

**TOWN OF BRISTOL
ONTARIO COUNTY, NEW YORK**

LOCAL LAW #1-2015

ON-SITE WASTEWATER TREATMENT LAW

TABLE OF CONTENTS

ARTICLE 1	INTRODUCTORY PROVISIONS
Section 101	Title
Section 102	Applicability
Section 103	Purpose
Section 104	Authority
ARTICLE 2	DEFINITIONS
Section 201	Words and Terms
ARTICLE 3	GENERAL REGULATIONS AND REQUIREMENTS
Section 301	Prohibitions
Section 302	Design Standards for Wastewater Treatment Systems-New
Section 303	Design Standards for Wastewater Treatment Systems-Existing
Section 304	Exemptions
Section 305	Site Limitations
Section 306	Maintenance and Protection
Section 307	State or Other Agency Approvals
Section 308	Use of Design Professionals
Section 309	Access
ARTICLE 4	REQUIREMENTS FOR NEW WASTEWATER TREATMENT SYSTEMS
Section 401	Application Material
Section 402	Administrative Review
Section 403	Inspection Certifications
Section 404	Fees
ARTICLE 5	REQUIREMENTS FOR EXISTING WASTEWATER TREATMENT SYSTEMS
Section 501	Circumstances Requiring Inspection of Existing Systems
Section 502	Inspection Procedure
Section 503	Report of Findings
ARTICLE 6	COMPLIANCE AND REPORTING
Section 601	Deficiencies and Corrections
ARTICLE 7	COMPLAINTS
Section 701	Notification
ARTICLE 8	ADMINISTRATIVE RELIEF
Section 801	Appeals

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**ARTICLE 1 Introductory
Provisions.**

Section 101. Title.

This local law shall be known as the "On-Site Individual Wastewater Treatment System Law of the Town of Bristol".

Section 102. Applicability.

This local law shall govern the treatment of sewage by regulating all on-site individual wastewater treatment systems (hereinafter referred to as a wastewater treatment system).

Section 103. Purpose.

The purpose of this local law is to promote the health, safety, and general welfare of the community, including the protection and preservation of the property of its inhabitants, by regulating wastewater treatment systems so that human sewage and other wastes are disposed of in a manner that will not create a health hazard, adversely affect the environment, create a nuisance, or impair the enjoyment or use of property.

Section 104. Authority.

Enactment of this local law is pursuant to *Article 2 of Municipal Home Rule Law, and Article 3 of the Public Health Law.*

ARTICLE 2. Definitions.

Section 201. Words and Terms.

In addition to the definitions contained in the current *New York State Public Health Law and Uniform Fire Prevention and Building Code*, which are incorporated herein by reference, the following words and terms shall be defined as follows:

1. Adequately Functioning shall mean a wastewater treatment system inspected pursuant to section 502 of this local law that is determined by the authority having jurisdiction as not posing a public health threat by virtue of above-ground seepage, or contamination of surface or ground water. For the purpose of this local law an "adequately functioning" system shall always include a watertight vessel.
2. Authority/Authorities Having Jurisdiction shall be the Code Enforcement Officer, Health Office, Town Board, Engineer, or other official(s) designated by a local municipality.
3. Change of Use shall mean a use of land with an associated building and wastewater treatment system that is modified so as to likely cause an increase in hydraulic loading (e.g., change from an existing commercial use to residential use; change of an existing residential use to commercial use; change of a commercial use to a different type of commercial use). A change of use shall include the removal and replacement of a manufactured or mobile home dwelling.

2. It shall be unlawful to change the use of real property, or expand a building or dwelling, including its use, by greater than fifty (50) percent, without an inspection of the wastewater treatment system by the authority having jurisdiction, pursuant to Section 501 and 502 of this local law.
3. It shall be unlawful to use or maintain any wastewater treatment system that is not adequately functioning.
4. It shall be unlawful to discharge anything but sewage into a wastewater treatment system. Surface and subsurface water including roof, cellar, foundation and storm drainage shall not be discharged into the wastewater treatment system and shall be disposed of so as to in no way affect the proper function of the system.

