

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Cooperstown

Local Law No. 2 of the year 20²⁴

A local law to Amend Chapter 285- Watershed Regulations and Procedures
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Cooperstown as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2024 of the (County)(City)(Town)(Village) of Cooperstown was duly passed by the Board of Trustees on March 25 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article I Mission of Otsego Lake Watershed Supervisory Committee

§ 285-1 History and authority.

- A. On January 22, 1985, Section 1100 of the New York State Public Health Law was amended by Section 136.3 to Part 136 of Chapter III of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York, referred to herein as Public Law 1100: "This chapter shall apply to Otsego Lake and all watercourses tributary thereto or which may be developed in the future to serve as sources of water supply of the Village of Cooperstown in the Towns of Otsego, Middlefield and Springfield . . . " excluding "any areas not within Otsego County and, in addition, shall also exclude Allen Lake and its tributary watercourses."
- B. Public Health Law § 136.3(d)(6)(ix) states: "Before any existing sewage disposal system is altered or any new septic system is constructed on the watershed, the plans in relation thereto shall have first been approved by the Board of Water Commissioners of the Village of Cooperstown. Standards for water treatment works as published from time to time by the New York State Department of Health shall comprise the criteria to approve any proposed sewage disposal system. For existing systems that cannot meet these standards due to lot restriction, the guidelines shall be as outlined by the Board of Water Commissioners."
- C. The Village of Cooperstown Water Board established the Watershed Supervisory Committee (WSC) in 1985 as a means to administer Public Law 1100 on behalf of the Water Board, with representation from each of the affected municipalities, two members from the Village and one member from each of the Towns (five members in all).
- D. In 1994 the Otsego Lake Watershed Council was established with "representatives from the Towns of Middlefield, Otsego and Springfield and the Village of Cooperstown" with participation from the public and a broad base of stakeholders for the purpose of preparing a management plan for the Otsego Lake watershed. "A Plan for the Management of the Otsego Lake Watershed" was published in April 1998, and subsequently endorsed for implementation by each of the municipalities noted above. Page 7 of the 1998 Plan presents a list of recommendations containing 14 items. Item 13, "Plan Administration and Financing," states in part "continue and further define the Otsego Lake Watershed Supervisory Committee's role in coordinating the management of the lake and watershed."
- E. The Watershed Council voted itself out of existence in March 2003, whereupon the Otsego County Water Quality Coordinating Committee (WQCC), a broadly based coalition of environmental groups, voted to accept the responsibility for continued management of the 1998 Plan on March 31, 2003. Subsequently WQCC disbanded and WSC continued under the original laws, supported by the Village of Cooperstown. On August 22, 2016 following a Public Hearing, the Cooperstown Village Board combined the separate Water and Sewer boards into a single Water and Sewer Board.

§ 285-2 Organization.

- A. The Otsego Lake Watershed Supervisory Committee (WSC) shall administer Public Law 1100 and local laws which are established for the purpose of protecting Otsego Lake as a public water supply and shall be guided by the 1998 Plan for the Management of the Otsego Lake Watershed in carrying out its responsibilities.
- B. Membership shall consist of two members from the Village of Cooperstown and one member each from the Towns of Middlefield, Otsego and Springfield. Appointments shall be for ~~two~~ three years, except that initial appointments during reorganization may be staggered to promote smooth transfers.

- C. The Village Mayor will communicate with the Chief Executive Officer of each respective municipality in order to secure their one representative to the WSC. Each Town Board shall appoint its WSC representative and notify the Village Mayor of the appointment. Each Town Board shall fill a vacancy during a term in the same manner.

§ 285-3 Meetings.

The WSC shall meet routinely at least once a month, with dates and times publicized on the Village of Cooperstown Calendar. Meetings shall be public and in compliance with Open Meeting Law. Normally meetings will be held in the Village Hall, Meeting Room. Special meetings will be held as needed upon the call of the Chairman. Three members of the WSC shall constitute a quorum.

§ 285-4 Duties.

