

COUNTY OF WASHINGTON  
LOCAL LAW NO. 1 OF 1988  
As Amended March 17, 1989

A local law establishing a county wide sanitary code.

ARTICLE 1

GENERAL PROVISIONS

Section 1 Title

These regulations shall be known as the Washington County Sanitary Code. The County of Washington is hereinafter referred to as the "County".

Section 2 Applicability

These regulations shall govern the disposal of sewage and the design and installation of all sewage disposal systems within the County except that this order shall not govern the design or installation of, or disposal of sewage by means of a community or public sewer, or of those systems that come under the jurisdiction of the NYS Department of Health. The transportation and/or dumping of sewage off-site shall comply with all current NYS Department of Health and Department of Environmental Conservation regulations regarding such.

Section 3 Authority

Enactment of these regulations is pursuant to Article 3 of the Public Health Law and Article 27 of the Executive Law of the State of New York.

Section 4 Purpose and Objective

The purpose of these regulations is to promote the health, safety and general welfare of County residents by providing, 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

### POLICY

#### Section 1 Prohibited Acts

- 1-1 It shall be unlawful for any person to construct, alter or extend any facility or part of such facility intended or used for the discharge of sewage without having first complied with requirements herein.
- 1-2 It shall be unlawful for any person to cause to be discharged, within the County, any sewage except by systems designed, installed, and approved in accordance with the requirements of these regulations.
- 1-3 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 surface waters of the County, permits the seepage of sewage to ground surface, or interferes with the enjoyment or use of property.

## ARTICLE III

### ADMINISTRATIVE PROVISIONS

#### Section 1 Pre-Application

- 1-1 Prior to making an application for a disposal system permit, the applicant shall make a pre-application to the Department of Code Enforcement. The pre-applications shall consist of a written report of a percolation test and soils analysis of the site of the proposed facility. The percolation test and soils analysis shall be determined by methods described in Appendix A of these regulations shall be conducted by a qualified person approved by the Department of Code Enforcement. If the applicant so chooses the Department of Code Enforcement will arrange to have the percolation test and soils analysis done by a third party however the applicant shall bear all cost incurred.

1-2 The Department of Code Enforcement may conduct such investigations, examinations, tests and site evaluations as it deems necessary to verify information contained in the pre-application for a sewage disposal permit and the applicant or owner of land on which the system is proposed shall grant the Department or its agents permission to enter on his land for these purposes.

1-3 Site data which may affect the type, size and design of a disposal facility may include, but not be limited to, soil type, topography, depth to seasonal high groundwater, depth to impervious material, depth to bedrock and distance to wetlands or surface bodies of water.

1-4 The Department of Code Enforcement shall have the authority to require certification or retesting to verify information submitted as part of the application.

## Section 2 Determination of System Type

Subsequent to the submission of the pre-application data, the Department of Code Enforcement shall make a determination as to whether the site requires a conventional, septic tank/soil absorption system or an alternative disposal system.

## Section 3 Applications for, and Issuance of Disposal System Permits

Application for disposal 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 assigns and shall be in writing signed by the applicant in such form as determined by the Department of Code Enforcement. A fee shall accompany each application for a sewage disposal permit.

## Section 4 Application Data - Conventional Septic Tank/Soil Absorption System

The following information shall be provided, on forms provided by the Department of Code Enforcement, for any proposed conventional system:

a) House location.

- b) Location and details of the sewage disposal system including septic tank, distribution box, and leaching facility and must include a 50 percent expansion area.
- c) Location of well or location of public water main and house connection.
- d) Location of driveways, swimming pools or other structures.
- e) Location of any water courses, ponds, lakes or wetlands on or within 100 feet of the proposed system.
- f) Location of all wells and sewage disposal systems within 200 feet of the proposed system.
- g) Location of all deep test holes and percolation test holes. A minimum of one deep test hole and two percolation test holes are required.
- h) Title box indicating owner of property, town, street address, date and scale.
- i) Design criteria to include number of bedrooms, percolation rate, sewage application rate and leaching area.
- j) Location and discharge points for gutter, footing, storm and curtain drains.

## Section 5

### Application Data - Alternative System

The following information must be provided for any proposed alternative system:

5-1 Letter of authorization for engineer or architect.

5-2 One set of plans bearing the seal and signature of a Professional Engineer, Registered Architect or Land Surveyor (with a pre-1971 7208N exemption from the NYS Education Dep't.) licensed and registered to practice in New York State. These plans shall be to scale showing the following:

A) Plot plan, including major physical features drawn to scale on a tax map of the property.