Section 302. Design Standards for Wastewater Treatment Systems - New Systems.

1. Individual Household Systems.

Any wastewater treatment system for new individual household construction shall be designed and built according to the requirements of this local law and the requirements, as they may from time to time be amended, of the current NYSDOH standards, whichever shall be the more demanding, for sewage disposal for individual household systems. Systems shall be designed, stamped and signed by a licensed design professional. Those design requirements are found in *Appendix 75-A of Part 75 of Title J 0 of the New York Code of Rules and Regulations (JONCYRR)*.

2. Intermediate-sized Sewerage Systems.

Any wastewater treatment system for new commercial or institutional construction, as well as cluster housing or other multi-home developments, shall be designed and built according to the requirements of this local law and the requirements, as may be from time to time be amended, or the NYSDEC standards for sewage disposal for intermediate-sized sewerage facilities. Those design requirements are found in current NYSDEC manual "*Design Standards for Wastewater Treatment Works Intermediate-sized Sewerage Facilities*"

Section 303. Design Standards for Wastewater Treatment Systems - Existing Systems.

1. Individual Household Systems.

Any installation, construction, alteration, replacement, enlargement, extension, repair, or other modification of an existing on-site individual household wastewater treatment system shall be designed and built according to the requirements of this local law and the requirements, as they may from time to time be amended, of the current NYSDOH standards, whichever shall be the most demanding, for sewage disposal for individual household systems. Systems shall be designed, stamped and signed by a licensed design professional. Those design requirements are found currently in *Appendix 75-A of Part 75 of Title J 0 of the New York Code of Rules and Regulations (JONCYRR)*.

2. Intermediate-sized Sewerage Systems.

Any installation, construction, alteration, replacement, enlargement, extension, repair, or other modifications of an existing intermediate-sized sewerage system, shall be designed and built according to the requirements of this local law and the requirements, as may be from time to time be amended, of the NYSDEC standards for sewage disposal for intermediate-sized sewerage facilities. Those design requirements are found in NYSDEC manual "*Design Standards for Wastewater Treatment Works Intermediate-sized Sewerage Facilities.*"

Section 308. Use of Design Professionals and Ontario County Soil and Water Conservation District.

1. The authority having jurisdiction shall require that the property owner retain the services of a design professional to conduct site and soil appraisals (percolation tests and deep holes) and to design and certify that the wastewater treatment system meets the requirements of this local law and the standards of applicable state laws.
2. The local governing body shall have the right to contract with Ontario County Soil and Water Conservation District through the Uniform Inspection Procedure Program for site and soil appraisals and inspections performed pursuant to Article 5 Section 501 of this chapter.
3. Wastewater treatment systems that are defined as an alternative system pursuant to *JO NYCRR Appendix 75-A* shall be certified by a design professional.

Section 309. Access.

1. The authority having jurisdiction shall be permitted by the property owner to make a physical inspection of the lands and premises for which a wastewater treatment system permit or inspection has been requested, in order to determine that all of the requirements of this local law have been complied with.
2. The authority having jurisdiction, upon complaint or show of cause, shall be permitted by the property owner to make a physical inspection of the lands and premises for which a wastewater treatment system is believed to be a cause or potential cause of pollution, or health hazard.

ARTICLE 4. Requirements for New Wastewater Treatment Systems.

Section 401. Application Material.

Application for wastewater treatment system permits shall be by the property owner or a duly authorized agent, accompanied by the appropriate fee, to the authority having jurisdiction, which shall include the following information:

1. The names, address and telephone number of the applicant;
2. Specific location of the property on which the wastewater treatment system is located or proposed, including the tax map number for said property;
3. A sketch plan on a tape location map or survey map of the premises on which the wastewater treatment system is located or proposed, showing the location of wells, springs and other sources of water supply, and the location of all watercourses on the premises. A copy of stamped and signed engineer drawing of new system shall also be provided.
4. Evidence to demonstrate that there is no public sewer available into which the sewage can be discharged or that it is impractical to discharge sewage into a community sewerage system;
5. Documentation of substantiating data relating to site conditions, percolation tests, deep hole data, and topography of land; and
6. The authority having jurisdiction may conduct such investigations, examinations, tests and site evaluations as it deems necessary to verify information contained in the application.