- A. Management Regulations for on-site wastewater treatment systems (OWTS) in the Otsego Lake Watershed are set forth in Article II of this law and may be amended by the Village of Cooperstown following consultation with the WSC.
- B. The WSC will implement these regulations by a system of inspection of these systems that lie within 500 feet of the shoreline of Otsego Lake or 100 feet from one of its tributaries, an area referred to as the "zone of protection." Inspection shall be periodic, as well as upon changes to any structure on any property in the zone of protection requiring a permit from any municipality or state or federal department or upon transfer of property or failure of a system.
- C. The Village of Cooperstown shall employ, as necessary, a Watershed Coordinator and/or a Systems Inspector.
- (1) Duties of the WSC, Watershed Coordinator and/or the Watershed Inspector will include:
- (a) Organizing and maintaining an inventory of watershed OWTS on a suitable, regularly updated computerized filing system.
 - (b) Planning and supervising a three-year rotation of inspections of all septic systems in the Otsego Lake zone of protection, unless modified by the WSC based on criteria developed by the WSC.
 - (c) Arranging for review of engineering designs of new and replacement OWTS and presenting them to the WSC for approval.
 - (d) As necessary, overseeing the installation of OWTS in Otsego Lake's zone of protection.
 - (e) Organizing an educational program for watershed property owners.
 - (f) Preparing status reports for the WSC and organizing meetings.
 - (g) Managing watershed issues that threaten the lake as a drinking water supply.
 - (h) Scheduling and conducting inspections of OWTS in the Otsego Lake zone of protection.
 - (i) Coordinating inspections with wastewater haulers.
 - (j) Documenting inspection findings with reports and photos.
 - (k) Recommending pass/fail of OWTS to WSC, based on inspection findings.
 - (l) Inspecting and documenting OWTS upgrades.
 - (m) Maintaining OWTS files.

- (n) Attending WSC meetings.

§ 285-5 Definitions.

- A. Definitions found in subsection (b) of Section 136.3 of Public Health Law 1100 and in Appendix 75-A of Section 201(1)(1) of the Public Health Law shall apply.
- B. The shore line of Otsego Lake shall be defined as the edge of the water at a lake height of 1,194.5 feet above sea level. This is essentially equal to 1.5 feet above the concrete surface of the dam at Mill Street.
- C. A tributary stream to Otsego Lake shall be defined as being listed in the Department of Environmental Conservation's Index of Waters.
- D. WSC is the Otsego Lake Watershed Supervisory Committee.
- E. OWTS is an on-site wastewater treatment system.

Article II

Management Regulations for On-Site Treatment Systems

§ 285-6 Purpose.

The purpose of these regulations is to protect the water quality of Otsego Lake. These standards are established to protect public health by ensuring adequate performance of on-site wastewater treatment systems (OWTS) and so to optimize the effectiveness of the systems at removing pathogens and nutrients from wastewater.

§ 285-7 Applicability.

The provisions of these regulations shall be in effect in the municipalities of Cooperstown and the Towns of Middlefield, Otsego and Springfield and shall include OWTS on the land within 500 feet of the shoreline of Otsego Lake or within 100 feet of feeder streams to Otsego Lake having a DEC index of waters number (the zone of protection).

§ 285-8 Validity.

If any section, paragraph, subdivision or provision of this chapter shall be judged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

§ 285-9 Wastewater system inspections.

The Watershed Coordinator and/or Systems Inspector shall make regular visits to wastewater treatment systems in the zone of protection for purposes of inspection, observation and testing. It shall be the duty and obligation of the wastewater system owner to supply upon request, to the Watershed Coordinator and/or Systems Inspector, available information regarding wastewater system type, capacity, location, usage, age, maintenance, etc., in order to determine the system's effectiveness. Data gathered during an inspection will be included in a wastewater treatment system inventory of all systems covered by this chapter and maintained on behalf of the WSC.

§ 285-10 Approval of new or modified septic systems.

- A. Systems farther than 500 feet from the Lake or 100 feet from a tributary shall be reviewed and approved by the County Building Code Department.

All designs of new or replacement systems in the zone of protection shall be reviewed and approved by the WSC, with notification sent to the County Building Codes Department. These systems must be built

in accordance with an engineer-designed plan or have been approved by the New York State Department of Health.

- B. Holding tanks. The installation of a holding tank system for household wastewater will not be allowed within 500 feet of Otsego Lake unless granted an individual variance by the WSC. The following conditions must be met before a variance is granted:
- (1) A site survey is conducted by a New York State licensed professional engineer (P.E.).
 - (2) A determination is made by the engineer that the site is not suitable for an on-site treatment system, including alternative design systems, and that the only option for handling wastewater is a holding tank.
 - (3) A report is sent to the WSC on the findings of the site survey, which would include the reasons the site is not suitable for an on-site system.
 - (4) The design of the holding tank system is done by the engineer and is in accordance with WSC standards.

§ 285-11 Inspections of existing systems.

- A. These regulations cover on-site systems located 500 feet or less from the shoreline of Otsego Lake or 100 feet or less from a tributary stream to the lake.
- B. Systems installed within two years of a property transfer or a regular inspection can obtain an inspection waiver by submitting a copy of the installed system design stamped by a professional engineer. Tanks that have been pumped out within one year of a property transfer or regular inspection can obtain a waiver on seepage pumping by submitting a copy of a bill for seepage hauling services.
- (1) Regular on-site system inspections.
- (a) All on-site wastewater treatment systems covered as indicated above will be inspected once every three years by a certified WSC inspector.
 - (b) If the system passes the inspection, a certificate of compliance will be issued with copies to the homeowner and the Watershed Coordinator.
 - (c) If the system fails the inspection, a written notice of violation will be issued as per § 285-12. Property owners have up to 30 days to contact the WSC with their plan for corrective action.
 - (d) For alternative-design nonconventional systems, also known as "enhanced treatment units" (ETUs), the owner must provide a copy of the service contract or proof the system has been serviced within the past three years, to the inspector at the time of the inspection.
- (2) Property transfers.
- (a) On-site wastewater treatment systems should be inspected and tanks pumped within 30 days before the transfer of property at the expense of the seller. It is recommended that property transfer inspections and pumping be arranged by the property owner as early in the selling process as possible in order to obtain an accurate assessment of the system. (Note: If the system has been inspected within three years of the expected transfer, and the owner presents a certificate of compliance issued by the WSC, the inspection at property transfer will be waived.)
 - (b) For ETU systems, the owner must send a signed copy of a service contract to the WSC within 30 days after property transfer.

- (3) Reported violations. On-site systems shall be inspected following any reported violation. These inspections are performed by municipal codes enforcement officers or certified WSC inspectors.

§ 285-12 Violations; penalties for offenses.

- A. Whenever the Watershed Coordinator and/or the Systems Inspector determines that a system is not in compliance it will be reported to the WSC.
- B. The WSC will review the data on the non-compliant OWTS. The WSC will issue a written notice of violation (NOV) to the property owner. The NOV shall state: the nature and extent of the violation; identify required corrective action; and the date by which corrective action shall be completed, which shall be no later than one year from the date on which the property owner received the NOV. The owner of the wastewater system has up to 30 days from receipt of the NOV to contact the WSC. Completion of the work detailed in the NOV shall be performed within the time period specified, not to exceed one year. Any violation beyond that date shall be dealt with as follows:
 - (1) If a property owner does not respond to a NOV regarding a septic system, and/or refuses to allow the WSC to inspect the septic system, the WSC shall seek a legal remedy to resolve the violation. A legal remedy may involve (1) the WSC, (2) the Town government in which the violation occurs, or (3) the Otsego County Building Code Department.
 - (2) A certified letter will be sent by the WSC to the property owner, informing the owner that legal remedies, including injunctive relief, the seeking of imposing a fine of up to \$500 (and/or imprisonment of up to 15 days) for each week of future uncorrected violation. Additionally, the town has the authority to seek any of the aforesaid legal remedies, including injunctive relief, which would be a court order either requiring the property owner to correct the violation or authorizing the WSC to do so at the owner's expense.
 - (3) The property owner will contact the County Building Code Department to discuss initiating compliance with WSC regulations. The options for compliance include upgrading or decommissioning a failed septic system, and in the case of refusing inspection, allowing the septic system to be inspected. Decommissioning a system means taking it out of service by capping the discharge sewer line and either removing the system or backfilling it in place.
 - (4) If there is no response from the property owner after 15 days following receipt of the certified violations and penalties letter, legal action as described in Subsection **B(2)** above will be taken by the WSC and/or the appropriate municipal code officer.

§ 285-13 Fees.

The Board of Trustees of the Village of Cooperstown may establish and collect a fee for the administration of this law.

