

# TOWN OF OTEGO

  

# WATER SUPPLY AND SEPTIC DISPOSAL

Local Law #1 of 1975  
amended by Local Law No 4 of 1989

## Water Supply and Septic Disposal

### Article I. PURPOSES

Section 1. Purposes: For the purpose of promoting the health, safety and general welfare of the residents of the Town of Otego, it is hereby declared to be the policy of the Town of Otego to provide for the safe location of sources of potable water on lots of land so as to avoid pollution by sewage disposal. It is also the policy of said town and the purposes of this local law to avoid conflicts between adjacent property owners because of pollution of water supplies by disposal systems on adjoining lands.

### Article II. DEFINITIONS

Section 2. Definitions: Except where specifically defined herein:

- a. All words used in this law shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".
- b. Potable water supply: shall mean any source of water which is intended to be used as a drinkable water supply whether it be drilled well, driven well, dug well, spring, infiltration gallery, or cistern.
- c. Sewage: shall mean all liquid wastes, and shall further include human excrement in any form.
- d. Sewage disposal system: shall mean to include the complete system required for sewage disposal, including, but not limited to sewer pipe from building to septic tank, septic tank, lines to distribution box or seepage pit, subsurface disposal field, and all connecting pipes and fittings. It shall also include a privy when such system is used.
- e. Subsurface disposal field: Is that part of a sewage disposal system composed of perforated pipe or tiles so installed as to allow seepage from pipes to surrounding ground, sometimes, referred to as a drain field, tile field, or leach field.
- f. Seepage Pit: sometimes called a leaching cesspool or dry well; is a covered pit with open jointed or perforated lining through which septic tank effluent may seep or leach into the surrounding soil. It shall also be considered the receptor tank or pit of privy.
- g. Cesspool: a cesspool shall mean a covered pit with open jointed or perforated lining which is used as the primary receptor of liquid sewage in place of a septic tank.

- h. Premise: is a piece of real estate.
- i. Building Inspector: shall mean anyone who is designated by the Town Board to administer and enforce this Local Law.

### Article III. REGULATION

#### Section 3. Application of Regulations: except as hereinafter provided.

- a. No potable water supply shall be located nearer than 100 feet of any sewage disposal system subsurface disposal field or seepage pit whether on the same site or on adjacent lands.
- b. No sewage disposal system subsurface disposal field or seepage pit shall be located nearer than 100 feet of any potable water supply whether on the same site or on adjacent lands.
- c. No potable water supply shall be located nearer than 100 feet from property line of existing sewage disposal system subsurface disposal field or seepage pit on neighboring properties cannot be reasonably determined.
- d. No sewage disposal system subsurface disposal field or seepage pit shall be located nearer than 100 feet from property line if existing potable water supply on neighboring properties cannot be reasonably determined.
- e. No potable water supply shall be located nearer than 150 feet from an existing cesspool or nearer than 150 feet from property line if location of an existing cesspool on neighboring properties cannot be reasonably determined.
- f. No potable water supply shall be located nearer than 100 feet from a privy.
- g. No privy shall be located nearer than 100 feet of any potable water supply.
- h. No potable water supply shall be located nearer than 100 feet of any barnyard, silo, barn gutter, or animal pen, unless adequate measures are taken to prevent infiltration of surface water into the potable water supply.
- i. No barnyard, silo, barn gutter, or animal pen shall be located nearer than 100 feet of any potable water supply unless adequate measures are taken to prevent infiltration of surface water into the potable water supply.
- j. No potable water supply shall be located nearer that 50 feet of any sewage disposal system septic tank.
- k. No sewage disposal system septic tank shall be located nearer than 50 feet of any potable water supply.
- l. In no case, shall any potable water supply or any part of a sewage disposal system

be nearer than 20 feet from any neighboring lot line.

- m. No cesspool shall be approved for use in sewage disposal system unless it is used as a seepage pit for effluent from an approved septic tank, or unless it is being used with a privy.

