

**VILLAGE OF OYSTER BAY COVE
PROPOSED LOCAL LAW B-2023
ADDITION OF NEW CHAPTER 186
“INNOVATIVE AND ALTERNATIVE ON-
SITE WASTE WATER TREATMENT SYSTEMS”**

A local law to add new Chapter 186 entitled, “*Innovative and Alternative On-Site Waste Water Treatment Systems*,” of the Village Code of the Village of Oyster Bay Cove. The Code was adopted by Local Law 6-2006 on April 11, 2006, by the Board of Trustees and last amended by Local Law 3-2022, adopted by the Board on June 7, 2022.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Oyster Bay Cove, as follows:

SECTION I. Add new Chapter 186, “*Innovative and Alternative On-Site Waste Water Treatment Systems*,” to read as follows:

SECTION II. Legislative Intent:

§186-1. The Village of Oyster Bay Cove is located in a critical environmental area as defined by the New York State Department of Environmental Conservation; the Oyster Bay Special Groundwater Protection Area and the Nassau Suffolk Sole Source Aquifer. It has been a continuing goal of the Village to protect the quality of groundwater and surface water resources in and adjacent to the Village of Oyster Bay Cove. These Critical Environmental Areas associated with the Village and the surrounding areas, including Oyster Bay Harbor and Tiffany Creek, are receiving more nitrogen than the waters can naturally assimilate. This is due in large part to wastewater from both older and newer housing stock that are predominantly treated by conventional on-site sanitary septic systems that do not adequately remove nitrogen. The nitrogen from these systems is being released into the groundwater, which can have an adverse effect on the Oyster Bay Special Groundwater Protection Area and the Nassau Suffolk Sole Source Aquifer. Thus, nitrogen loading to the watersheds of the Village must be reduced to maintain drinking water standards. To effectuate a reduction in nitrogen loading from conventional on-site sanitary systems, the Village has authorized the use of innovative and alternative on-site wastewater treatment systems in lieu of conventional sanitary septic systems. These alternative systems discharge significantly less nitrogen from sanitary waste into the groundwater, and work towards achieving less nitrogen in our ponds, waterways and Oyster Bay Harbor. The purpose of this legislation is to assure the proper siting, construction and maintenance of all individual on-site sanitary systems, and is intended to protect and preserve the Village’s natural resources and potable water supply and thereby the public health and safety and to promote the installation and proper use and maintenance of low-nitrogen sanitary systems.

§186-2. Definitions.

For the purposes of this Chapter, the following definitions shall apply:

BUILDING INSPECTOR - the Village of Oyster Bay Cove Building Inspector or his or her designee.

INNOVATIVE AND ALTERNATIVE ON-SITE WASTEWATER TREATMENT SYSTEM (Also referred to as "I/A OWTS") - An on-site decentralized wastewater treatment system that, at a minimum, is designed to result in total nitrogen in treated effluent of 19 mg/l or less.

ON-SITE WASTEWATER DISPOSAL SANITARY SYSTEM – any in-ground cesspool, septic tank or drain field or any combination of such structures, used for the disposal of sanitary sewage and normal domestic wastes generated on or near the property which the system is located.

SINGLE-FAMILY DWELLING – Shall have the meaning as defined in Chapter 320, Zoning.

§186-3. I/A OWTS Required.

- A. All construction of on-site wastewater disposal sanitary systems shall conform to standards as then established by the Nassau County Department of Health, to all applicable wetland setbacks of the New York State Department of Environmental Conservation and of the Village of Oyster Bay Cove and all other applicable local, county and state regulations concerning the siting of such structures and systems. No building permit for any such work shall be issued until all applicable provisions of the Village Code, including Chapter 315, Zoning, have been complied with.
- B. In addition to the conditions provided for in Paragraph A, in all the following circumstances the on-site wastewater disposal sanitary systems installed must be, or the current on-site wastewater disposal sanitary system must be upgraded to, an I/A OWTS system:
 - a. The construction of a new single-family dwelling or other principal structures.
 - b. Any addition to or expansion of all or part of a single-family dwelling or principal structure which equals or exceeds 50% of the square footage of the gross floor area of the structure as originally constructed or as last modified, whether pursuant to site plan approval or prior to the requirement thereof. As used in this chapter, "gross floor area" shall be calculated in accordance with the definition set forth in Chapter 315, Zoning.
 - c. Any septic system upgrade or replacement required by the Nassau County Department of Health.

- C. Whenever the installation of an I/A OWTS system is required pursuant to the provisions of this Chapter or any other chapter of the Code of the Village of Oyster Bay Cove, the property owner shall be required to obtain a building permit from the Building Inspector. The Zoning Board of Appeals may grant a variance from the provisions of this section upon a showing of good cause. Good cause must be based upon a showing that compliance is impossible due to physical limitations of the particular site. In determining whether to grant such a variance, the Zoning Board of Appeals should consider, in addition to such limitations, whether a covenant applicable to heirs, successors and assigns should be required to be recorded at the Nassau County Clerk's office providing that the applicant will upgrade the system if a low-nitrogen system is available that can accommodate the physical limitations of the subject property or upon availability of a community sanitary system or public sewer that the subject property can be hooked into.

§186-4. Installation and maintenance requirements.

- A. The fee charged for building permits obtained under this Chapter shall be in such amount as shall be from time to time prescribed by resolution of the Board of Trustees.
- B. Every owner of an I/A System as defined in this chapter, must maintain such system in accordance with the manufacturer's recommendations and monitor the effectiveness of such system to assure that it continues to function in the manner it was designed to function in its efficiency in removing nitrogen. The Building Inspector may, at any time, require a monitoring report, engineer's report, and/or performance and maintenance report demonstrating that the proposed system complies with the Village's requirements.
- C. Whenever the Building Inspector has reasonable grounds to believe that operations are being conducted in violation of the provisions of this chapter or are not in compliance with a permit or other license issued hereunder, it may notify the owner of the property, the owner's agent or the person performing such operations to modify or suspend all or part of such operations, and any such person shall forthwith comply with such notice of violation until the same has been rescinded. To the extent that any notice of violation issued hereunder requires immediate suspension, modification or cessation of any operation(s), it shall be deemed to be a stop-work order.

§186-5. Penalties.

- A. Effect of failure to comply. In the event that the person upon whom a notice of violation has been served shall fail to comply with the same within the time period specified, or any extended time period later granted by the Building Inspector any and all permits,

licenses, authorization or permissions issued to the person pursuant to this chapter shall be deemed revoked.

- B. No effect on other remedies. Nothing in this section concerning the nature and effect of notices of violations shall be construed as limiting the authority of the Building Inspector to pursue any necessary and appropriate legal means to properly and effectively administer and enforce the provisions of this chapter and to obtain compliance therewith. In addition to any other legal remedies available to him or her, the Building Inspector may, after consultation with the Village Attorney, file criminal informations and commence court proceedings on behalf of the Village to compel such compliance.
- C. The provisions of this chapter may be enforced by the Village Building Inspector.
- D. Any owner, occupant, builder, architect, contractor, agent or other person who commits, takes part in or assists in a violation of this chapter shall be liable upon conviction for a fine not to exceed \$1,000. Each day on which such violation shall occur or be maintained shall constitute a separate additional offense.

SECTION II. This local law shall take effect upon filing with the Secretary of State.