

SEWAGE DISPOSAL SYSTEMS, IND.

Chapter 106

SEWAGE DISPOSAL SYSTEMS, INDIVIDUAL

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[HISTORY: Adopted by the Town Board of the Town of Vernon 2-6-78. Section 106-3C added and § 106-9 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 64.
Flood damage prevention — See Ch. 68.
Subdivision of land — See Ch. 114.
Zoning — See Ch. 139.

§ 106-1. Purpose.

- A. Pursuant to Article 9, § 130, Paragraph 2, of the Town Law of the State of New York, the Town Board of the Town of Vernon does hereby make and publish the following rules and regulations for the purpose of protecting the public health, safety and well-being.
- B. The purpose of these regulations shall be to protect the health and safety of the residents of the Town of Vernon by regulating sewage disposal systems to ensure that:
- (1) Drinking water supplies will not be contaminated.
 - (2) A breeding place for insects, rodents and other possible carriers which may come into contact with food and drinking water will not be created.
 - (3) A health hazard will not be created as the result of sewage exposed on the surface of the ground.
 - (4) Waters of any recreational area will not be polluted.
 - (5) A nuisance resulting in obnoxious odors and unsightliness will not be caused.

§ 106-2. Construal of provisions.

Nothing contained in these regulations shall be construed to require removal of any sewage disposal system that has operated effectively although said system may not meet the criteria established in these regulations.

§ 106-3. Applications to be filed.

- A. No installation of any septic tank, tile field, leaching pit, chemical toilet, privy, pipe or other means for the disposal or discharge of sewage or sink wastes shall be commenced, nor shall the construction or erection of any structure intended for human occupancy be commenced, until an application duly filled out in triplicate by the applicant on forms supplied by the Town Clerk and drawings showing the intended location of the disposal system proposed to be used in connection with

such structure shall have been filed in the Town Clerk's office and approved in the manner hereinafter prescribed.

- B. After a written complaint has been received in accordance with this chapter, no installation, alteration or extension of any septic tank, tile field, leaching pit, chemical toilet, privy, pipe or other means for the disposal or discharge of sewage or sink wastes shall be commenced, nor shall the construction or erection of any structure intended for human occupancy be commenced, until an application duly filled out in triplicate by the applicant on forms supplied by the Town Clerk and drawings showing the intended location of the disposal system proposed to be used in connection with such structure shall have been filed in the Town Clerk's office and approved in the manner hereinafter prescribed.
- C. The required drawings shall conform to the requirements promulgated by the Codes Enforcement Officer. [Added 12-6-1993 by L.L. No. 1-1993]

§ 106-4. State and county approvals.

These regulations in no way waive the requirement of the applicant to seek approval from the Oneida County Department of Health or the New York State Department of Environmental Conservation for the sewage discharges or sewage systems requiring appropriate state or county review and approval.

§ 106-5. Application fee. [Amended 10-7-2002]

A fee of \$25 shall be paid to the Town Clerk simultaneously with the filing of the application, which fee shall be the property of the Town.

§ 106-6. Codes Enforcement Officer.

- A. The Town Board shall appoint a competent Codes Enforcement Officer, who shall be responsible to the Town Board for the performance of the duties hereinafter mentioned and whose appointment shall be held at the pleasure of the Town Board.
- B. It shall be the duty of the Codes Enforcement Officer:
- (1) To receive applications filed with the Town Clerk.
 - (2) To promptly investigate before, during and after installation any proposed disposal devices indicated in said applications.
 - (3) To see that the provisions of this chapter are observed.
 - (4) To issue to the applicant a certificate of approval permitting the use of such installations that conform to the provisions of this chapter.
- C. No such installation shall be covered until it has been inspected and approved.
- D. The Town Clerk shall forward two copies of the application to the Codes Enforcement Officer. One copy of the application shall be returned to the Town Clerk with a duplicate of the certificate of approval issued by the inspector in case such certificate of approval is issued, or with the reason for declining to issue a certificate of approval in case one is not issued. The third copy of the application shall be given to the applicant with the certificate of approval or with the reason for declining to issue the same.

§ 106-7. Filing of complaints; alteration or reconstruction.

The Town Health Officer or the Health Officer of the Consolidated Board of Health, or, in the absence of a Town Health Officer, the Codes Enforcement Officer, shall, upon a

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written complaint, notify the owner of said premises in writing of such fact, and a copy of such notice shall be sent to the Town Clerk. Upon receipt of such notice it shall be the duty of the owner, within 10 days, to make application to the Town Clerk for a permit to reconstruct or alter such disposal system, and to complete such reconstruction or alteration within 60 days after approval of the application. Unless such reconstruction or alteration as is required shall have been completed within the said 60 days, weather permitting, it shall be

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unlawful and improper to use the said premises for human occupancy until such reconstruction or alteration is completed and approved.

§ 106-8. Appeals.

If the Codes Enforcement Officer declines to approve any proposed installation, the applicant may appeal to the Town Board, whose approval or rejection shall be final and conclusive.

§ 106-9. Penalties for offenses.²

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine not exceeding two hundred fifty dollars (\$250.) for each offense or by imprisonment for a term not to exceed fifteen (15) days, or by both such fine and imprisonment.

§ 106-10. Regulations and standards.

- A. Soil and site appraisal. An investigation of subsoil conditions and a percolation test shall be made in conformance with the procedures described in the New York State Department of Health's Waste Treatment Handbook, Individual Household Systems, or in an amended and revised edition of the handbook. At least five (5) days before the percolation test is made, the applicant shall notify the Town Codes Enforcement Officer of the date and time of the percolation test so that the Codes Enforcement Officer can witness the percolation test and the deep hole test.
- B. Sewage flows. The design capacity of sewage systems shall be calculated as provided for in the Waste Treatment Handbook, Individual Household Systems. Discharge into the sewage system shall be limited to only wastes from plumbing fixtures. As required by the Waste Treatment Handbook, Individual Household Systems, salt wastes from water softeners and surface and subsurface water shall be excluded from the sewage disposal system.

² Editor's Note: Amended at time of adoption of code; see Ch. 1, General Provisions, Art. I.

- C. House sewer. The house sewer shall be designed and constructed in conformance with the requirements of the Waste Treatment Handbook, Individual Household Systems.
- D. Capacity and design of septic tank. The capacity, design and construction of a septic tank shall be in conformance with requirements of the Waste Treatment Handbook, Individual Household Systems.
- E. Distribution devices. The design and construction of the distribution devices shall be in conformance with the requirements of the Waste Treatment Handbook, Individual Household Systems.
- F. Tile field. The design and construction of the tile field shall be in conformance with the requirements of the Waste Treatment Handbook, Individual Household Systems.
- G. Maintenance of installations. The maintenance of septic tanks and disposal fields (tile or seepage pits) shall be in conformance with requirements of the Waste Treatment Handbook, Individual Household Systems.
- H. Alternative systems. In some cases existing sewage disposal systems that fail cannot be corrected in accordance with the prescribed practices aforementioned. In such cases either the applicant should contact the Oneida County Department of Health or the New York State Department of Environmental Conservation for assistance, or a licensed professional engineer, experienced in sewage disposal, should be retained to design and prepare plans for the system, or a suitable plan shall be submitted to the Town Board pursuant to the appeals procedure (see § 106-8).

§ 106-11. Amendments.

All amendments to these regulations shall be in accordance with the provisions of the Town Law applicable thereto.

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§ 106-12. Certificate of approval.

Upon compliance with this chapter, a certificate of approval will be issued.