

available and accessible, the dwelling or structure being transferred shall be connected to the municipal public water system if the water supply serving such dwelling cannot be certified by the Public Health Director. The operation of this section shall not be applicable to those exemptions cited in Article III, Section 1, items a through e.

- b) In areas where public water service is not available, the person offering any owner-occupied single family property for sale or transfer should provide a water supply which conforms to microbiological standards for potable water and should implement any recommendations prescribed by the Public Health Director to bring the water system into compliance with the standards contained in Part 5 of the New York State Sanitary Code or 10 NYCRR Part 75.

ARTICLE IV

PRIVATE SEWAGE

Section 1. Definitions

- a) "Premises" shall mean any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- b) "Household Sewage Treatment System" shall mean a sewage disposal or treatment system for a mobile home or one or two family dwellings.
- c) "Sewage Tank" shall mean a water-tight tank designed to contain sewage solids long enough for satisfactory bacterial decomposition of the solids to take place and includes septic tanks and aeration type treatment tanks.
- d) "House Sewer" shall mean the sewer from the house to the sewage tank.
- e) "Septic Tank" shall mean a covered water-tight tank designed to retain settled sewage solids.
- f) "Aeration Type Household Sewage Disposal Treatment

System" shall mean a system which utilizes the principal of aerobic bacterial oxidation in the decomposition of sewage.

g) "Privy" shall mean any facility or structure provided for the storage or deposit of human excreta without water carriage.

h) All other terms not defined herein but defined in New York State Conservation Law shall have the meaning prescribed to them by the Environmental Conservation Law.

Section 2. Applicability

This article shall apply to the construction and use of a new or modified treatment system, point source or outlet when such disposal, point source system or outlet is designed to discharge and discharges sewage effluent without the admixture of industrial wastes or other wastes from a premises designed to house fewer than three families or ten or fewer people computed on the basis of twenty-four hour occupancy and when the discharge from such a disposal system consists of a flow of less than one thousand gallons per day.

Section 3. Disposal Requirements

a) No person shall discharge, or allow or cause to be discharged untreated sewage, the overflow drainage or contents of a sewage tank, or other putrescible, impure or offensive wastes onto the surface of the ground or into any street, road, alley, open excavation, stormwater sewer, land drain ditch, adjoining property, water course, or body of water or ground water, except under such circumstances as prescribed by and with the written approval of the Public Health Director.

b) No person shall discharge, or allow to be discharged, treated or untreated sewage, the overflow drainage or contents of a sewage tank, or other putrescible, impure, or offensive wastes into an abandoned water supply well, spring, or cistern or into a natural or artificial well, sink hole, crevice or opening extending into limestone, sandstone, or other rock or shale formation.

c) Each premises provided with plumbing fixtures or provided with a receptacle to create a sanitary flow, where no approved public sanitary sewerage system is available, shall have a household sewage disposal system of approved type and design as specified in Chapter II of Title 10 of New York Code Rules and Regulations Part 75 and Appendix 75-A.

d) Each household sewage treatment system shall serve a single dwelling on an individual lot and shall be properly maintained by the owner as specified in Chapter II of Title 10 of New York Code Rules and Regulations Part 75. Any failure to provide a properly maintained system may be declared a public health nuisance by the Public Health Director.

e) Roof water, foundation drain, cistern overflow, or surface or subsoil drainage shall not be discharged into a sanitary sewer or into a sewage treatment system.

f) No household sewage treatment system shall be installed, maintained, or operated on property accessible to a public sewerage system.

g) Whenever an approved public sewerage system is accessible to the property, any household sewage treatment system shall be abandoned and the house sewer directly connected to the public sewers.

h) Where a public sanitary sewer is available and accessible, the Public Health Director may issue an order upon the owner of any property whereon any other method of sewage treatment was located requiring said owner to abandon the use of such other method of sewage treatment within a period of not more than ninety (90) days, and to connect with such public sewer system.

Section 4. Installation Permit

a) The property owner or designated agent shall apply for a permit from the Public Health Director for construction, installation, alteration, or extension of a household sewage treatment system prior to start of work.

- b) Permit applications shall be made in writing on a form prescribed by the Public Health Director and shall contain all pertinent information relative to the location, construction, installation, alteration, or extension of a household sewage treatment system and any other information required by the Public Health Director.
- c) Each permit application to the Public Health Director shall be accompanied by a fee as set forth in Article XXIII of this code. Such fees are nonrefundable regardless of the disposition of the application.
- d) No person shall construct, install, connect, alter or extend a household sewage treatment system within the Chautauqua County Health District without having first applied for and received a written permit from the Public Health Director. No permit is required for minor repairs.
- e) A separate permit shall be obtained for each premises on which sewage treatment work is to be performed.
- f) If a home addition is planned which increases the number of bedrooms (or rooms that could be converted to bedrooms in the future) the septic system must be evaluated to determine if it is sized to meet future increases in wastewater flow. If not, it must be upgraded.
- g) Permits for the construction, installation or alteration of a sewage treatment system shall expire one year after the date of issuance unless an extension has been granted in writing.
- h) The Public Health Director shall deny or revoke a permit if the information on the application is incomplete, inaccurate, false, misleading or indicates that the provisions of this article cannot be met.
- i) A person who constructs or provides, or undertakes to construct or provide a household sewage treatment system without first obtaining a permit to construct such system as required, or does not construct and

