

**TOWN OF NORWICH
LOCAL LAW NO. 1 OF THE YEAR 2021**

TOWN OF NORWICH SANITARY REGULATIONS

BE IT ENACTED by the Town Board of the Town of Norwich as follows:

**ARTICLE I
INTRODUCTORY PROVISIONS**

SECTION 1.010 SHORT TITLE

This local law shall be known as the Town of Norwich Sanitary Regulations. The Town of Norwich is hereinafter referred to as the “town”.

SECTION 1.020 APPLICABILITY

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

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 disposal system that is unsafe, is a source of pollution to any of the surface waters of the State, permits the seepage of sewage to ground surface, or interferes with the enjoyment or use of property.
- D. It shall be unlawful for any person to vacate, other than on a seasonal basis, the property upon which a septic tank or seepage pit is located, unless at the time of such vacating the septic tank is filled clean, granular soil or inert, dense material.
- E. It shall be unlawful for more than one home, mobile home or business to discharge sewage into a septic tank.

SECTION 2.020 DEFINITIONS

“Application Rate” – the rate at which septic tank effluent is applied to a subsurface absorption trench or pit, for design purposes, expressed in gpd/ft.2.

“Baffle” – a flow detecting 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 disposal system, public sewer or other approved point of disposal.

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

“Clean Out” – an opening providing access to sewage disposal devices (house sewer, septic tank, distribution box) which allows for the 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 residences.

“Disposal Field” – means that area to which sewage is distributed for infiltration to the soil.

“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 system. Emergency repairs require a Sanitary System Permit before starting repairs.

“Existing Grade” – means the natural topography of land prior to construction activity.

“Fill System” – means any sewage disposal 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 1/4” 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 a material with a percolation rate of slower than sixty (60) minutes per inch.

“Individual Sewage Disposal System” – means a complete system of piping, tanks or other facilities for the on-site collection, treatment and disposal of sewage, and not connected to a community or public sewage system.

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

“In Existence” – means with respect to individual sewage disposal 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 sewage 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.

“Mean High Water Mark” – means the average annual high water level.

“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 sewage application rate.

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

“Privy” – a building fixed to a vault or pit equipped with seating to allow for excretion of human waste. It must have a self-closing door, a cover over the seat and a vent pipe which extends from the vault or pit to above the roof. The top of the vent pipe must be screened. See Section 3.010 for setback compliance and Section 5.030 for permitting.

“Pre-existing Individual Sewage Disposal System” – means any individual disposal system that was lawfully in existence prior to effective date of this local law.

“Sanitary System Permit” – means the permit required before construction or any repair, excluding the pumping of an on-site sewage disposal system.

“Sanitary System Use Certificate” – means the certificate required before any portion of an on-site sewage disposal system is back-filled or covered.

“Sanitary Inspector” – means the person 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 increase solids settling 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 treatment sewage to the surrounding soil.

“Septic Tank” – large, watertight chambers which promote the growth of anaerobic bacteria for the biological decomposition of 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 tile fields.

“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 the 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.

ARTICLE III

STANDARDS

SECTION 3.010 **COMPLIANCE**

Individual sewage disposal 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 Department of Health (10NTCRR Appendix 75-A), and Standards for Waste Treatment Works – Institutional and Commercial Sewerage Facilities, New York State of Environmental Conservation. Language such as “should” in these publications shall be considered mandatory (“shall”) for the purpose of this local law.

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 disposal 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. Exceptions will be considered by the Town Board upon the recommendation of the Sanitary Officer. Alternative systems (e.g. evaporation-absorption system, etc.), excepting fill systems (which are permissible under Section 3.040 of these Local Laws), may be permitted by application to State Department of Environmental Conservation with the approval by the Town Board. The Town Clerk shall maintain all of the necessary records and references for the Department of Health and Department of Environmental Conservation laws regulating Sanitary Waste Treatment.

SECTION 3.020 GENERAL STANDARDS FOR NEW INSTALLATIONS

- A. Only sewage may be discharged into the individual sewage disposal 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, or parking areas subject to heaving loading.
- C. No individual sewage disposal 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 a lot is less than 30,000 square feet in size, except for property owned prior to the enactment of this local law.
- D. For lots with less than 30,000 square feet, alternative disposal systems must be approved by the Sanitary Inspector.
- E. Sewage disposal systems for a mobile home park must be designed by a licensed sanitary engineer.

