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9-15-11, 1-12-12 Town Board Meeting**

**Town of Columbus
Local Law #2, 1993 (Revise) Sanitation Law**

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A Local Law Amending Local Law #2 for 1993 Entitled: Town of Columbus Sanitary Regulations.

Be it enacted by the Town Board of the Town of Columbus as follows:

ARTICLE I INTRODUCTORY PROVISIONS

SECTION 1.010 SHORT TITLE

This local law shall be known as the Town of Columbus Sanitary Regulations. The Town of Columbus is hereinafter referred to as the "town".

SECTION 1.020 APPLICABILITY

This local law shall govern the treatment of sewage and the design of all sewage treatment systems within the town except that this order shall not govern the design of installation of, or treatment of sewage by means of a community or public sewerage system.

SECTION 1.030 AUTHORITY

Enactment of this local law is pursuant to Article 16 of the Town Law, Article 3 of the Public Health Law, and Article 27 of the Executive Law of the State of New York.

SECTION 1.040 PURPOSE AND OBJECTIVES

The purpose of this local law is to promote the health, safety and general welfare of the community by insuring through the location, construction and use of properly designed facilities that sewage and other wastes are disposed of in a manner that will not create a health hazard, adversely affect the environment, or impair the enjoyment or use of property.

ARTICLE II GENERAL PROVISIONS SECTION

2.010 PROHIBITED ACTS

Except as otherwise provided in this local law:

A. It shall be unlawful for any person to construct, alter, repair, enlarge, or extend any facility or part of such facility intended or used for the discharge of sewage.

B. It shall be unlawful for any person to cause to be discharged within the town any sewage except by systems designed, installed, and approved in accordance with the requirements of this local law, except that holding tank sewage wastes shall be disposed of in a location and by a method designated by the Town Board provided that such location has received all required governmental approvals.

C. It shall be unlawful for any person to use or maintain any individual sewage treatment system that is unsafe, is a source of pollution to any of the surface waters of the state, permits the seepage of sewage to the ground surface, or interferes with the enjoyment or use of property.

SECTION 2.020 DEFINITIONS

"Application Rate" - the rate at which septic tank effluent is applied to a subsurface tile system or seepage pit, for design purposes, expressed in gallons per day per square foot.

"Baffle" - a flow deflecting device used in septic tanks to check or inhibit the velocity of a stream of flow or the discharge of floating and suspended solids. See Sanitary Tee definition.

"Building" - means a structure wholly or partially enclosed with exterior or party walls, and a roof, affording shelter to persons, animals or property.

"Building Drain" - means that part of the lowest piping of a drainage system which receives the discharge of soil, wastes, and other drainage pipes inside the walls of the building and conveys such discharges to the building sewer. The building drain extends to 3 feet outside the building wall.

"Building Sewer" - that part of the drainage system which extends from the end of the building drain and conveys its discharges to an individual sewage treatment system, public sewer, private sewer, or other approved point of treatment.

"Chemical Toilet" - lightweight, portable unit in which chemicals are used for odor control, emulsification and disinfection of the contents in the holding tank.

"Cleanout" - an opening providing access to sewage treatment (house sewer, septic tank, distribution box) which allows for cleaning or purging of materials and obstructions.

"Combined Sewer" - means a sewer receiving both surface runoff and sewage.

"Community Water Supply System" - means a public water system which serves at least five service connections used by year-round residences or regularly serves at least 25 year-round residents.

"Deep Hole Test" - a six foot deep hole is dug to determine the level of standing water and soil conditions below the leach field.

"Distribution Box or Device" - a device used to uniformly distribute sewage to the distribution lines.

"Emergency Repairs" - are repairs designed to prevent or abate an imminent threat to the public health, safety or welfare caused or about to be caused by an individual sewage treatment system.

"Existing Grade" - means the natural topography of land prior to construction activity.

"Fill System" - means any sewage treatment system involving more than a two foot depth of constructed earth fill above natural existing ground level, and designed according to

the provisions of Article III of this local law.

"Final Grade" - the elevation that ground will have at the conclusion of cutting, filling or other site work.