- B) House location.
- C) Plan and cross section of the sewage disposal system, to include 50 percent expansion area, construction details of system components including septic tank distribution box and leaching facility.
- D) Location of driveways, garages, swimming pools or any other structures.
- E) Location of well or location of public water main and house connection.
- F) Two foot contours of the property. If ground is to be cut or filled both existing and proposed contours must be shown.
- G) Location of any water courses, ponds, lakes or wetlands on, or within 100 feet of property line. Stream index number and classification or wetland designation must be noted.
- H) Accurate location of all deep test holes and percolation test holes. A minimum of one deep hole and two percolation test holes is required.
- I) Location of all well and sewage disposal systems within 200 feet of the proposed system, or a note stating that none exist within 200 feet.
- J) Title box indicating owner of property, location, including street and municipality, name and address of design engineer or architect; date of drawing, including dates of revisions, and scale.
- K) Location and discharge points for gutter, footing, storm and curtain drains.
- L) Design criteria to include number of bedrooms, soil percolation rate, application rate, etc.
- M) Site location sketch and north arrow.
- N) Copy of house plans to verify bedroom count for design calculations.

- O) If water service is to be from a community public water supply, a letter from the owner of the supply will be required stating their willingness and ability to supply the water.
- P) Certification by designer.

Section 6 Permit Approval

Once all pertinent site data has been verified and certified; all permit fees have been paid and the Department of Code Enforcement has determined that the proposed action in the application complies with all the specifications contained in these regulations, a disposal system permit will be issued to the applicant.

Section 7 Permit Disapproval

7-1 The Department of code Enforcement may disapprove of an application for a disposal system permit if it determines:

- A) That the individual sewage disposal system, as proposed, will not conform to the requirements, or specifications, of these regulations or an order of the County Board of Health.
- B) That the applicant has failed to supply all data necessary to make a determination as to whether or not such individual sewage disposal system conforms to the requirements or specifications of these regulations and has failed to supply such information for sixty (60) days after a written request for such additional information has been mailed.

7-1.2 The Enforcement Officer may, by written notice, order all further work stopped on any individual sewage disposal system which is being constructed or installed in violation of these regulations.

7-2 Expiration of Permits

Unless otherwise specified in the permit, all permits shall expire within one (1) year of

issuance. In the event that a permit expires with the disposal system as yet incomplete the applicant must obtain a permit renewal. There shall be no charge to renew a permit.

## Section 8

### Issuance of Disposal System Use Certificate

8-1 It shall be unlawful for any unauthorized person to cover or utilize any individual sewage disposal system unless a disposal system use certificate has been issued therefore.

8-2 It shall be the duty of the holder of the disposal system permit to notify the Department of Code Enforcement when the installation is ready for inspection. The inspection shall be made as soon thereafter as practical by the Department of Code Enforcement. The Department of Code Enforcement may also make inspections during construction to insure that the system is being installed in accordance with the application and these regulations. Any part of installation which has been covered prior to final approval shall be uncovered upon order of the Department of Code Enforcement.

8-3 A disposal system use certificate shall not be granted until the Department of Code Enforcement has determined that the individual sewage disposal system has been installed in compliance with the application and these regulations. The Department of Code Enforcement may make such a determination only after it 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 these regulations. The Department of Code Enforcement 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.

8-4 The Department of Code Enforcement may waive the required on-site inspections when the system has been installed by a person who has met the qualifications and been designated as

a Certified Installer by the Department.

Section 9 Site Inspections

9-1 The filing of an application for a disposal system permit represents permission by the applicant for the Department of Code Enforcement and/or other designated person, to conduct such examinations, tests, and other inspections of the disposal system site.

9-2 The Department of Code Enforcement may inspect an individual sewage disposal system built before or after these regulations take 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 the Department of Code Enforcement determines that a system is not being maintained in compliance with these regulations, it may order that use of the system cease, and/or that the defects be corrected, and/or misuse abated. If the prescribed action is not taken within the time fixed by the Department of Code Enforcement, it may revoke the use permit for the system and/or refer the matter to the County Board of Health for appropriate corrective action.

Section 10 Fees

Disposal system permit fees, inspection fees and any other related fees shall be established by resolutions of the Washington County Board of Supervisors.

ARTICLE IV

PREEXISTING SYSTEMS

Section 1 Continuation of Existing Systems

Subject to the provisions of these regulations, the use or maintenance of a properly functioning preexisting individual sewage disposal system may be continued.

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 2            Alteration, Enlargement or Extension of a System

- A) It shall be unlawful to alter, enlarge or extend a preexisting individual sewage disposal system except in conformity with the provisions herein. However, emergency repairs may be made to a system, without prior approval from the Department of Code Enforcement, if they are done by a Certified Installer. In the event that such emergency repairs are made the Certified Installers shall make a de facto report of such repairs to the Department of Code Enforcement.
  
- B) It shall be unlawful to use any system that has been extended or undergone major alterations unless a disposal system use permit is issued pursuant to Article III of this order.

ARTICLE V

STANDARDS

Design standards for the construction, alteration, or extension of any conventional sewage disposal system addressed in these regulations shall conform to the criteria and guidelines of the most recent issue of the Wastewater Treatment Handbook - Individual Household Systems, published by the New York State Health Department.

