

SANITARY CODE
TOWN OF CAROGA

ADOPTED: 1968

Revised: 1978

Revised: 1985

Revised: 1989

Revised: 2000

Revised: 2002

Revised: 2006

A LOCAL LAW TO PROVIDE FOR THE GENERAL PROHIBITION AGAINST DISCHARGE OF SEWAGE AND OTHER OFFENSIVE MATTER AND OTHERWISE POLLUTING THE LAKES LOCATED IN THE TOWN OF CAROGA, FULTON COUNTY, NEW YORK

BE IT ENACTED by the Town Board of the Town of Caroga, Fulton County, New York, as follows:

SECTION 1: No person or corporation shall cause or permit, throw, drain, run or otherwise discharge into any of the lakes in the Town of Caroga or their tributaries, any sewage matter or other foul, noxious or deleterious solid or liquid matter, organic or inorganic or effluent from any sewage disposal plant or otherwise of any matter that may be declared such by the Board of Health of the Town of Caroga, New York.

SECTION 2: That the Town Public Health Sanitarian or Inspector or such other person designated by the Town Board of the Town of Caroga is hereby authorized to make inspections and to do each and every other thing necessary to implement and enforce this act. It shall be the duty of the owner or occupant of any real property to give this official free access to such real property at reasonable times for the purpose of any such inspections as are necessary.

SECTION 3: Any person, firm, corporation or association who violates any provision of this act shall, upon conviction, be punishable by a fine of not more than two hundred and fifty dollars (\$250.00), 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 in

a Court of competent jurisdiction to compel compliance with or to restrain or abate by injunction or otherwise the violation of this act.

SECTION 4: This act shall take effect immediately.

LOCAL LAW NO. 1--1968

A LOCAL LAW TO PROVIDE FOR THE REGULATION OF SEWAGE DISPOSAL OR TREATMENT SYSTEMS FOR PRIVATE DWELLINGS, REQUIRING MINIMUM STANDARDS GOVERNING THE DESIGN, CONSTRUCTION AND INSTALLATION OF SEWAGE TREATMENT SOIL ABSORPTION SYSTEM AND TREATMENT PLANS AND OTHERWISE AUTHORIZING THE ISSUANCE OF PERMITS AND PROVIDING FOR PENALTIES FOR VIOLATION

SECTION 1: The requirements for sewage disposal systems contained in Part Three of Bulletin No. 1, published by the New York State Department of Health and entitled, "New York State Health Department Standards for Waste Treatment Works in Individual Household Systems", and as it is from time to time amended and modified, and is made a part hereof and applicable to the Town of Caroga, Fulton County, New York. These requirements shall be applicable only to private dwellings which are constructed after the effective date of this act, and to private dwellings existing on such date, the sewage disposal systems of which are altered or enlarged after such date.

SECTION 2: No person, firm, corporation or association shall construct, alter or enlarge or occupy a private dwelling within the Town of Caroga after the effective date of this act, unless he or it shall first obtain a permit from the Town Health Sanitarian or Inspector or other person designated by the governing body of the Town of Caroga. Such permit shall be issued upon approval by such official of a sewage disposal plan as being in compliance with the requirements of the aforementioned Bulletin No. 1. The permit will be valid, provided that the sewage disposal system is completed in accordance with the approved plan. The fee for such permit shall be ^{\$20.00}~~\$5.00~~.

SECTION 2: In cases where such dwellings are proposed to be and are constructed within the Town of Caroga, Fulton County, New York, the Town Public Health Sanitarian or Inspector, or other person designated by the governing body of the Town, may enlist the cooperation of the New York State Department of Health for the purpose of reviewing plans submitted in accordance with this act and for the inspection of installations made pursuant to such plans.

SECTION 4: That the Town Public Health Sanitarian or Inspector or such other person designated by the Town Board of the Town of Caroga is hereby authorized to make inspections and to do each and every other thing necessary to implement and enforce this act. It shall be the duty of the owner or occupant of any real property to give to this official free access to such real property at reasonable times for the purpose of any such inspections as are necessary.

SECTION 5: Any person, firm, corporation or association who violates any provision of this act shall, upon conviction, be punishable by a fine of not more than two-hundred fifty dollars (\$250.00), 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 act.

SECTION 6: The Sanitary Inspector may require owners of private buildings in the Town of Caroga to comply with Section 15-0314 of the Environmental Conservation Law, as amended.

SECTION 7: Appeals from Actions of Sanitary Inspector:

- 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 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 the New York State Department of Health's publication titled, "New York State Department of Health Standards for Waste Treatment Works in Individual Household Systems", as amended, 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 any appropriate permit in conformity with its ruling and shall state a time by which the permit shall be issued, in conformity with this ordinance.

SECTION 8: This act shall take effect immediately.

LOCAL LAW NO. 1 - 1978

A LOCAL LAW TO PROVIDE FOR THE PROHIBITION AGAINST DISCHARGE OF SEWAGE AND OTHER OFFENSIVE MATTER ON, OVER, IN AND ACROSS THE GROUND, SURFACE AND THE LANDS IN THE TOWN OF CAROGA, FULTON COUNTY, NEW YORK

BE IT ENACTED by the Town Board of the Town of Caroga, Fulton County, New York, as follows:

SECTION 1: No person or corporation shall cause or permit, throw, drain, run or otherwise discharge on, over, in and across the ground, surface and the lands, any sewage matter or other foul, noxious or deleterious solid or liquid matter, organic or inorganic, or effluent from any sewage disposal, septic tank or otherwise in any manner of any matter.

SECTION : That the Town Public Health Sanitarian or Inspector or other such other person designated by the Town Board of the Town of Caroga is hereby authorized to make inspections and to do each and every other thing necessary to implement and enforce this act. It shall be the duty of the owner or occupant of any real property to give to this official free access to such real property at reasonable times for the purpose of any such inspections as are necessary.

SECTION 3: Any person, firm, corporation or association who violates any provision of this act shall, upon conviction, be punishable by a fine of not more than two hundred fifty dollars (\$250.) 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 in a court of competent jurisdiction to compel compliance with

or to restrain or abate by injunction or otherwise the violation of this act.

SECTION 4: This act shall take effect immediately.

LOCAL LAW NO. 1--1978.

Received and Filed June 16, 1978

A LOCAL LAW TO PROVIDE FOR THE REGULATION OF HOLDING TANKS ON PRIVATE 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 VIOLATION.

BE IT ENACTED by the Town Board of the Town of Caroga, Fulton County, New York, as follows:

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.

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 percent (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 June first of each year.

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SECTION 3

All owners of septic tank and septic system cleaning businesses must purchase a license to pump holding and septic tanks in the Town of Caroga. There will be a \$100.00 yearly fee, with the license year running January 1st to December 31st of each year. The owners of the holding tanks and the systems cleaning businesses must also notify the Town Clerk of the name of the owner, the physical address of the holding tank and the date the holding tank was pumped. This will be so stated on the license when purchased. *(amended per Local Law #2-2002)*

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.

