

Town of Inlet, NY – Town Law

Chapter 129 – Sewage Disposal

ARTICLE IV. Preexisting Systems

§ 129-15. Continuation of preexisting systems.

§ 129-16. Property transfer.

§ 129-17. Repair, alteration, enlargement or extension of a system.

§ 129-15. Continuation of preexisting systems.

Subject to the provisions of this chapter, the use or maintenance of a preexisting wastewater treatment system may be continued without a certificate provided it shows no evidence of failure. But, it shall be unlawful to alter, make major repairs or enlarge such systems except in conformity with the provisions herein.

§ 129-16. Property transfer.

[Amended 4-13-2009 by L.L. No. 1-2009]

A. Prior to any property sale or conveyance for consideration, any existing on-site wastewater systems shall be inspected by an individual meeting the qualifications shown on Appendix E *Editor's Note: Appendix E is located at the end of this chapter.* of this chapter, and a report of findings shall be provided to the Codes and Zoning Enforcement Officer.

(1) The report shall consist of the OTN System Inspection Information Request and System Inspection Findings Worksheet as set forth in Appendix D *Editor's Note: Appendix D is located at the end of this chapter.* and, for purposes of this provision, the report shall be good for two years from the date of inspection.

(2) In the event that weather conditions reasonably prevent an inspection and the submission of said report prior to sale/conveyance, the buyer must provide the report to the Codes and Zoning Enforcement Officer within 6 months of sale/conveyance and is responsible for any upgrades necessary to obtain an approved wastewater system.

(3) Within seven days of any such sale/conveyance, the buyer of any such property shall send written notice to the Code and Zoning Enforcement Officer advising of the closing date of such sale/conveyance.

(4) These requirements shall not apply to:

(a) A property transfer of vacant land; or

(b) A property transfer of a parcel(s) which has had a new on-site wastewater system installed within 36 months prior to the date of transfer.

B. If, based upon the inspection report, the existing wastewater system is determined to be a failure or does not otherwise meet the requirements of this chapter, a written notice of violation shall be issued to the property owner, and an approved wastewater treatment system permit must be obtained within six months of any property sale/conveyance for consideration. Properly functioning

systems not otherwise in compliance with the requirements of this chapter may be found to be acceptable upon approval of a variance by the Zoning Board of Appeals.

C. If a lending institution requires a property owner to obtain a wastewater treatment system inspection and pumping of septic tank for refinancing, such reports shall be filed with the Code and Zoning Enforcement Officer and must be on the report format set forth in Appendix D. *Editor's Note: Appendix D is located at the end of this chapter.*

D. Pursuant to § **129-25**, failure to abide by these provisions shall be deemed a violation running, per day, from the date of the sale or conveyance of the property.

§ 129-17. Repair, alteration, enlargement or extension of a system.

It shall be unlawful to make major repairs, alter, enlarge or extend a preexisting wastewater treatment system without an approved permit, except as follows: Emergency repairs — repairs designed to prevent or abate an existing or imminent threat to public health, safety or welfare caused or to be caused by on-site wastewater treatment system. The Code and Zoning Enforcement Officer shall be notified immediately of any such existing or imminent threat, and in no case should this repair include enlarging the absorption area or replacing or disconnecting septic tanks.