within thirty (30) days of receiving such notice, the Inspector shall inspect any newly sold property for the purpose of determining if storm sewers or natural drainage is available, and, if so, if all connections which contribute inflow have been disconnected to the septic system. Any violations noted during inspection shall be corrected within thirty (30) days.

Section 605 - No Reconnection of Inflow Source Allowed

It shall be a willful violation of this Law for any person to reconnect any inflow source which has been disconnected pursuant to this Article.

Section 606 - General Prohibitions

No User shall contribute or cause to contribute, directly or indirectly, any Toxic Substance which will interfere with the operation or performance of any Existing Septic System or cause groundwater, surface water or soil contamination.

Without limiting the generality of the foregoing, a User may only discharge Domestic Wastes to a Septic System. The discharge of Industrial Wastes to a Septic System shall be prohibited unless such waste is pre-treated so that it is consistent with the characteristics of Domestic Waste, as defined in this local law, prior to the septic system.

Section 607 - Garbage Disposals

All Users shall be prohibited from using garbage disposals. If an Existing User has a garbage disposal installed on or before the effective date of this Law, then the User shall have ninety (90) days from the effective date of this Law to remove said garbage disposal.

Section 608 - Access to User's Records

The Inspector shall have the authority to copy any record related to wastewater discharges to a Septic System.

Section 609 - Grease, Oil, and Sand Interceptors

Grease, oil, and sand interceptors shall be provided at the Owner's expense, when, in the opinion of the Inspector, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. Grease Traps shall be required for all food service and restaurant establishments.

All interceptors shall be of a design consistent with any standards established by NYSDEC or NYSDOH and shall be of a type and capacity approved by the Inspector, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

**ARTICLE 7
RESERVED**

**ARTICLE 8
RESERVED**

**ARTICLE 9
ENFORCEMENT AND PENALTIES**

ADMINISTRATIVE REMEDIES

Section 901	Notification of Violation
Section 902	Consent Orders
Section 903	Administrative or Compliance Orders
Section 904	Administrative Fines
Section 905	Cease and Desist Orders
Section 906	Show Cause Hearing
Section 907	Failure of User to Petition the Inspector
Section 908	Notice
Section 909	Right to Choose Multiple Remedies

JUDICIAL REMEDIES

Section 910	Civil Actions for Penalties
Section 911	Court Orders
Section 912	Criminal Penalties
Section 913	Injunctive Relief
Section 914	Summary Abatement

MISCELLANEOUS

Section 915	Delinquent Fines, Penalties and Service Charges
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ADMINISTRATIVE REMEDIES

Section 901 - Notification of Violation

Whenever the Inspector, finds that any User has violated or is violating this Law, order, prohibition, limitation, or requirement permitted by this Law, the Inspector may serve upon such person a written notice stating the nature of the violation. Within thirty (30) calendar days of the date the Inspector mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Inspector, by the User. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the User of liability for any violations caused by the User before or after receipt of the Notice of Violation.

Section 902 - Consent Orders

The Inspector, is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as an administrative order.

Section 903 - Administrative or Compliance Orders

When the Inspector, finds that a User has violated or continues to violate this Law or a permit or administrative order issued thereunder, he may issue by personal service or registered mail an administrative order to the User responsible for the discharge that orders one or more of the following: (i) imposes a penalty pursuant to Section 904; or (ii) imposes a cease and desist order pursuant to Section 905; or (iii) directing that, following a specified time period, septic system service from the District shall be discontinued, severed and abated in accordance with this Section unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of treatment technology, additional self-monitoring, and management practices.

The User may, within fifteen (15) calendar days of receipt of such order, petition the Inspector to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Inspector by registered mail. Within ten (10) calendar days of receipt of the petition, the Inspector shall issue a written decision either:

- (1) Rejecting any frivolous petitions, or
- (2) Modifying or suspending the order

Within fifteen (15) calendar days of receipt of the Inspector's decision, the User may seek a hearing pursuant to Section 906 hereof.

Section 904 - Administrative Fines

Notwithstanding any other section of this Law, any User who is found to have violated any provision of this Law or administrative order issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

Section 905 - Cease and Desist Orders

When the Inspector, finds that a User has violated or continues to violate this Law or any permit or administrative order issued hereunder, the Inspector may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting septic services.

Section 909 - Right to Choose Multiple Remedies

The Inspector shall have the right to utilize any one or more appropriate administrative remedies set forth in this Article. The Inspector may utilize more than one administrative remedy established pursuant to this Article. A hearing hereunder can combine more than one enforcement action.