Section 4. Other standards: Whenever the provisions of any other statute, local ordinance, regulation or State Health Department specification, shall govern.

#### Article IV. ADMINISTRATION

##### Section 5. Enforcement:

- a. This Local Law shall be enforced by the building inspector who shall be appointed by the Town Board. No permit or certificate of occupancy shall be issued by said building inspector unless he is satisfied that any potable water supply or sewage disposal system is to be located in accordance with the standards set forth in this Local Law.
- b. Nothing contained in this preceding section of this Local Law shall prevent the Town Board from maintaining an action or proceeding in the name of the Town in a court of competent jurisdiction to compel strict compliance with the provisions of this Local Law or restrain by injunction the violation of any of the provisions of this Local Law or any rule or regulation promulgated hereunder.

##### Section 6. Permits:

- a. Before any potable water supply or sewage disposal system shall be located anywhere in the Town of Otego, outside the Village of Otego, the owner, tenant, lessee, agent, user or developer of any premises shall obtain a permit to do so from the Town Building Inspector.
- b. No permit or certificate of occupancy shall be issued where proposed potable water or sewage disposal system would be in violation of any of the provisions of this ordinance.
- c. There shall be submitted with all applications for permits two copies of a layout or plot plan drawn to scale showing the general geographic location of the proposed lot to be developed and tile particular location proposed for any potable water and sewage disposal systems, the plan shall show the actual dimensions of the lot and the distance from all neighboring lot lines for the location of such water and sewage systems, and such other information as may be necessary to determine and provide for the enforcement of this Local Law.
- d. One copy of each layout or plot shall be returned when approved by the building inspector, together with such permit to the applicant within 10 days upon the payment of a fee of \$15.00.

Section 7. Certificate of Occupancy:

- a. No land shall be occupied or used and no building shall- be used or changed in use where potable water and/or sewage disposal facilities will be installed or altered until a certificate of occupancy shall have been issued by the building inspector, stating that tile proposed use thereof complies with the provisions of this Local Law.
- b. All certificates of occupancy shall be applied for coincident with the application for a permit. The applicant shall notify the building inspector ten (10) days prior to completion of the work and failure of the building inspector to inspect on the agreed upon date shall be considered approval. Said certificate shall be issued within ten days after the system shall be inspected and approved as complying with the provisions of this ordinance.
- c. The building inspector shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the premises affected.
- d. A temporary certificate of occupancy, for not more than 30 days may be issued by the building inspector where it is unreasonable to withhold occupancy and the building inspector receives reasonable assurance of compliance.

Section 8. Appeal:

The Town Board shall have the power to grant exception from the regulation of this Local Law as they deem appropriate and in accord with the following:

Upon a showing that there are special circumstances of conditions and as such they work a practical difficulty or unnecessary hardship in attempting a strict application of the provisions of this Local Law and that granting said exception is necessary for a reasonable use of said land.

Section 9. Violations and Penalties:

- a. For any and every violation of the provisions of this Local Law the owners, general agent, or contractor of a potable water or sewage disposal facility on premises, where such violations have been committed or shall exist, and the owner, contractor, lessee or tenant of any part of the premises in which part of said violation has been committed or shall exist, and the general agent, architect, engineer, surveyor, building contractor or any other person who knows, permits, takes part in or assists in any such violation or who main maintains any premises in which said violation shall exist, shall be guilty of an offense punishable by a fine of \$25.00 or imprisonment for a period not to exceed 30 days, or both.
- b. Each day that the said violation is permitted to continue shall constitute a separate additional violation. Such fines or penalties shall be collected or imposed as like fines are now by law collected and imposed.

## Article V. MISCELLANEOUS

Section 10. Separability:

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be illegal or void, then such clause, sentence, paragraph, section or part shall be deemed severed from this local law and the remaining provisions shall remain in full force and effect and its provisions strictly enforced.

Section 11 When effective:

This law is to be effective 20 days after filing with the Secretary of State and the Town Clerk.

FILED WITH TOWN CLERK: July 13, 1989