

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
City ofCaroga.....
Town
Village

Local Law No.1..... of the year 1989..

A local lawto provide for the regulation of holding tanks on private.....
(Insert title)
dwellings, requiring minimum standards governing the design, construction and installation of said tanks, requiring pumping of said tanks and proof of pumping filed with the Town Clerk and providing for penalties for violations.

Be it enacted by theTown Board..... of the
(Name of Legislative Body)

County
City ofCaroga..... as follows:
Town
Village

SECTION 1:

For the purpose of this Local Law a "Holding Tank" will be defined as any one-piece septic tank having no drainage holes and only one inlet hole that attaches to the building sewer. No person, firm, corporation or association shall install, modify, replace or operate a holding tank in the Town of Caroga for the purpose of sewage disposal after the effective date of this local law without first obtaining a permit from the Town Sanitary Inspector or other person designated by the Town Board.

SECTION 2:

Any person, firm, corporation or association wishing to obtain a permit for a new holding tank, or if replacing an existing tank after the effective date of this law, shall have to comply with all of the following standards:

A) Holding tanks shall be at least one thousand (1000) gallons in size where applicable unless in unique situation then size to be stated by Sanitary Inspector, and must be constructed of the following materials conforming to the designated standards: steel reinforced portland cement concrete, steel (underwriter's Laboratory UL70) or fiberglass (Canadian Standards Association - 41CP 18A 1971)

B) All joints of the holding tank shall be sealed with an approved material.

C) The top of holding tanks shall have at least one opening equipped with a removable cover. The opening shall be a minimum of sixteen (16) inches in least dimension. The opening shall be located at or above the ground surface.

D) Holding tanks should have a readily available measuring device.

E) A holding tank must be emptied by a licensed septic tanks and systems cleaning business at least once a year and/or when it becomes seventy-five (75%) full or accept on appeal to the Sanitary Inspector.

PROOF OF PUMPING MUST BE PRESENTED TO THE TOWN CLERK EACH AND EVERY TIME IT IS PUMPED AND NO LATER THAN AUGUST FIRST OF EACH YEAR.

SECTION #3

All owners of licensed septic tanks and systems cleaning businesses must purchase a license to pump holding tanks in the Town of Caroga. There will be a \$100.00 yearly license fee. The owners of the septic tanks and systems cleaning businesses must also notify the Town Clerk of the name of the owner of the holding tank and the date the holding tank was pumped. This will be so stated on the license when purchased.
(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION 4

Any person, firm, corporation or association who violates any provision of this Local Law shall, upon conviction, be punishable by a fine of not more than five hundred dollars (\$500.00) or be imprisoned for not more than thirty (30) days, or both; and for each day that the violation continues to exist, such violation shall constitute a separate and distinct violation. The Town Board may also maintain an action or proceeding in the name of the Town of Caroga in a court of competent jurisdiction to compel compliance with or to restrain or abate, by injunction or otherwise, the violation of this Local Law.

SECTION 5

Appeals from action of Sanitary Inspector:

- A. Appeals from any actions, omissions, decisions or rulings of the Sanitary Inspector must be instituted within fifteen (15) 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 of the Town at least ten (10) days prior to the date of the hearing.

In addition, at least five (5) days prior to the date of the hearing, notices shall be mailed to the applicant, each owner of record of the land involved in the application, the State Department of Health, the Adirondack Park Agency, and all owners of property adjoining the property for which the application is made.

D. The decision of the Town 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 to the requirements of this Local Law, but shall rather be limited to reviewing the Enforcement Officer's interpretation or application of the terms hereof.

E. As part of any decision, the Board shall direct the Sanitary Inspector to issue an 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 6

This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1989
of the County of Caroga was duly passed by Town Board of Caroga
City of Caroga (Name of Legislative Body)
Town of Caroga
Village of Caroga
on April 11 1989 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

~~2. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County of the City of was duly passed by
Town of (Name of Legislative Body)
Village of
on 19..... and was approved not disapproved by the
repassed after disapproval repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.~~

(Final adoption by referendum.)

~~3. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County of the City of was duly passed by the
Town of (Name of Legislative Body)
Village of
on 19..... and was approved not disapproved by the
repassed after disapproval repassed after disapproval Elective Chief Executive Officer
on 19..... Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.~~

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

~~4. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County of the City of was duly passed by the on
Town of (Name of Legislative Body)
Village of
..... 19..... and was approved not disapproved by the on
repassed after disapproval repassed after disapproval Elective Chief Executive Officer
..... 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on the 19 became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Alexander MacQueen
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer designated by Local Legislative Body

Date: 4-11-89

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF *Fulton*

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

.....
(Title of Officer)
County
City of

Dated: