

**ADOPT NEGATIVE DECLARATION AND SEPTIC PUMPOUT LAW**

Presented by Councilman Cinque

**RESOLUTION # R 10-100**

**LOCAL LAW #2-2010  
SEPTIC PUMPOUT LAW**

**RESOLVED**, that the Town Board adopt the Negative Declaration in regard to adding a new Chapter 90 to the Town Code of the Town of Putnam Valley, titled "Septic Pumpout Law" and;

**BE IT FURTHER RESOLVED**, that the Town Board adopt Local Law #2-2010 adding a new Chapter 90 to the Town Code of the Town of Putnam Valley, titled "Septic Pumpout Law".

Seconded by Councilman Yetter

**LOCAL LAW #2-2010**

A Local Law adding a new Chapter 90 to the Town Code of the Town of Putnam Valley ("Town Code"), requiring all property owners whose properties are within the watershed of a 303(d)-impaired waterbody in the Town of Putnam Valley to pump their septic systems at least once every three (3) years.

**BE IT ENACTED** by the Town Board of the Town of Putnam Valley ("Town") as follows:

A new Chapter 90 is hereby added to the Town Code, reading as follows:

"Septic Tank Pumpout Law"

Statement of Purpose

- (1) This Chapter's purpose is to protect from further degradation those waterbodies in the Town of Putnam Valley designated as "303-d Impaired Waterbodies" by the New York State Department of Environmental Conservation ("DEC"), by reducing phosphorus-loading in said waterbodies through the required periodic pumpout and inspection of all septic systems located on properties which are within the watershed of said waterbodies.

Definitions

- (2) As used herein, the following terms shall have the following meanings:
  - a. "303-d" Impaired Waterbody"- a body of water listed as impaired under Section 303(d) of the Federal Clean Water Act
  - b. "Septic System" – a system for the collection, treatment and subsurface disposal of wastewater..
  - c. "Lot" – a parcel of land bearing a designation on the town of Putnam Valley Tax Map.

Required Pumpouts

- (3) The owner of each lot within the watershed of a 303-d impaired waterbody, and which lot contains one or more septic systems, shall cause said system(s) to be pumped, cleaned and inspected by a licensed septic contractor *(in a manner sufficient to enable the inspector to furnish the information required in Section 8 (d) hereof)* within the time periods specified in Paragraph "4" hereof, and at least once every three (3) years thereafter.
- (4) The obligation specified in Paragraph "3" hereof shall initially be fulfilled within the following time periods:
  - (a) in the case of waterbodies already designated as 303-d impaired;
    - (i) within 12 months following this Local Law's adoption in the case of all lots wholly or partly contiguous to the waterbody ("waterfront lots" hereafter);
    - (ii) within 24 months following this Local Law's adoption in the case of all non-waterfront lots lying, wholly or partly within 200 ft. from the waterfront;
    - (iii) within 36 months following this Local Law's adoption in the case of all other lots within the particular watershed .
  - (b) in the case of waterbodies designated as 303-d impaired following this Local Law adoption;
    - (i) within 12 months following the 303-d designation, in the case of all waterfront lots;

(ii) within 24 months following the 303-d designation, in the case of all non-waterfront lots lying, wholly or partly, within 200 ft. from the waterfront; and

(iii) within 36 months following the 303-d designation in the case of all other lots within the watershed.

Property Owner Notification

(5) Within sixty (60) days following this Local Law's adoption, the Town Board shall identify each lot to which this Law will apply on the date of its adoption, and shall in writing notify the owner of each such lot of this Law's adoption.

(6) If, as and when additional 303-d impaired waterbodies are identified and so designated by the DEC following this Local Law's adoption, the Town Board shall, within 60 days following such designation, in writing notify the owners of all lots within the watershed of said waterbody of this Local Law's requirements.

(7) The Town Board's failure to identify, or to timely identify, all lots to which this law applies, or shall hereafter apply, shall not exempt said lots from this Chapter's requirements, but shall suspend the application of this Chapter to said omitted lots (and toll the running of compliance time period(s)) until such time as the owners of said lots shall have received written notice of this Chapter's adoption.

Compliance Confirmation

- (8) Upon completion of a septic system pumpout and inspection each lot owner shall, within 30 days following such pumpout, provide the Town Code Enforcement Officer ("CEO" hereafter) with a paid receipt from the septic contractor, which receipt shall state:
  - a. The lot owner's name; and
  - b. The street address and tax map designation of the lot; and
  - c. The pumpout date; and
  - d. The contractor/inspector's report of any observed functional irregularities and/or deficiencies in the system, and his/her recommendations, if any, for additional maintenance and/or remediation.
- (9) Duplicate copies of the receipt(s) specified under (8) above shall be maintained on-site by the lot owner, and shall be exhibited to the Town Code Enforcement Officer upon request.
- (10) Those lot owners now or hereafter subject to this Local Law, whose septic systems have been pumped within 36 months prior to date upon which this Local Law shall take effect in respect to said lot(s), shall be exempt from this Local Law's initial application to said lots pursuant to Paragraph "4" hereof. To qualify for said initial exemption said Owner(s) must provide to the CEO, within 120 days following the date upon which this Local Law shall take effect in respect to said owner's

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not, a paid receipt containing the information specified in Section (8) hereof (except tax lot number, which the owner may enter upon the receipt), which receipt shall confirm the pumpout of said owner's septic system within the preceding 36 month period.

Penalties

- (11) Violations of the Chapter shall be deemed a violation under the New York State Penal Law, punishable for a first offense by a fine of up to \$500.00, imprisonment for up to 15 days, or both. For a second and any subsequent offense(s), a fine of up to \$1,500.00 may be imposed, imprisonment of up to 15 days, or both.

Severability

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

Effective Date

- (13) This Local Law shall take effect upon its filing with the New York State Department of State.

Dated: Putnam Valley, New York  
February 17, 2010

February 17, 2010

<b>ROLL CALL VOTE</b>	<b>FOR</b>	<b>AGAINST</b>
Councilwoman Annabi	YES	
Councilman Cinque		NAY
Councilman Yetter	YES	
Councilwoman Whetsel	YES	
Supervisor Tendy	YES	

Motion carried.

***OFFICE OF THE TOWN CLERK***

State of New York  
County of Putnam  
Town of Putnam Valley

ss.:

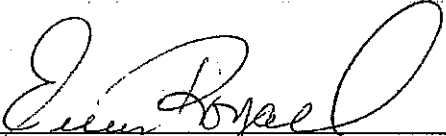
I have compared the preceding or annexed copies of the

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with the originals filed in this office and **DO HEREBY CERTIFY** the same to be correct transcripts there from and of the whole of such originals.

**IN TESTIMONY WHEREOF**, I have subscribed my name and affixed the seal of said  
Town this:

23rd Day of February 2010

  
Town Clerk, Town of Putnam Valley