

TOWN OF NORTH CASTLE
Local Law 2 For the Year 2011
(Adopted March 23, 2011)

Be It Enacted by the Town Board of the Town of North Castle as follows:

1. A new Chapter 163 to be entitled “Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems” is hereby added to the Town Code of the Town of Castle to read as follows:

Chapter 163. Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems

Section 163-1. Purpose and Intent.

To support the water quality guidelines negotiated with the NYS DEC and NYC DEP for stormwater runoff in an attempt to reduce the phosphorous and nitrogen loading in the Town’s stormwater and to further support the health, safety and welfare of the residents of the Town of North Castle, the Town of North Castle hereby finds it necessary 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, and which pass through, the Town of North Castle.

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-0-10-002 (“Permit”) for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) effective May 1, 2010 which require that the Town implement and enforce a program to ensure that separate sewage disposal systems/on-site 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 163-2. Definitions.

1. SEPARATE SEWAGE DISPOSAL SYSTEM/ONSITE 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 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, as defined in Section 873.721 of the Westchester County Sanitary Code, before subsurface discharge.

2. SEPTAGE COLLECTOR shall mean an individual or entity licensed by the Westchester County Commissioner of Health who engages in the performance of any one (1) 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/On-site 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 reporting by a Septage Collector that is licensed by the Westchester County Department of Health pursuant to Sections 873.722, 873.724 and 873.726 of the Westchester County Sanitary Code (see Appendix for complete sections).
5. APPEALS AUTHORITY shall mean the Building Inspector.

Section 163-3. Inspection requirements.

1. Beginning on May 1, 2011, the owner of any parcel located within the New York City Croton or Kensico Reservoir Watersheds and located within the Town of North Castle which relies upon a Separate Sewage Disposal System/On-site Wastewater Treatment System for the treatment or modification or ultimate disposal of water borne 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 record of such inspection as required by Section 873.724 of the Westchester County Sanitary Code, which will be provided to the owner by the Septage Collector, for a minimum of six (6) years.

Section 163-4. Waivers/Variance.

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 requirements 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 163-5. Enforcement and penalties.

Any owner of a parcel which is located in the Town of North Castle and is served by a Separate Sewage Disposal System/On-site Wastewater Treatment System that violates the provision 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 anticipated 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 not to exceed \$200.00 for each violation. Thereafter, beginning on the 31st day of the continuing violation, the owner shall be subject to a fine in the amount of \$200.00 for each fourteen (14) day period until the violation is remedied and can be verified in writing by the Building Inspector.

Section 163-6. Compliance with Other Laws.

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

Section 163-7. Severability.

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

2. This Local Law shall take effect immediately upon its adoption and filing in the office of the Secretary of State.