

LOCAL LAW # 1-2011 OF THE TOWN OF CORTLANDT

"MAINTENANCE OF INDIVIDUAL SUBSURFACE  
SEWAGE DISPOSAL SYSTEMS"

**Article I. General Provisions**

**Section I Statement of Purpose**

This chapter's purpose is described as follows:

- A. For compliance purposes with Municipal Separate Sewage System (MS4) NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit No. GP-0-10-002.
- B. To protect from further degradation those waterbodies located in the "New York City East of Hudson Watershed" by the New York State Department of Environmental Conservation (NYSDEC), by reducing phosphorus loading in the East of Hudson Watershed through the required periodic pumpout and visual inspection of all individual subsurface sewage disposal systems (SSDS) located on properties which are located within the New York City East of Hudson Watershed.
- C. The maintenance of septic systems on a regular basis will benefit residents by establishing a record of maintenance performed on each septic system. The maintenance will tend to provide a septic system that remains adequately functional for a longer period of time as opposed to a septic system with no maintenance.
- D. To identify failing septic systems, or the prevention thereof before they become a significant threat to the public health and/or the environment.
- E. This Chapter in no means is to replace the regulatory requirements of the Westchester County Department of Health and/or the Westchester County Sanitary Code.

**Section II Definitions and Acronyms**

- A. As used herein, the following terms shall have the following meanings:
  - 1. "Facility" All buildings, other structures, grounds and contiguous property at any locations related to or connected with a user at the user's location.
  - 2. "Individual Subsurface Sewage Disposal System" – means a system of piping, tanks or other subsurface facilities serving any premises or having a flow rate of less than one thousand (1,000) gallons per day. The system generally includes a septic tank and absorption fields but may also include any system permitted under the Westchester County Sanitary Code and Part 75A of the New York State Sanitary Code.

3. "Industrial" Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.
4. "Lot" – a parcel of land bearing a tax grid designation on the Town of Cortlandt Tax Map. Said tax maps are prepared and maintained by the Westchester County Real Property Tax Service Agency. Said tax maps include all residential, commercial and industrial parcels.
5. "New York City East of Hudson Watershed" – A watershed serving as a public water supply for New York City. Its limits are generally shown on the map provided within Municipal Separate Storm Sewage System (MS4) NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit No. GP-0-10-002. The limits are more specifically provided on maps located in the Town of Cortlandt Planning and Building Departments.
6. "Owner" means any person who has legal or equitable title to a property or facility.
7. "Person" means any individual, public or Private Corporation, political entity, agency, municipality, industry, co-partnership, association, firm, trust, estate or other legal entity whatsoever.
8. "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, photographs 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.
9. "Septic Contractor" – A contractor registered with the NYSDEC to haul residential septage, a.k.a "Registered Waste Transporter".
10. "Septic System" – The common name for an individual subsurface sewage disposal system (SSDS), a.k.a. individual subsurface treatment system (SSTS).
11. "Septic Tank" is an underground receptacle (typically concrete) for wastewater from a residential or commercial property. The bacteria in the sewage decompose the organic wastes, and the sludge settles to the bottom of the tank. The effluent flows out of the tank into the ground through drains.
12. "State" - State of New York.
13. "Town" The Town of Cortlandt as incorporated in 1788.

B. As used herein, the following acronyms shall have the following meanings:

- 1) CEO – Code Enforcement Officer
- 2) CO – Certificate of Occupancy
- 3) EOH – New York City East of Hudson Watershed
- 4) WCDH – Westchester County Department of Health
- 5) MS4 – Municipal Separate Storm Sewage System
- 6) NYSDEC – New York State Department of Environmental Conservation
- 7) NYCDEP – New York City Department of Environmental Protection
- 8) SMO – Stormwater Management Officer/Director of Technical Services
- 9) SPDES – State Pollutant Discharge Elimination System
- 10) SSDS – Subsurface Sewage Disposal System

## **Article II. Specific Requirements**

### **Section III Required Maintenance**

- A. The owner of each lot located within the EOH watershed which contains one or more septic systems, shall have the system(s) pumped, cleaned and visually inspected by a “Registered Waste Transporter” in a manner sufficient to enable the “Registered Waste Transporter” to furnish the information as required in this Local Law.
- B. The septic system is required to be pumped, cleaned and visually inspected at least once every five (5) years.

### **Section IV Initial Implementation**

- A. Within sixty (60) days following the adoption of this Local Law, the Town shall identify each lot to which this law shall apply on the date of its adoption, and shall in writing notify the owner of each such lot by registered mail to include a copy of the “Town of Cortlandt SSDS Pumpout & Inspection Form”. Said inspection form will also be available at the Town of Cortlandt Town Hall upon request.
- B. To implement an orderly process the SMO will insure that all efforts are made to bring about compliance within three (3) years from the date hereof.

- C. Those lot owners now or hereafter subject to this Local Law, whose septic systems have been pumped within twenty-four (24) months prior to the date upon which this Local Law shall take effect in respect to said lots, shall be exempt from this Local Laws initial application to said lots. To qualify for said initial exception said lot owners must provide to the Town of Cortlandt SMO, within ninety (90) days following the date upon which this Local Law shall take effect in respect to said owners lot, a copy of a paid receipt (except tax lot grid number, which the owner may enter upon said receipt), which receipt shall confirm the pumpout of the septic tank of said owners septic system within the preceding twenty-four (24) month period.

