

**LEGAL NOTICE
NOTICE OF PUBLIC HEARINGS
TOWN BOARD
TOWN OF DUANESBURG**

PLEASE TAKE NOTICE, that the Town Board of the Town of Duaneburg, New York, will meet at the Town Offices of Duaneburg located at 5853 Western Turnpike, on Thursday, October 26, 2023 at 7:00 p.m. for the purpose of hearing all persons interested in the matter of:

The Town of Duaneburg is proposing a local law requiring the inspection of on-site septic systems prior to transfer of ownership of any real property within the Duane Lake District.

Persons may appear at the hearing in person and may also submit written comments to the Town Board prior to or at such hearing.

BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG

Dated: October 12, 2023

* Public Hearing continued to Nov. 9th
@ 7pm.

LOCAL LAW NO. _____ FOR 2023

**A LOCAL LAW TO AMEND THE DUANESBURG ZONING ORDINANCE TO
REQUIRE SEPTIC SYSTEM INSPECTION PRIOR TO THE TRANSFER OF
OWNERSHIP IN THE DUANE ZONING LAKE DISTRICT (L-2)**

BE IT ENACTED by the Town of Duanesburg Town Board ("Town Board") as follows:

SECTION 1: Title of the Local Law

The local law shall be entitled "Septic System Inspection Prior to the Transfer of Ownership of Property in the Duane Lake Zoning District (L-2)."

SECTION 2: Authorization

This local law is adopted pursuant to the NYS Municipal Home Rule Law and General Municipal Law.

SECTION 3. Legislative intent and purpose.

It has been reported to the Town Board that some residents of the Town of Duanesburg use Duane Lake as a source of potable water and that there are older septic systems located on properties proximate to Duane Lake that do not meet the requirements established by local, State and County laws and regulations for on-site private septic systems. The Duane Lake Association has represented to the Town that the majority of the residents surrounding Duane Lake do not support the establishment of a Town Sewer District for Duane Lake with a public sewer system due to the cost of such a system. As a result there are very few options available to the Town of Duanesburg for protecting public health and safety related to Duane Lake which is privately owned and controlled. Given this one means of moving toward ensuring effective protection of Duane Lake waters is the periodic inspection of on-site private septic systems to discontinue the operation of such systems to prevent contamination of Duane Lake.

The purpose of this Local Law is to adopt inspection requirements for on-site private septic systems when property changes ownership in the Duane Lake Zoning District (L-2).

SECTION 4. Inspection of Existing Septic Systems Prior to Transfer of Ownership in the Duane Lake Zoning District (L-2).

No more than one hundred and twenty (120) days nor less than sixty (60) days prior to transfer of ownership of any real property within the Duane Lake Zoning District (L-2) which contains a habitable structure, the on-site septic system thereupon shall be thoroughly inspected and approved in writing by a qualified inspector (see below) to determine if the on-site septic system meets or does not meet all the requirements of local, County, State and federal law and regulations for such on-site septic systems.

SECTION 5. Qualifications.

Inspections shall be performed by a licensed or qualified inspector: a person, corporation, or similar business entity who a) by authority, certification or license "in good standing" granted by the State of New York is a professional engineer, or septic system engineer/designer, or 2 b) by current certification, training, or licensing in the discipline(s) of septic system design, septic installation and/or septic inspection such inspector has been trained by the New York Onsite Wastewater Treatment Training Network, Inc. (OTN), or equivalent training recognized by the New York State Department of Health or the New York State Department of Environmental Conservation. Proof of such qualifications including a certification by the inspector as to his or her qualifications shall be provided to the Town Building Inspector prior to any inspections being undertaken.

SECTION 6. Submission to the Building Inspector

All inspection reports shall be submitted to the Town of Duanesburg Building Inspector within 10 days of undertaking the inspection.

SECTION 7. Failed inspection requirements.

If the property owner fails to file an inspection report or the report indicates that the system has failed the inspection, the property owner will have ninety (90) days to repair or replace the septic system and submit an approval in writing by a qualified inspector (see above). If after ninety (90) days the property owner does not submit an approval in writing by a qualified inspector, the certificate of occupancy for such residence relying upon such a failing system shall be revoked until such time as the system is repaired or replaced and an approval in writing by a licensed or qualified inspector of the repaired or replaced system has been provided to the Town Building Inspector and accepted by the Town Building Inspector. The Town Building Inspector shall have the authority to reasonably extend the ninety (90) day time period as necessary due to limitations caused by the weather or unavailability of contractors or materials.

SECTION 8. Supersession

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town of Duanesburg Town Code, in so far as such statutes are inconsistent with this Local Law and any other laws or regulations of the Town of Duanesburg are superseded to the extent necessary to give this Local Law full force and effect. All other provisions shall remain the same.

SECTION 9 Severability

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 10. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Municipal Home Rule Law § 27.