"Garbage" - means organic solid wastes from domestic and commercial preparation, cooking, or dispensing of food, or from the handling, storage and sale of produce.

"Grade" - the slope of a line of pipe, trench bottom, or ground surface in reference to a horizontal surface.

"Gravel" - means a mixture of mineral soil particles whose individual diameters range from 1 to 3 inches.

"Groundwater" - soil moisture occupying a zone of saturated soil which has a thickness of at least 6" for at least a two week period during the average water year.

"Impervious Material" - means material with a percolation rate of slower than sixty (60) minutes per inch.

"Individual Sewage Treatment System" - means a complete system of piping, tanks or other facilities for the on-site collection, transport and treatment of sewage, which is not connected to a community or public sewerage system.

"Industrial Wastes" - means any liquid, gaseous, solid, or waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from development or recovery of any natural resource.

"In Existence" - means with respect to individual sewage treatment systems that such structure has been substantially commenced or completed.

"Invert" - means the bottom-most point of an open conduit or the bottom-most point on the inside of a closed conduit.

"Leaching Facility" - means any structure that is designed to distribute effluent from a septic tank into the soil. See Seepage Pit or Tile Field definitions.

"Local Board of Health" - means the Town Board acting pursuant to its authority found in Article 3 of the Public Health Law.

"Major Alteration" - See Major Repair definition.

"Major Repair" - means any replacement or reconstruction affecting the design of the septic system or at least ½ of the leaching facility of an individual sewage treatment system.

"Mean High Water Mark" - means the average annual high water level.

"Minor Alteration" - See Minor Repair definition.

"Minor Repair" - is any remedial measure on an existing system not defined as a major repair, major alteration, or extension.

"Percolation" - the movement of water downward through the pores of a soil or other porous medium following infiltration through the soil surface.

"Percolation Test" - a standard procedure for testing soil permeability to determine the application rate for septic tank effluent.

"Permanent Building" - any structure that is constructed and attached to a permanent foundation at one location for 120 consecutive days.

"Person" - any individual or individuals, firm, partnership, association, corporation, company, or organization of any kind.

"Privy" - a building fixed to a vault or pit, equipped with seating to allow for excretion of human waste.

"Preexisting Individual Sewage Treatment System" - means any individual sewage treatment system that was lawfully in existence prior to effective date of this' local law.

"Sanitary Inspector" -means the designated official (Town Enforcement Officer or Chenango County Code Enforcement) appointed by the Town Board whose duty and authority is to administer and enforce the provisions of this local law.

"Sanitary Tee" - pipe fitting used in septic tanks to reduce flow velocities so as to enhance the settling of solids in the tank and prevent carry-over of solids. See Baffle definition.

"Seepage Pit" - a covered, underground pit with a permeable lining that permits the infiltration of septic tank effluent into the surrounding soil.

"Septic Tank" - large, watertight chambers which promote the growth of anaerobic bacteria for the biological decomposition of solids associated with domestic sewage.

"Sewage" - the combination of human and household waste with water which is discharged to the home plumbing system; the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

"Subsurface Absorption System" - means seepage pits or subsurface tile systems.

"Subsurface Tile System" - a network of open joint or perforated piping laid in gravel trenches for the purpose of distributing the effluent from an individual treatment service for absorption into the soil.

"Surface Water Body" any lake, pond, river, stream, intermittent stream or wetland.

"Toilet Wastes" - means human excretion and toilet flushing fluid.

"Treatment Field" -means that area to which sewage is distributed for infiltration to the soil.

"Treatment System Construction Permit" - means the permit required before construction of an on-site sewage treatment system.

"Treatment System Use Certificate" - means the certificate required before any portions of an on-site sewage treatment system are back-filled or covered.

ARTICLE III STANDARDS

(INDIVIDUAL SEWAGE TREATMENT SYSTEMS)

SECTION 3.010 COMPLIANCE

Individual sewage treatment systems shall comply with the applicable specifications and standards set forth in the most recent edition and all amendments thereto of *Waste Treatment Handbook Individual Household Systems, New York State Department of Health (IONYCRR Appendix 75-A) 1* and *Standards for Waste Treatment Works - Institutional and Commercial Sewage Facilities, New York State Department of Environmental Conservation*. Language such as "should" in these publications shall be considered mandatory ("shall") for the purposes of this ordinance. Systems shall also comply with the other standards of this article.