#### **Section V Compliance Confirmation**

- A. Upon completion of a septic system pumpout and visual inspection performed by a "Registered Waste Transporter" each lot owner shall, within 30 days following said pumpout and visual inspection, provide the Town of Cortlandt SMO with a copy of a paid receipt and a completed "Westchester County SSDS Pumpout & Inspection Form" endorsed by said "Registered Waste Transporter". Said "Town of Cortlandt SSDS Pumpout & Inspection Form" shall contain the following:
- 1) The lot owners name; and
  - 2) The lot owners street address; and
  - 3) The lot owners tax grid I.D. number; and
  - 4) The pumpout and inspection date; and
  - 5) The approximate amount of gallons of septage pumped from the system; and
  - 6) A documented visual inspection of the inlet and outlet; and
  - 7) The structural integrity of the septic tank; and
  - 8) A documented visual inspection of the ground condition in the area of the absorption fields; and

- 9) Any other information or comments as provided on the "Town of Cortlandt SSDS Pumpout & Inspection Form". Said Inspection form may be revised by action of the Town of Cortlandt Town Board at their discretion.
- B. Duplicate copies of the receipts and "Westchester County SSDS Pumpout & Inspection Form" as specified above shall be retained by the lot owner for a period of five (5) years, and a copy shall be provided to the Town of Cortlandt SMO or CEO upon request.
- C. Duplicate copies should be reviewed by the Town of Cortlandt CEO.
- D. No departmental search by the building department or DES will be issued unless the subject premises has had its septic pumped and inspected at the time of the request or within the mandatory five (5) year period.

### **Article III. Enforcement**

#### **Section VI Septic System Failure**

- A. If a pumpout and visual inspection concludes that the septic system is "unsatisfactory", and therefore cannot meet the requirements of Section 19.7 of the Westchester County Sanitary Code, upon notification by the Town of Cortlandt SMO or CEO, then the owner shall meet the requirements of Section 19.8 of the Westchester County Sanitary Code by causing an investigation of the septic system failure to be undertaken with the cooperation of the WCDH within sixty (60) days of the date of the notification. Evidence of said investigation in the form of a letter from a contractor or a New York State licensed Professional Engineer (P.E) must be submitted to the Town of Cortlandt SMO.
- B. If the Town of Cortlandt finds that no investigation has begun if the septic system is deemed "unsatisfactory", the Town of Cortlandt SMO will further notify the WCDH that a failing septic system condition may exist and request that the WCDH perform an investigation for possible further action as specified in the Westchester County Sanitary Code.
- C. If the Town of Cortlandt finds that an investigation has begun and has been completed in accordance with the above, and remediation or repair of said SSDS is recommended, said lot owner shall commence remediation or repair of said SSDS within sixty (60) days, proof of which shall be provided to the Town of Cortlandt SMO. If the Town of

Cortlandt finds that no remediation or repair has begun, the Town of Cortlandt SMO will further notify the WCDH that a failing septic system condition may exist and request that the WCDH perform an investigation for possible further action as specified in the Westchester County Sanitary Code.

## **Section VII Penalties**

- A. Failure to timely perform the inspection and maintenance required by this law.
- B. Failure to timely submit evidence of timely inspection and maintenance as required by this law.
- C. Failure to timely notify WCDOH and/or to request an investigation by WCDOH when the results of an inspection indicate that the requirements of the Westchester Sanitary Code cannot be met by the septic systems.
- D. In addition to, or as an alternative to, any penalty provided herein or by law, any person who violates the provisions of this law shall be guilty of a violation punishable by a fine not exceeding \$100 annually; for conviction of a first offense; for conviction of a second offense; a fine not exceeding \$200 annually, for conviction of a third offense; a fine not exceeding \$300 annually; for a fourth offense; a fine not exceeding \$400 annually; for a fifth offense; a fine not exceeding \$500 which were committed within a period of five years, punishable by a fine not less than \$100 nor more than \$1,500.00. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each year's continued violation shall constitute a separate additional violation.

## **Section VIII Excluded Properties**

- A. If only a portion of a lot is located within the EOH watershed, then the owner of the lot may be exempted from this regulation if the existing SSDS is located outside the EOH watershed. If an "as-built" plan of the SSDS exists, said plan shall be provided to the Town of Cortlandt SMO for a determination. If no "as-built" plan of the SSDS exists, the owner of the lot shall contact the Town of Cortlandt SMO to conduct an investigation for a determination if said SSDS is located within, or outside of the EOH watershed.

- B. A letter for exemption from this regulation must be submitted to the Town of Cortlandt SMO. If an owner receives notice that their property must have an inspection performed and the owner feels that the notice is in error, the owner may submit information to the SMO to show that no Septic Systems is present.
- C. The Town of Cortlandt SMO will prepare a written acknowledgement that the location of the SSDS on the lot is exempted from this regulation.

### **Section IX New Septic Systems**

- A. If a septic is installed on a lot, the system must be maintained as describe in this Chapter at least once within 5-years from the date that the WCDOH issue a permit to discharge in compliance with the requirements of this Chapter.
- B. The CEO shall provide copies of Certificate of Occupancy (CO's) for all new septic systems located in the New York City East of Hudson Watershed (EOH) to the Town of Cortlandt Environmental Department.

### **Section X Severability**

- A. Should any portion of this Chapter be declared illegal, the remaining portion shall remain in full force and effect and be enforceable as such.