SECTION 3.030 **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 an installation, a fill system may be utilized, provided the following specifications are met. 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 local law.
- B. The design and installation of a fill system shall comply with the following specifications:
- 1) There must be at 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, organic debris, including leaves, roots and other plant forms, shall be removed prior to placement of the fill and the natural soil plowed or scarified.
 - 4) The soil used for fill shall be well graded loamy sand, or well graded loamy sandy gravels, and should contain a minimum of twelve percent silts or clays containing no organic debris or no solid object larger than three inches in diameter and the fill shall be allowable to stabilize naturally for at least six months.
 - 5) Sufficient fill must be installed to ensure a minimum of two feet between any trench bottom and maximum high seasonal ground water.
 - 6) Only absorption fields shall be used as the leaching facility in fill systems.
 - 7) A channel or diversion system shall be placed upon the fill system in the up slope 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 slope not steeper than one foot vertical to three feet horizontal.

ARTICLE IV **PRE-EXISTING SYSTEMS**

SECTION 4.010 **CONTINUATION OF PRE-EXISTING SYSTEMS**

Subject to the provisions of this local law, the use or maintenance of a properly functioning pre-existing individual sewage disposal system may be continued but it shall be unlawful to alter, 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; 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 pre-existing individual sewage disposal system without a Sanitary System Permit.
- B. It shall be unlawful to use any system that has been extended or undergone major repairs or major alterations unless a Sanitary 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 local law. The Sanitary Inspector shall be appointed and may be removed by the Town Board. Persons adversely affected by an action, omission, 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 **FILINGS WITH TOWN CLERK**

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

SECTION 5.030 ISSUANCE OF SANITARY SYSTEM PERMITS AND SANITARY SYSTEM USE CERTIFICATES

A. SANITARY SYSTEM PERMITS:

1. It shall be unlawful for any person to construct, alter, repair, enlarge or extend an individual sewage disposal system within the town unless a sanitary system permit has been issued.
2. Applications for sanitary system 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 town Board shall determine. A fee shall accompany the application for a sanitary system permit. Applications shall be submitted to the Sanitary Inspector and include such information as the Town Board and Sanitary Inspector 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.
 - c. A plan of the proposed disposal system with substantiating data indicating 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 disposal system construction, alteration, repair or extension and including delineation of the property lines and sources of water supply for the property and adjoining properties, and any bodies of water.
 - 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 building site, or that it is impracticable to discharge sewage from on-site plumbing facilities into a public sewer system.

- f. A percolation test is required for the site of a proposed leaching facility, if the system is extended or new construction is proposed. 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 ground water shall be made in the months of March, April, May or June, within six weeks of the time that the frost leaves the ground. 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 determinations 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. A sanitary use certificate shall not be granted until the Sanitary Inspector has determined that the individual sewage disposal system has been installed in compliance with the terms of the sanitary system 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, plan or specifications as may be required by such forms.

SECTION 5.050 VARIANCE

If it is impossible to comply with the requirements of this local law as set forth in Articles III & 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 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.

SECTION 5.060 AUTHORIZATION TO GRANT OR DENY ALTERNATIVE SYSTEM

Any proposal for an alternative to the requirements of this local law shall be reviewed and commented upon by the New York State Department of Health, and authorized by the Town Board in accordance with the 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 5.070 APPLICATION FEES

Fees shall be paid upon the submission of applications provided for by the terms of this local law.

SECTION 5.080 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 an 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 fifteen (15) 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 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 for the town.

SECTION 5.090 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 5.080C above.

Any hearing may be recessed by the Town 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 shall be necessary.

All persons entitled to notice under Section 5.080, 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 Town Board shall affirm, modify or deny the action, decision or ruling of the Sanitary Inspector or correct any omission by him, or approve, with conditions, or disapprove the application.

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 Town Board. The Town 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 (1ONYCRR part 75) – to be referred to New York State District Engineer.

- B. As part of any decision, the Town 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 5.100 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 (60) days from the effective date of the decision or ruling or the date when the action or omission occurred.

SECTION 5.110 SITE INSPECTIONS

- A. In filing an application for a disposal system building 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 disposal 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 disposal system built after this local law takes effect to ensure 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 the 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 to the Town Board for appropriate corrective action.

SECTION 5.120 RECORDING OR EXPIRATION OF PERMITS

Any sanitary system 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 shall be provided at the discretion of the 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 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. Every such person shall be deemed guilty of a separate offense for each 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 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 disposal system or prevent any illegal act, conduct, business or use regarding such disposal 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 this local law.

ARTICLE VII **MISCELLANEOUS COMPLAINTS**

SECTION 7.010 COMPLAINTS

Signed complaints and/or corrective directions by any person who resides in the Town of Norwich against any homeowner living in the town, 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 functions 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 5.110 Site Inspections).

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 or regulation, 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 upon its filing with the Office of the Secretary of State.

SECTION 7.060 REPEAL OF PRIOR INCONSISTENT LOCAL LAWS

All local laws or ordinances of the Town of Norwich, 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.