With reference to the 100 foot minimum setback distance required between water-bodies and a leaching facility, in no case shall any treatment field, seepage pit or other leaching facility be located closer than 100 feet from the mean high water mark of any lake, pond, or permanent or intermittent stream. Alternative systems, (e.g. evaporation – absorption system,) including fill systems, may be permitted by application to county Department of health or, if applicable, the Department of Environmental Conservation laws regulating Sanitary Waste Treatment.

SECTION 3.020 RELATIONSHIP OF THIS LAW TO OTHER LAWS AND REGULATIONS

This local law in no way affects the provisions or requirements of any other federal, state or local laws or applicable regulations. This local law shall be considered an initial procedure relative to other local laws and/or regulations. However, where it is determined to be in conflict with any other such law or regulation, the more restrictive shall apply. This includes but is not limited to New York State Fire Protections and Building Codes, New York State Sanitary Code, and the State Environmental Quality Review Act.

SECTION 3.030 GENERAL STANDARDS

A. Only sewage may be discharged into the individual sewage treatment system. Surface and subsurface water including roof, cellar, foundation and storm drainage shall be

excluded from such systems and shall be disposed of so they will in no way affect the system.

B. No component of a leaching facility shall be located under driveways, roads, parking areas of areas subject to heavy loading.

C. No individual sewage treatment system except a sanitary privy or system employing a holding tank as sole receptacle for sewage may be placed on a lot not served by a community water supply, if such lot is less than 30,000 square feet in size with a minimum dimension of 150 feet.

SECTION 3.040 FILL SYSTEMS

A. In those cases where tests for high groundwater determination and soil percolation indicate that the quality and depth of natural soil is inadequate for the installation of a subsurface tile or seepage pit system, a fill system may be utilized. Provided the following specifications are met:

- Fill systems require review and approval by the County Health Department and cannot be approved by the local sanitary inspector.
- Final approval of fill systems shall not be granted until the fill is in place and the system evaluated according to the administrative provisions of this ordinance.

B. The design and installation of a fill system shall comply with the following specifications:

- 1) There must be a least two feet of naturally occurring soil over a layer of impervious material.
- 2) The maximum allowable existing natural ground surface slope for built-up systems shall be ten percent.
- 3) When placing fill on top of existing grade, no organic debris, including leaves, roots, and other plant forms, shall be removed prior to the placement of the fill.
- 4) The soil used for fill shall be well graded loamy sand, or well graded loamy sandy gravels; and, should contain a maximum of twelve percent silts or clays containing no organic debris and sold solid object larger than three inches in diameter. The fill shall be allowed to stabilize naturally for at least 45 days before installation of the subsurface tile system.
- 5) Sufficient fill must be installed to ensure a minimum of two feet between any trench bottom and maximum high seasonal groundwater.
- 6) Only subsurface tile systems shall be used as the leaching facility in fill systems.
- 7) A channel or diversion system shall be placed about the fill system in the upslope direction and of sufficient length to divert surface and sheet water runoff around the fill system.

8) The top of fill over the leaching facility shall be crowned or sloped to allow natural surface runoff, and seeded.

9) Side slopes of fill shall be graded to a slope not steeper than one foot vertical to three foot horizontal.

10) The limits of the fill shall extend at least 20 feet beyond the area necessary for the subsurface tile system in all directions therefrom.

ARTICLE IV PREEXISTING SYSTEMS

SECTION 4.010 CONTINUATION OF PREEXISTING SYSTEMS

Subject to the provisions of this ordinance, the use or maintenance of a properly functioning preexisting individual sewage treatment system may be continued but it shall be unlawful to alter, enlarge, repair, or extend such systems except in conformity with the provisions herein. This article shall not be construed to permit any unsafe use or structure, or permit such structures or their use when such structure or use constitutes a threat to public health, safety, welfare or environmental quality; permits the seepage of sewage waters to ground surface; permits the discharge of sewage to a surface water body or interferes with the enjoyment or use of property.

