

## Local Law Filing

(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.

County

Village

of

Eaton

Town

City

Local Law No. 2 of the year 2019.

A local law

to amend Chapter 150 (Sewers) of the Code of the Town of Eaton.

(Insert Title)

Be it enacted by the Town Board of the

County

City

of

Eaton

Town

City

as follows:

**I. Legislative Findings and Purpose.** The Town Board of the Town of Eaton hereby finds that the proper construction and maintenance of private septic systems, which service all developed properties in the Town outside the Village of Morrisville, is of crucial importance to the health, safety and welfare of the Town's residents and the water quality and ecology of the lakes within the Town. The purpose of this legislation is to further promote the health, safety and general welfare of the community by ensuring, through the appropriate location, construction and use of properly designed facilities, that waste discharged from wastewater treatment systems does not contaminate any drinking water supply or lake or other surface body of water, is not accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water, and is not a nuisance resulting from odor or unsightly appearance, or otherwise a health hazard by being accessible to persons and domesticated animals or otherwise a danger to lake ecology by discharging undesirable nutrients that negatively impact water quality.

**II.** Section 150-13 of the Code of the Town of Eaton is hereby amended to read as follows:

**Section 150-13. Inspection of Existing Facilities.**

- A. The Sanitary Inspector, or his/her designee, shall have the authority to inspect existing sewage disposal facilities in accordance with Subsection C below to determine that they function properly.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

B. Property owners shall have the opportunity to use a design professional of their choice to perform the inspection using the Town of Eaton and New York State guidelines. Inspections shall be performed according to the provisions of this chapter.

C. Occasions which require a mandatory inspection are as follows:

- (1) Change in or expansion of use. The owner of the property shall arrange for such inspection before any change or expansion of use of the property which may increase the load on an existing on-site system. The owner of the property shall arrange for such inspection before the change or expansion of use is undertaken. Applications for a variance or special permit shall be reviewed by the Sanitary Inspector to determine whether the change represents an increased load prior to the applicant being granted approval by the Planning Board or the Zoning Board of Appeals as applicable.
- (2) Complaint of system deficiency. The Sanitary Inspector shall conduct an inspection upon receipt of a formal complaint or upon indication from reasonable evidence that the system is deficient (e.g., observed failure to groundwater or surface water, or otherwise creates a public nuisance).
- (3) Property Transfer Within the RD-2 Zoning District. Prior to any property sale or conveyance (transfer of title) of any developed property within the RD-2 (Residential District No. 2) zoning district, any existing on-site wastewater systems shall be inspected by an individual meeting the qualifications set forth in Appendix B appended to the end of this chapter, and a report of findings shall be provided to the Sanitary Inspector.
  - (a) The report shall consist of the OTN System Inspection Information Request and System inspection Findings Worksheet as set forth in Appendix A appended to the end of this chapter. For purposes of this provision, this report shall remain valid for three years from the date of inspection. Aerobic Tank ETV must be checked each year and a report sent to the Town of Eaton Codes Officer annually.
  - (b) In the event that weather conditions reasonably prevent an inspection and the submission of said report prior to sale or conveyance (transfer of title) of the property, the new owner must provide the report to the Sanitary Inspector within six (6) months of transfer of title, and in that event, the new owner shall be responsible for any upgrades necessary to obtain an approved wastewater system.
  - (c) Within seven days of any such sale or conveyance (transfer of title), the buyer/transferee of any such property shall send written notice to the Sanitary Inspector advising of the closing date of such sale or conveyance.
  - (d) These requirements of this paragraph (3) shall not apply to:
    - (i) A property transfer of vacant land; or
    - (ii) A property transfer of a parcel(s) which has had a new on-site wastewater system installed within 36 months prior to the date of transfer.

- (e) If, based upon the inspection report, the existing wastewater system is determined to be failing or does not otherwise meet the requirements of this chapter, a written notice of violation shall be issued to the property owner, and an approved wastewater treatment system permit must be obtained within six months of any transfer of title, property sale/conveyance for consideration. Properly functioning systems not otherwise in compliance with the requirements of this chapter may be permitted upon approval of a variance by the Zoning Board of Appeals.
- (4) If a lending institution requires a property owner to obtain a wastewater treatment system inspection and pumping of septic tank for a refinancing of a mortgage loan affecting the property, such report(s) shall be filed with the Sanitary Inspector and must be on the report format referenced in subparagraph (a) above.
- (5) Any noncompliance with the provisions of this section 150-13 shall constitute an offense which shall be deemed a violation. Each day of continuing violation shall constitute a separate and distinct offense and violation punishable by a fine not to exceed \$250 or fifteen (15) days imprisonment, or both such fine and imprisonment, for each day of violation.

**III.** Section 150-2 of the Code of the Town of Eaton is hereby amended to amend the definition of the term “SANITARY INSPECTOR” to read as follows:

SANITARY INSPECTOR – The Town of Eaton official responsible for enforcing this chapter, which shall be the Town of Eaton Code Enforcement Officer unless otherwise designated by resolution of the Town Board.

**IV.** Section 150-14 of the Code of the Town of Eaton is hereby amended to add a new subsection “C” to read as follows:

- C. Emergency repairs, meaning repairs designed to prevent or abate an existing or imminent threat to public health, safety or welfare caused or to be caused by on-site wastewater treatment system, may be performed without first obtaining a permit. If the repair would have otherwise required the issuance of a permit under the provisions of this chapter, the Sanitary Inspector shall be notified as soon as practicable after the repair has been completed, and a permit shall then be obtained. In no event shall an emergency repair include enlarging an absorption area or replacing or disconnecting a septic tank.

**V.** This local law shall take effect immediately upon filing with the Secretary of State.

**(Complete the certification in the paragraph that applies to the filing of this local law and  
Strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2019 of the  
(County)(City)(Town)(City) of Eaton was duly passed by the  
Town Board on April 9, 2019, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of  
the (County)(City)(Town)(City) of \_\_\_\_\_ was duly passed by the  
\_\_\_\_\_  
(Name of Legislative Body) on \_\_\_\_\_ 20\_\_, and was (approved)(not approved  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted  
(Elective Chief Executive Officer\*)  
on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the  
(County)(City)(Town)(City) of \_\_\_\_\_ was duly passed by the  
\_\_\_\_\_  
(Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, and was (approved) (not approved  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Elective Chief Executive Officer\*)  
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the  
affirmative vote of a majority of the qualified elector voting thereon at the (general)(special)(annual) election held on  
\_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the  
(County)(City)(Town)(City) of \_\_\_\_\_ was duly passed by the  
\_\_\_\_\_  
(Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, and was (approved) (not approved  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Elective Chief Executive Officer\*)  
Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of  
\_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

- Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or City, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on \_\_\_\_\_ 20\_\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to electors of the General Election of November \_\_\_\_\_ 20\_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in Paragraph 1, above.



Clerk of the county legislative body, City, Town or City Clerk or officer designated by local legislative body

(Seal)

Date: 4-9-2019

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, City Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF MADISON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Attorney for the Town  
Title

\_\_\_\_\_  
County  
Village

of Eaton

Town  
City

Date: 4-9-2019