ARTICLE 5. Requirements for Existing Wastewater Treatment Systems.

Section 501. Circumstances Requiring Inspection of Existing Systems.

The authority having jurisdiction shall conduct an on-site inspection of an existing wastewater treatment system as follows:

1. Prior to a change of use. The owner of the property shall arrange for a wastewater treatment system inspection before any change of use is undertaken. The authority having jurisdiction shall determine whether the change represents an increased hydraulic loading to the system.
In instances where a site plan approval, special use permit or variance is required, the authority having jurisdiction shall incorporate the wastewater treatment system inspection report into the review process of the appropriate Planning Board, Zoning Board of Appeals or NYSDOS Board of Appeals;
2. Prior to a conveyance of real property. The owner of the property shall arrange for a wastewater treatment system inspection prior to the conveyance of real property. In addition, property owners may request a wastewater treatment inspection for real estate transactions or other certifications to lending institutions, purchase offer conditions of buyers of real property or other requests or investigations. Inspections are not required under this local law for property transfers in the town of Bristol for "as-is" transfers, last will and testament transfers or inheritance transfers.
3. Expansion greater than fifty (50) percent) – The owner of the property shall arrange for a wastewater treatment system inspection as an integral part of the building permit application process. The authority having jurisdiction shall determine whether expansion of the building or dwelling, including its use, represents an increased hydraulic loading to system;
4. At the request of the property owner.

Section 502. Inspection Procedure.

All existing on-site wastewater treatment systems requiring an inspection pursuant to this local law shall be performed by the authority having jurisdiction in accordance with the specifications established as follows:

1. The septic tank, inspection ports, distribution boxes, or other distribution devices shall be uncovered and accessible to the inspector. In the event any component of the system cannot be reasonably located, the inspector shall so note on the inspection report;
2. Sanitary disposal fields shall be staked out or otherwise identified by general area of location;

3. The remedy of a wastewater treatment system, which is not adequately functioning or determined to have been illegally installed, shall require the property owner to submit an application for a wastewater treatment permit in accordance with section 401 of this local law.
4. The applicant, property owner or duly authorized agent shall agree that all costs and expenses incurred by the Town in connection with any proceedings to correct, or remove a wastewater treatment system that is declared a health hazard by the Board of Health shall be assessed and levied against the land on which the system exists.

ARTICLE 7. Complaints.

Section 701.

Notification.

1. Complaints shall be made in writing, to the authority having jurisdiction with supporting information that a wastewater treatment system may be deficient (i.e., observed failure to ground water, surface water, or above-ground seepage, odor, or otherwise creating a public nuisance).
2. Upon receipt of a bonafide complaint or upon personal observation of said wastewater treatment system, the authority having jurisdiction shall notify the property owner and the inhabitants of said property in writing that an inspection pursuant to section 502 of this local law is required. A copy of such notice shall be sent to the Clerk of the local governing body.

ARTICLE 8. Administrative Relief.

Section 801. Appeals.

1. Appeals of any actions, omissions, decisions or ruling of the authority having jurisdiction shall be made to the Clerk of the local governing body and must be instituted within thirty (30) days of the act, omission, decision, or ruling from which relief is sought.
2. Within thirty (30) days of receipt of a written appeal of an action, omission, decision, or ruling of the authority having jurisdiction, the local governing body, convening at the Local Board of Health, shall give notice of a public hearing to be held on the appeal.
3. Within thirty (30) days of final adjournment of a public hearing, the local governing body shall affirm, modify or deny the action, decision or ruling of the authority having jurisdiction or correct any omission, approve, or approve with conditions or disapprove the appeal.