SECTION 4.020 REPAIR, ALTERATION, ENLARGEMENT OR EXTENSION OF A SYSTEM

A. It shall be unlawful to repair, alter, enlarge or extend a preexisting individual sewage treatment system except that:

1) Minor repairs and minor alterations pursuant to the existing system may be undertaken without a permit.

2) Major repairs, extensions or major alterations may be undertaken pursuant to a treatment system construction permit.

B. It shall be unlawful to use any system that has been extended or undergone major repairs or major alterations unless a treatment system use permit is issued pursuant to Article V of this local law.

ARTICLE V ADMINISTRATIVE PROVISIONS

SECTION 5.010 SANITARY INSPECTOR

The Sanitary Inspector shall have the duty to administer and enforce the provisions of this ordinance. The Sanitary Inspector shall be appointed and may be removed by the Town Board. Persons adversely affected by an action, commission, decision or ruling by the Sanitary Inspector may appeal to the Town Board, which shall render a decision regarding the appeal only after holding a hearing on the matter pursuant to the terms of

this article.

SECTION 5.020 RECORD KEEPING

The original or a certified copy of all findings, decisions, permits, certificates or other rulings of the Sanitary Inspector or Town Board under this ordinance, shall be retained in the files of the Town Clerk as a permanent public record.

SECTION 5.030 ISSUANCE OF TREATMENT SYSTEM CONSTRUCTION PERMITS AND TREATMENT SYSTEM USE CERTIFICATES

A. TREATMENT SYSTEM CONSTRUCTION PERMITS:

1. It shall be unlawful for any person to construct, alter, repair, enlarge or extend an individual usage treatment system within the Town of Columbus unless a treatment system construction permit has been issued therefore, except that minor repairs and alterations or emergency repairs may be made without a permit.

2. Application for treatment system construction permits may be made only by the owner or lessee of the lot for which the system is proposed or his duly authorized agent or assign. Applications shall be in writing, signed by the applicant in such form as the Board shall determine. A fee as set by the Columbus Town Board shall accompany the application for a treatment system construction permit. Applications shall be submitted to the Sanitary Inspector and include such information as the Board and Sanitary Inspector and shall require including the following:

- a) The name and address of the applicant.
- b) Specific location of the property on which the construction, alteration, repair or extension is proposed, including the tax map number for said property.
- c) A plan of the proposed treatment system with substantiating data indication that the minimum standards set forth in this local law would be complied with.
- d) A sketch of the property showing the location of the proposed treatment system construction, alteration, repair, or extension and including delineation of the property lines and sources of water supply for the property and adjoining properties.
- e) Evidence to demonstrate to the satisfaction of the Sanitary Inspector that there is no public sewer available into which the sewage can be discharged from plumbing facilities on the proposed construction site, or that it is impracticable to discharge sewage from onsite plumbing facilities into a community sewage system.
- f) A percolation test and deep hole test are required for the site of a proposed leaching facility. The percolation rate shall be determined by the methods described in the State's Waste Treatment Handbook. The test shall be performed by the Sanitary Inspector or by another individual designated by the Town Board.
- g) Site data which might affect, or be affected by, the proposed system include but are not limited to specifications regarding soil type, topography, depth to seasonal high

groundwater, depth to impervious material, depth to bedrock and distance to surface bodies of water. The determination of depth to seasonal high groundwater should preferably be made in the months of March, April, May, June. If such determination is made at any other time, seasonal high groundwater shall be evaluated and certified by a qualified person approved by the Town Board. All determination shall be accompanied by a statement of the testing methods used as well as the basis for the determination. The Sanitary Inspector shall determine whether or not an application is complete.

3. The Sanitary Inspector shall have the authority to require certification or retesting to verify information submitted as part of the application.

4. The Sanitary Inspector may conduct such investigations, examinations, tests and site evaluations as he deems necessary to verify information contained in an application for a treatment system construction permit, and the applicant or owner of land on which the system is proposed shall grant the Sanitary Inspector or his agents permission to enter on his land for these purposes.