ARTICLE VI

ENFORCEMENT

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 these regulations; and any person who shall commit or assist in the

commission of any violation of these regulations, or who shall build, erect, construct, or attempt the same, any structure contrary to the plans or specifications submitted to the authorized official and by him certified as complying with these regulations; and any person who shall omit, neglect, or refuse to do any act required by this order, shall be subject to a civil penalty of not more than \$500.00 to be recovered by the County Board of Supervisors in any court of competent jurisdiction. 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, agent or manager may be considered to be the person for the purposes of this article.

## ARTICLE VII

### VARIANCES & WAIVERS

#### Section 1 Variances

When the Department of Code Enforcement finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public health and safety secured; provided that such variations will not have the effect of nullifying the intent and purpose of these regulations.

#### Section 2 Waivers

Where the Department of Code Enforcement finds that, due to special circumstances, the provisions of certain requirements contained herein is not requisite in the general interest of the public health, safety and general welfare, it may waive such requirements.

## ARTICLE VIII

### MISCELLANEOUS PROVISIONS

#### Section 1 Interpretation

Where the conditions imposed by any provisions of these

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

Section 2 Severability

The provisions of these regulations 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 order shall remain valid and effective.

Section 3 Savings Clause

The adoption of these regulations 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 these regulations takes effect.

Section 4 Local Option

Should any of the municipalities in the County elect to administer and enforce their regulations relative to the matters covered by this Code, they shall have the option to do so by delivering to the Clerk of the Board of Supervisors a certified copy of a duly enacted local law or resolution providing for such administration and enforcement, and the county shall be held harmless from any and all matters relating to said municipality's administration and enforcement of the same.

## APPENDIX A

### Procedures For Site Evaluation

#### I. Soil Borings/Visual Analysis

A. Soil borings shall be of any type of boring or excavation capable of revealing the characteristics of the soils penetrated, in detail:

- (1) Each boring or excavation shall be made to a depth at least two feet deeper than the bottom of the proposed system.
- (2) Each hole shall be numbered, and its location shall be plotted on a dimension sketch of the lot or building site.
- (3) Soil texture and firmness of soil texture shall be recorded by depth and notations made where texture changes occur.

B. Particular effort shall be made to determine the highest known water table.

- (1) Record the first occurrence of mottling in the hole.
- (2) If mottling is not encountered, the open test holes may be backfilled immediately.

#### II. Percolation Tests

A. For standardizing test hole dimensions:

- (1) Each test hole shall be a minimum of twelve inches square, have vertical sides, and be dug to one-half the depth of the proposed individual sewage treatment system. If more than one soil type is encountered in a test hole, a percolation test shall be done in each soil type.
- (2) Each test hole shall be numbered, and its location shall be plotted on a scale map of the real property or building site.

B. For proper preparation of the test hole.

- (1) The bottom and sides of the hole shall be carefully scratched to remove any smearing and to provide a natural soil surface into which water may penetrate.
- (2) All loose material shall be removed from the bottom of the test hole and two inches of 1/4 to 3/4 inch stone shall be added to protect the bottom from scouring.

C. For proper soil saturation and swelling:

- (1) Presoak the test hole by periodically filling the hole with water and allowing the water to seep away. This procedure shall be performed for at least four times and shall begin one day before the test except for clean sand and gravel.

D. For proper percolation rate measurement:

- (1) In sandy soils adjust the water depth to eight inches over the soil at the bottom of the test hole. From a fixed reference point, the drop in the water level shall be measured in inches to the nearest 1/16th inch at approximately ten minute intervals. A measurement can also be made by determining the time it takes for the water to drop one inch from an eight inch reference point. If eight inches of water seeps away in less than ten minutes, a shorter interval between measurements shall be used, but in no case shall the water depth exceed eight inches. The test shall continue until three consecutive percolation rate measurements vary by a range of no more than ten percent.
- (2) In other soils, adjust the water depth to eight inches over the soil at the bottom of the test hole. From a fixed reference point, the drop in the water level shall be measured in inches to the nearest 1/16th inch at approximately 30 minute intervals, refilling between tests to maintain an eight inch starting head. The test shall continue until three consecutive percolation rate measurements vary by a range of no more than ten percent. The percolation rate can also be made by observing the time it takes the water level to drop one inch from an eight inch reference point

if a constant water depth of at least eight inches has been maintained for at least four hours prior to the measurement.

E. For Calculating the percolation rate:

- (1) Divide the time by the drop in water level to obtain the percolation rate in minutes per inch.
- (2) Percolation rates determined for each test hole shall be averaged to determine the final soil treatment system design.

F. For reporting the percolation rate, worksheets showing all calculations and measurements shall be submitted to the Department of Code Enforcement.

G. A percolation test shall not be run where frost exists below the depth of the proposed soil treatment system.