install or maintain and operate such system or facility according to the terms or conditions of the permit or approved amendments thereto, is in violation of the Sanitary Code. A person who constructs or provides or undertakes to construct or provide a household sewage treatment system after being denied a permit is in violation of the Sanitary Code.

j) "Specific Waiver" shall mean a waiver granted in an individual situation because of a hardship or other circumstance that makes it impractical to comply with a standard for individual sewage treatment systems.

Section 5. Installation Requirements

Installation requirements for individual sewer systems must satisfy Chapter II of Title 10 of New York Code Rules and Regulations, Part 75 and Appendix 75-A.

a) A septic tank-leaching system shall not be installed in an area where the texture, structure, and porosity of the soil are not suitable. Percolation tests shall be performed by persons whose qualifications shall be acceptable to the Public Health Director. The Public Health Director may require as many percolation tests as may be necessary to determine acceptability of this site. No septic tank-leaching tile field or bed shall be installed with a percolation rate less than one (1) inch fall in water level in the test hole in sixty (60) minutes. No septic tank-seepage pit shall be installed where the percolation rate is less than one (1) inch fall in water level in fifteen (15) minutes.

b) No person shall install individual household sewage treatment systems in a new realty subdivision, unless it is considered to be impractical and inadvisable by the Public Health Director to install a community sewerage system with required treatment.

c) If it has been determined by the Public Health Director that on lot leaching is impracticable the effluent from subsurface sandfilters, household aeration or other approved type sewage treatment system may be permitted to discharge off the lot only if the outlet is satisfactory to the Public Health Director.

d) Where the point of discharge or discharge area is into a road or highway right-of-way, permission must be obtained from the highway superintendent or other similar officer having jurisdiction.

Section 6. Abandoned Sewage Disposal or Treatment Equipment

a) The owner of abandoned septic tank or other device or equipment for treatment or disposal of sewage shall clean the tank and fill to the ground surface in a manner acceptable to the Public Health Director.

Section 7. Lot Dimensions and Area

a) Lots on which household sewage treatment systems are to be installed shall be of sufficient area and suitable topography to permit compliance with this article. Where public water is available and a public sewer is not available the minimum lot size shall be 15,000 square feet. Where neither public water nor public sewer is available the minimum lot size shall be 40,000 square feet.

b) There shall be available sufficient area to provide for the complete replacement of the leaching system or subsurface sand filter.

Section 8. Individual Lots in an Approved Subdivision

Individual household sewage treatment systems in approved subdivisions shall follow the provisions of this Article and the approved requirements contained on the plans filed in the office of the Chautauqua County Clerk.

Section 9. Design, Construction, Installation, Maintenance and Operation

a) The design, construction, installation, location, maintenance and operation of household sewage treatment systems including: septic tanks; aeration type treatment systems; leaching tile fields; leaching beds; seepage pits; subsurface sand filters; house sewers; privies; and any other treatment system or part thereof shall conform to Chapter II of Title 10 of New York Code Rules and Regulations, Part 75 and

Appendix 75-A.

b) Approval of a sewage treatment system pursuant to the provisions of this Article shall not be construed as a guarantee by the Public Health Director or by his/her agents that the system will function satisfactorily, nor shall it in any way restrict the ability of the Public Health Director, or his/her duly authorized subordinate to enforce this code or any other law, rule, or regulation.

Section 10. Inspections

a) A property owner shall request an inspection of his or her household sewage treatment system at least 48 hours in advance of expected time of completion.

b) The household sewage treatment system shall not be covered or placed into operation until the system has been inspected and approved by the Public Health Director.

c) The Public Health Director may make inspections at any time during the course of construction of the household sewage treatment system to ensure compliance with this Article.

Section 11. Waivers

The Chautauqua County Board of Health may on written application grant a specific waiver from a provision of this Article, where such waiver is consistent with the general purpose and intent of this Article. The applicant receiving such waiver must be advised in writing if the design or conditions approved do not meet State or County standards and the potential consequences of such deviations. Systems with a surface discharge are prohibited for new construction and are not eligible for a waiver.

ARTICLE V

DRINKING WATER SUPPLIES

Section 1. General

The Chautauqua County Board of Health officially adopts Part 5 Subparts 5-1, 5-4 and 5-6, Chapter 1 of the New York