5. The Sanitary Inspector shall not issue a treatment system construction permit unless:

a) All pertinent site data has been submitted, verified and certified as required by this local law; all permit fees have been paid, and the Sanitary Inspector has determined that the alteration, repair or construction as propose in the application complies with all specification contained in this local law, or

b) The Sanitary Inspector is specifically ordered to issue a treatment system construction permit by the Town Board pursuant to Section 5.070 of this local law and all permit fees have been paid

6. The Sanitary Inspector may disapprove an application for a treatment system construction permit if he determines:

a) that the individual sewage treatment system, as proposed, will not conform to the requirements or specifications of this local law or an order of the Town Board.

b) that the applicant has failed to supply all data necessary to make a determination as to whether or not such individual sewage treatment system conforms to the requirements or specifications of this local law and has failed to supply such information for sixty (60) days after a written request for such additional information has been mailed.

c) the applicant has failed to pay all necessary fees and has failed to make cash payment for sixty (60) days after notice of such non-payment has been mailed.

7. The Sanitary inspector may by written notice order all further work stopped on any individual sewage treatment system which is being constructed or installed in violation of this local law.

B. TREATMENT SYSTEM OP17-RATING CERTIFICATES:

1. It shall be unlawful for any unauthorized person to cover with soil or other material or utilize any individual sewage treatment system unless a treatment system operating certificate has been issued therefore.

2. It shall be the duty of the holder of the treatment system construction permit to notify the Sanitary Inspector when the installation of the treatment system is ready for inspection. The inspection shall be made as soon thereafter as practicable by the Sanitary Inspector. The Sanitary Inspector may also make inspections during construction to insure that the system is being installed in accordance with the terms of the treatment system construction permit. Any part of any installation which has been covered prior to final approval shall be uncovered upon order of the Sanitary Inspector.

3. A treatment system operation certificate shall not be granted until the Sanitary Inspector has determined that the" individual sewage treatment system has been installed in compliance with the terms of the treatment system construction permit. The Sanitary Inspector may make such a determination only after he has made an on-site investigation of the system or received a certification from the individual designing and installing the system that the system conforms to the specifications as set forth in the application and this local law, or by an order of the Town Board pursuant to this article. The Sanitary Inspector may withhold a determination until after an on-site investigation has been completed notwithstanding that the system has been certified as properly installed and designed.

SECTION 5.040 FORM OF PETITIONS, APPLICATIONS AND APPEALS

Unless otherwise stated all petitions, applications and appeals provided for in this local law shall be made on forms prescribed by the Town Board. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

SECTION 5.041 VARIANCE

If it is impossible to comply with the requirements of this local law as set forth in Articles III and IV, due to the size of existing lot location of existing buildings or soil characteristics on written request from the owner a variance may be granted by the Town Board after review and comment by the New York State Department of Health or the Chenango County Public Health Director and the Sanitary Inspector, and after adjacent property owners are notified of the variance request and given the opportunity to submit comments relative to the proposal.

Requests for any waiver from the requirements of Part 75 of the State Sanitary Code (Individual Household Systems) requires review and approval from the County Health Department.

SECTION 5.042 AUTHORIZATION TO GRANT OR DENY ALTERNATIVE SYSTEM

Any proposal for an alternative system or a waiver from the requirements of Part 75 of the State Sanitary Code must be made to the County Health

Department. Any proposal for an alternative to the requirement of this local law shall be reviewed and commented upon by the New York State Department of Health or the Chenango County Public Health Director and authorized by the Town Board in accordance with standards and procedures set forth in this article. In approving such alternatives, the Town Board shall impose reasonable conditions, to protect the best interests of the surrounding property and to preserve the health, safety and general welfare of the Town.

SECTION 5.050 APPLICATION FEE

Application fee shall be paid to the Town of Columbus upon the submission of applications provided for by the terms of this local law. The schedule of fees and penalties will be available from the Town Clerk, and may be amended from time to time by the resolution of the Town Board.

SECTION 5:060 APPEALS FROM ACTIONS OF SANITARY INSPECTOR: NOTICE OF PUBLIC HEARING

A. Appeals of any actions, omissions, decisions or rulings of the Sanitary Inspector must be instituted within thirty (30) days of the act, omission, decision or ruling from which relief is sought.