JUDICIAL REMEDIES

Section 910 - Civil Actions For Penalties

In lieu of the administration enforcement action taken by the Inspector and/or to enforce an administrative order, the Town Attorney, upon approval by the Town Board, may commence a civil action against a User who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any administrative order or determination of the Inspector issued under this Law. In such action, such person shall be liable to the Town for a civil penalty not to exceed one thousand dollars (\$1,000) for each such violation, to be assessed after a hearing. Each violation shall be separate and distinct, and in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Town attorney, in any court of competent jurisdiction giving preference to courts local to the Town. In addition to the above described penalty, the Town may recover all damages incurred by the Town from any persons or Users who violate any provisions of this Law, or who fail to perform any duties imposed by this Law or any administrative order or determination of the Inspector issued under this Law. In addition to the above described damages, the Town may recover all reasonable attorney's fees incurred by the Town in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Town may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

In determining the amount of civil penalty, the court shall take into account all relative circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other relative factors as justice may require.

Such civil penalty may be released or compromised by the Inspector before the matter has been referred to the Town attorney, and where such matter has been referred to the Town attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Town attorney, with the consent of the Town Board.

Section 911 - Court Orders

In addition to the power to assess penalties as set forth in Section 911 above, the Court shall have the power, following the hearing, to issue an order Enjoining the violator from continuing the violation.

Section 906 - Show Cause Hearing

Within ten (10) days after receipt of the request of hearing, the Inspector shall serve a notice on the User specifying the time and place of a hearing to be held by the Town Board regarding the violation, a summary of the reasons why the action is to be taken and a summary of the evidence in support of the violation. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in accordance with Section 908 of this Article. Copies of such notice shall be provided to the property owner.

The Town Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Town to conduct the hearing who may then:

- (1) Issue, in the name of the Town Board, notices of hearings compelling the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings,
- (2) Take the evidence,
- (3) Take sworn testimony,
- (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Board for action thereon.

After the Town Board has reviewed the evidence and testimony, it may order the user to comply with the Inspector's order or fine, modify the Inspector's order or fine, or vacate the Inspector's order or fine.

Section 907 - Failure of User to Petition the Inspector

In the event the Inspector issues any administrative order, or makes any fine as set forth in this Article, and the User fails, within the designated period of time set forth, to petition the Inspector, as provided in appropriate sections of this Article or to seek a hearing, the User shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

Section 908 - Notice

The notices, orders, petitions, or other notification which the User or Inspector shall desire or be required to give pursuant to any sections of this Law shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the User pursuant to the sections of this Law shall be mailed to the User. Any notice, petition, or other communication mailed to the Inspector shall be addressed and mailed to the Town Hall of the Town.

Any such court order shall be sought in an action brought by the Town attorney, at the request of the Town Board, in the name of the Town, in any court of competent jurisdiction giving precedence to courts local to the Town.

Section 912 - Reserved

Section 913 - Injunctive Relief

Whenever a User has violated or continues to violate the provisions of this Law, the Town Attorney, as authorized by the Town Board, may petition a Court of competent jurisdiction, in the name of the Town, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the Inspector.

Section 914 - Summary Abatement

Notwithstanding any inconsistent provisions of this Law, whenever the Inspector finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Inspector, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to any Septic System, or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Inspector may, without prior hearing, order such User by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Inspector shall provide the User an opportunity for a hearing before the Town Board in accordance with Section 907.

If the User is not within the geographic boundaries of the Town the right of summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the inter-municipal agreement or Town-User agreement.

The Inspector, acting upon the belief that an emergency exists, shall be indemnified by the Town against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve any Septic System or the environment.

MISCELLANEOUS

Section 915 - Delinquent Fines, Penalties and Service Charges

If there shall be any fines, penalties, or other charges due to a violation of this Law, which are due to the District pursuant to any Article or Section of this Law, which shall remain due and unpaid, in whole or in part, for a period of thirty (30) calendar days from the date of billing by the Town, the same shall constitute a default and interest shall accrue on the unpaid balance, at the rate of two percent (2%) per month, retroactive to the date of the original billing.

In the event that there are any other service charges (including repair charges) which shall have been delinquent for a period of at least sixty (60) calendar days as of November 1 of any year, the Inspector shall report the names of the defaulting persons to the Town Supervisor, the Town Clerk, the Town Chief Assessor, and the Town Treasurer on or before November 1 of the same year. The Town Chief Assessor is hereby directed to add the entire amount of the service charge (including repair charge) which shall be in default, plus penalty and interest, as provided for in this Law, to the real property taxes due and owing to Town in the next succeeding year, and the Town Chief Assessor is directed to collect the same in the same manner as real property taxes due and owing to the Town are collected.

Where charges are delinquent and the violator is not a resident of the Town, or is located outside the geographical boundaries of the Town, then the Town attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the User is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and interest, as provided for in the Law, to the real property taxes due to the County in the next ensuing year.

ARTICLE 10
CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND APPLICABILITY

Section 1001	Severability
Section 1002	Effective Date

Section 1001 - Severability

Each provision of this Law is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this Law which shall nonetheless remain in full force and effect.

Section 1002 - Effective Date

This law shall take effect thirty (30) days after its adoption.