

Filed December 20, 2019

NOTICE OF ENACTMENT

PLEASE TAKE NOTICE that after a public hearing held pursuant to the requirements of law on December 5, 2019 and at a meeting held by the Town board of the Town of East Hampton, New York on December 10, 2019, the following Local Law was adopted:

LOCAL LAW NO.35 OF 2019

INTRODUCTORY NO. 40 OF 2019

SECTION I. - TOWN CODE AMENDED: [Amendments noted by cross outs and *italics*]

Chapter 209 is hereby re-titled "Low Nitrogen Sanitary System Rebate *Incentive Program*".

§ 209-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPROVED COSTS

Those costs associated with the replacement of a current sanitary system with a low-nitrogen sanitary system, including equipment, labor, materials and excavation directly related to the removal of the current sanitary system and/or installation of the new low-nitrogen sanitary system, which have been reviewed by the Natural Resources Department and are deemed to be appropriate and necessary for the replacement of the particular system on the specific property. In determining whether a cost is appropriate and/or necessary, the Natural Resources Department will consider the usual and customary costs of certain equipment, materials, and labor, as well as any characteristics of the property that may aid or hinder the replacement.

AUTHORIZATION

A Limited Septic Registry Authorization as defined in Chapter 210 (Sanitary Systems) of the Town Code. ~~-approval issued by the Town Sanitation Inspector~~

~~which approves a sanitary installation, repair and/or removal, consistent with the requirements of the Suffolk County Department of Health Services and Chapter 210 (Sanitary Systems) of the Town Code, and if applicable, the Planning Board of the Town of East Hampton.~~

ELIGIBLE PROPERTY OWNERS

~~Residential property owners who meet the Basic STAR income eligibility requirements contained in § 425 of the New York State Real Property Tax Law; and owners of property used for nonresidential purposes in the Town of East Hampton including properties located within village boundaries within the Town of East Hampton.~~

LOW-NITROGEN SANITARY SYSTEM

Any sanitary system that has been approved by the Suffolk County Department of Health Services that has shown to reduce nitrogen levels to 19 milligrams or less per liter, until such time as the Suffolk County Department of Health Services approves a sanitary system that reduces nitrogen levels to 10 milligrams or less per liter, at which time that will constitute a low-nitrogen sanitary system, and the previous systems reducing to 19 milligrams or less will no longer constitute a low-nitrogen sanitary system.

WATER PROTECTION DISTRICT

Includes all areas within the Harbor Protection Overlay District (Accabonac Harbor, Fort Pond, Georgica Pond, Lake Montauk, Hog Creek, Napeague Harbor, Northwest Creek, Northwest Harbor, Steppingstones Pond, Three Mile Harbor, Tuthill Pond and Wainscott Pond) as well as priority areas in the Montauk Business District, Lake Montauk Dock Area, Ditch Plains, Camp Hero, Southern Three-Mile Harbor Watershed, South Hog Creek Watershed, East Hampton Village Business Center, high-density neighborhoods in Springs, Sag Harbor Water Quality Priority Area and Wainscott Pond Priority Area. The map of the Water Protection District is provided as Chapter **209** Attachment 1:1 - Water Protection District Map.^[1]

[1] Editor's Note: Said map is on file in the Town offices.

§ 209-2. Water Protection District sanitary system upgrade rebate incentive program.

A. Eligible property owners of property located in a Water Protection District who replace their existing sanitary system with a Suffolk County Department of Health Services approved low-nitrogen sanitary system are eligible from the Town of East Hampton for a rebate to reimburse for an incentive towards

the cost of such replacement.

B. The ~~rebate~~ *incentive* will be for the ~~reimbursement~~ *payment* of approved costs associated with replacement, including equipment, labor, materials and excavation directly related to the removal of the existing sanitary system and/or installation of the new low-nitrogen sanitary system. The Town Board, by resolution duly adopted from time to time, shall establish the amount of the ~~rebate~~ *incentive*.

§ 209-3. Sanitary system replacement rebate incentive program.

A. Eligible property owners who replace an existing sanitary system with a Suffolk County Department of Health Services approved low-nitrogen sanitary system are eligible *to receive* from the Town of East Hampton ~~for a rebate an incentive to pay and/or reimburse for~~ the cost of such replacement.

B. The ~~rebate~~ *incentive* will be for the *direct payment to the Contractor for and/or reimbursement to the eligible property owner* of approved costs associated with replacement, including equipment, labor, materials and excavation directly related to the removal of the existing sanitary system and/or installation of the new low-nitrogen sanitary system, to include reasonable site restoration costs to pre-existing conditions. The Town Board, by resolution duly adopted from time to time, shall establish the amount of the ~~rebate~~ *incentive*.

§ 209-4. Rebate Incentive eligibility procedure.

A. Upon receipt of an ~~building permit~~ *approved limited septic registry application* for replacing a sanitary system, a property owner must provide documentation to the Natural Resources Department that he or she is an eligible property owner.

B. Eligible property owners must submit a ~~rebate an incentive~~ application to the Natural Resources Department providing the information necessary to process *and approve the rebate application for payment*. Such information shall include, but is not necessarily limited to: whether the property is located in a Water Protection District; the current sanitary system on the property; the proposed sanitary system; current location of the sanitary system; proposed location of the replacement system; a certified estimate from the contractor for the cost, including equipment, labor, materials and excavation directly related to the removal of the current sanitary system and/or installation of the new low-nitrogen sanitary system; *proof of payments as required for reimbursement of costs*; and any approvals required to execute the replacement (i.e. site plan approval, natural resource special permit, etc.).

C. Once an application is complete, the eligible property owner shall complete the replacement of the sanitary system *and apply for payment/reimbursement* within ~~six months~~ *one (1) year* of the acceptance of the application as complete. The Natural Resources Department has the discretion to issue ~~an extension~~ *a renewal* for no more than two *six month periods* for good cause shown.

D. Once the replacement of the sanitary system is complete, the eligible property owner must submit to the Natural Resources Department a Suffolk County Department of Health Services WWM-073 Form (if available), *or a field report from SCDHS indicating that the installation is in conformance with approved plans (Inspector Certification Letter) or a confirmation from the Town Sanitation Inspector that the system was installed in a manner consistent with the approved plans and authorization together with a certificate of compliance from the Building Inspector*, and a notarized certification from the contractor who performed the replacement, which must include:

(1) That the replacement of the sanitary system was performed in compliance with the requirements of the Suffolk County Department of Health Services; and

(2) A statement or receipt detailing the actual costs for equipment, labor, materials and excavation directly related to the removal of the current sanitary system and/or installation of the new low-nitrogen sanitary system.

(3) Upon receipt of all documentation required under this section, the Natural Resources Department shall authorize the issuance of ~~a rebate~~ *an incentive payment* in the amount applicable under § **209-2** or § **209-3** for approved costs. *Payment may be made directly to the Contractor for costs incurred in the replacement of the sanitary system and/or to the eligible property owner for such costs, and to the property owner for reimbursement of other qualifying costs incurred by the eligible property owner, to the extent funding is approved for the same.*

§ 209-5. Funding.

Funding for the low-nitrogen sanitary system incentive program may be provided as a water quality improvement project under Chapter **112** of the Town Code. Payment of ~~rebates~~ *incentives* shall be subject to availability of funding under such project.

SECTION II. -EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.