B. Within fifteen (15) days of receipt of a completed application for appeal of an action, omission, decision, or ruling of the Sanitary Inspector the Town Board shall give notice of a public hearing to be held on the application.

C. Each notice of hearing upon an application for an appeal to the Town Board shall be published once in the official newspaper to the town at least ten (10) days prior to the date of the hearing. In addition at least fifteen (15) days prior to the date of the hearing, notices shall be mailed to the applicant each owner of record or the land involved in the application, the county and all owners of property adjoining the property for which the application is made, as may be determined by the latest tax assessment records of the Town of Columbus.

SECTION 5.070 HEARINGS AND DECISIONS ON APPEALS

A. Public hearings on appeals of actions of the Sanitary Inspector shall be held within thirty (30) days after the notice is mailed, as provided for in Section 5.060C above.

Any hearing may be recessed by the Board in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. No further notice of publication will be necessary.

All persons entitled to notice under Section 5.060 as well as any person showing he may be directly affected by a proposal, shall be full parties in interest, with standing to participate in any and all proceedings under this article. Within thirty (30) days of the final adjournment of a public hearing, the Board shall affirm, modify or deny the action,

decision or ruling of the Sanitary Inspector or correct any omission by him, approve, or approve with conditions or disapprove the application.

The decision of the Board shall be in writing and shall contain findings and the factual basis for each finding from the record of the hearing, which shall support the decision of the Board. The Board's discretion in considering an appeal under this article shall not extend to granting variances from this local law but shall rather be limited to reviewing the Sanitary Inspector's interpretation or application of the terms hereof.

Variances from the substantive requirements (e.g. septic tank sizes, setback distances, etc) remain under the jurisdiction of the New York State Department of Health (10NYCRR Part 75) - ~r the Chenango County Public Health Director.

B. As part of any decision, the Board shall direct the Sanitary Inspector to issue any appropriate permit in conformity with its ruling and shall state a time by which the permit shall be issued, in conformity with this local law.

SECTION 5.080 APPEAL FROM ACTION OF THE TOWN BOARD

An action, omission, decision or ruling of the Town Board pursuant to this local law may be reviewed at the instance of any aggrieved person in accordance with Article 78 of the Civil Practice Law and Rules, but application for such review must be made not later than sixty days from the effective date of the decision or ruling or the date when the action or omission occurred.

SECTION 5.090 SITE INSPECTIONS

A. In filing an application for a treatment system construction permit an applicant shall be deemed to have consented to the Sanitary Inspector and/or other person designated by the Town Board conducting examinations, tests, and other inspections of the treatment system site. Entrance upon the applicant's property shall be made only at reasonable times and with the advance notice to the applicant where possible.

B. The Sanitary Inspector or his designee may inspect any individual sewage treatment system built after this local law takes effect to insure that it is being maintained in proper working order. It shall be unlawful for the owner or occupant of the property to deny such official or his designee access to the property at reasonable times for the purpose of making such inspections. Where practical inspections shall be made only after reasonable notice to the owner or occupant. Where the Sanitary Inspector determines that a system is not being maintained in compliance with this local law or any permit issued hereunder, he may order that use of the system cease, and/or that defects be corrected, and/or misuse abated within a reasonable time. If the prescribed action is not taken within the time fixed by the Sanitary Inspector he may revoke the use permit for the system and/or refer the matter to the Town Board for appropriate corrective action.

Note: A waiver may be granted by the Town Board to extend the thirty (30) day time limit for corrections, due to circumstances beyond landowner control.

SECTION 5.100 RECORDING OR EXPIRATION OF PERMITS

Any permit issued pursuant to this local law shall expire within sixty (60) days from the date of issuance thereof unless within such sixty-day period such permit and plans shall have been filed and duly recorded by the applicant in the Town Clerk's Office. Extensions will be provided at the discretion of the construction permit issuing officer depending on circumstances, e.g. (weather, construction season) up to a period of one (1) year.

ARTICLE VI ENFORCEMENT

SECTION 6.010 PENALTY

Any person owning, controlling or managing any building, structure, land or premises therein or whereon there shall be placed on or there exists a structure or system in violation of this local law; and any person who shall commit or assist in the commission of any violation of this local law, or who shall build, erect, construct, or attempt the same to any structure contrary to the plans or specifications submitted to the authorized official and by him certified as complying with this local law; and any person who shall omit, neglect, or refuse to do any act required by this local law, shall be subject to a civil penalty according to the Town of Columbus schedule of fees and penalties. Corrections not made within 30 business days of the time of issuance of a citation for a violation hereof will constitute a second violation with an additional civil penalty according to the Town of Columbus schedule of fees and penalties. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agency or manager may be considered to be the person for the purpose of this article.

SECTION 6.020 ALTERNATIVE REMEDY

In case of any violation or threatened violation of any of the provisions of this local law, in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent unlawful construction, structural alteration, repair, reconstruction, moving and/or use, to restrain, correct or abate such violation to prevent the use of the individual sewage treatment system or to prevent any illegal act, conduct, business or use regarding such treatment system.

SECTION 6.030 MISREPRESENTATION

Any permit or approval granted under this local law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void. This section shall not be construed to affect the remedies available to the Town Board under Sections 6.010 and 6.020 of the Local Law.

ARTICLE VII MISCELLANEOUS PROVISIONS

SECTION 7.010 COMPLAINTS

Signed complaints and/or corrective directions by any person who resides in the Town of Columbus against any homeowner living in the Town of Columbus must be submitted in writing to the Town Board for consideration. The Town Board shall direct the Sanitary

Inspector to determine whether or not the existing facility on a property is adequate or does not function properly. In such cases the Sanitary Inspector shall notify the owner of said premises in writing that a complaint has been formally made and he has been authorized by the Town Board to inspect the sanitary system on such premises to determine whether the system is functioning properly. A copy of such notice shall be sent to the Town Clerk. Upon receipt of such notice, the described procedures for site inspections on premises shall be followed (Section 5.090 Site Inspections).

SECTION 7.015 NOTIFICATION

All correspondence and notices conveyed by US Mail must be sent by certified mail.

SECTION 7.020 INTERPRETATION

Where the conditions imposed by any provision of this local law are less restrictive than comparable conditions imposed by any other provisions of this local law, or of any other statute, ordinance, local law, order, rule, regulations, the provisions which are more restrictive shall govern.

SECTION 7.030 SEVERABILITY

The provisions of this local law are severable. If any article, section, subsection or provision shall be invalid, such invalidity shall apply only to the article, section, subsection or provisions adjudged invalid, and the rest of this local law shall remain valid and effective.

SECTION 7.040 SAVINGS CLAUSE

The adoption of this local law shall not affect or impair any act done, offense committed or right accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time this local law takes effect.

SECTION 7.050 EFFECTIVE DATE

This local law shall take effect and be in force ten (10) days after its passage, publication and filing as prescribed by Section 308 of the Public Health Law.

SECTION 7.060 REPEAL OF PRIOR INCONSISTENT LOCAL LAWS

All local laws or ordinances of the Town of Columbus, enacted prior to the effective date hereof, regulating or prescribing the activities, conduct and subject matter covered and addressed herein, are hereby repealed as of the effective date hereof.

Fees and Penalties Attachment: (to be added to schedule of fees and penalties upon law being enacted)

Fee:

Application Fee: **\$25.00 Amount to be determined by Town Board**

Violations: Any person, corporation, partnership or other legal entity that should violate any of the provisions of this local law or any conditions imposed by permit pursuant hereto, shall be chargeable with a violation as defined in Penal Law Section 10.00 (2) and, upon conviction thereof, be punishable by a fine not to exceed two hundred fifty dollars (\$250.00) and/or imprisonment not to exceed fifteen (15) days pursuant to the Penal Law of the State of New York.

A second violation will have an additional civil penalty of not more than \$500.00 and an additional daily civil penalty of \$25.00 per business day for each day the violation remains uncorrected thereafter.

Every such person shall be deemed guilty of a separate offense for each business day that such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agency or manager, may be considered to be the person for the purpose of this violation.