

## SANITARY CODE

[HISTORY: Adopted by the Board of Health of Tompkins County 7-1-1953, including revisions and amendments effective 7-1-1972, 9-12-1972, 6-12-1973, 3-12-1974, 8-17-1977, 4-24-1978. Subsequent amendments noted where applicable.]

### Introductory Note

Section 347, Article 3 of the Public Health Law of the State of New York provides as follows:

Upon the establishment of a board of health for a county or part-county health district as provided in this article, it shall exercise all the powers and perform all duties of local boards of health as provided in this chapter, and such board of health may formulate, promulgate, adopt and publish rules, regulations, orders and directions for the security of life and health in the health district which shall not be inconsistent with the provisions of this chapter and the sanitary code. Such rules, regulations, orders and directions shall be known as the sanitary code of such district. Every rule, regulation, order and direction adopted by a board of health shall state the date on which it takes effect and a copy thereof signed by the county health commissioner or his deputy shall be filed as a public record in the department, in the county or part-county department of health and in the office of the county clerk and shall be published in such manner as the board of health may from time to time determine. The county health commissioner or his deputy shall furnish certified copies of the sanitary code of the health district and its amendments for a fee of one dollar. Nothing herein contained shall be construed to restrict the power of any city or any village to adopt and enforce additional ordinances or enforce existing ordinances relating to health and sanitation provided that such ordinances are not inconsistent with the provisions of this chapter or the sanitary code.

Section 348 provides:

The provisions of the sanitary code of a county or part-county health district shall have the force and effect of law. Any non-compliance or non-conformance with any provision of such sanitary code or of a rule or regulation duly made thereunder shall constitute a violation punishable by a fine of not more than two hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment. Certified copies of the sanitary code of a county or part-county health district shall be received in evidence in all courts and proceedings in the state.

Section 1308, Public Health Law:

Powers and duties of local boards of health. It shall be the duty of local boards of health to enforce the public health law, the state sanitary code and local sanitary codes whether promulgated by the county or any of the political subdivisions within said county.

A local board of health is hereby authorized to make an ex parte application for a temporary restraining order and upon sufficient proof to satisfy it, the court may grant such an order, where there is a violation within the jurisdiction of the local board of health which requires immediate relief.

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Section C-9.05 of the Tompkins County Charter and Code provides:

- (a) The affirmative vote of a majority of the total membership of the Board of Health shall be required to pass any rule, regulation, order or directive which constitutes the adoption of, or an amendment or addition to, the County Sanitary Code. On the final passage, the question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes of proceedings.
- (b) Every rule, regulation, order or directive which constitutes an amendment or addition to the County Sanitary Code shall be mailed or delivered in final form to each member at least 10 calendar days, exclusive of Sunday, prior to its final passage.
- (c) The Board of Health shall hold a public hearing on every rule, regulation, order or directive which constitutes the adoption of, or an amendment or addition to, the County Sanitary Code, prior to its final passage. Such public hearing shall be on at least five days' notice, published in the official daily newspapers in the county.
- (d) The Board of Health shall cause to be published annually a supplement to the County Sanitary Code which shall indicate all additions to, repeals, and amendments of any section of said Code.
- (e) The Public Health Director shall cause to be furnished certified copies of the County Sanitary Code and its amendments for such fees as may be authorized by law.

### ARTICLE I

#### **Definitions and General Provisions**

§ S-1.01. Title. [Amended 5-9-2000<sup>1</sup>]

The rules and regulations herein contained shall constitute and comprise and be known as the Sanitary Code of the Tompkins County Health District.

§ S-1.02. Definitions. [Amended 5-9-2000<sup>2</sup>]

When used herein, unless otherwise expressly stated, the following terms shall have the meanings indicated:

**ANIMAL WASTE** — The accumulated feces and urine from any animal, the feces of fowl, embryos, blood, and any other offal, solids or fluids resulting from the raising or slaughtering of these animals or fowl.

**APARTMENT COMPLEX** — Two or more buildings, each containing three or more dwelling units or each having more than five bedrooms on a lot or property owned by one person.

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<sup>1</sup> Editor's Note: These amendments were filed with the New York State Health Department 10-3-2000.

<sup>2</sup> Editor's Note: These amendments were filed with the New York State Health Department 10-3-2000.

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**BOARD OF HEALTH** — The Board of Health of the Tompkins County Health District.

**COMMISSIONER** — The Commissioner of Health of the Tompkins County Department of Health, the Public Health Director of the Tompkins County Department of Health or an authorized representative.

**DEPARTMENT or HEALTH DEPARTMENT** — The Department of Health of the Tompkins County Health District.

**DEVELOPMENT** — A subdivision or apartment complex.

**DEVELOPER** — A person undertaking or participating in the establishment of a development including subdivisions and apartment complexes.

**DRINKING WATER** — Potable water available for human consumption, food preparation or culinary purposes.

**DRINKING WATER SUPPLY** — A water supply which provides potable drinking water.

**DWELLING UNIT** — Any room or group of rooms located within a dwelling and forming a single (habitable) unit with facilities which are used or intended to be used for living, sleeping, cooking, eating.

**GARBAGE** — All animal and vegetable wastes resulting from the processing, preparation, cooking or serving of food, and other putrescible materials.

**HAZARDOUS SUBSTANCES** — Any substance defined to be hazardous by any Federal or New York State law, code, rule or regulation.

**HEALTH DEPARTMENT or DEPARTMENT** — The Department of Health of the Tompkins County Health District.

**HEALTH DISTRICT** — The Tompkins County Health District (the area of Tompkins County) established pursuant to the provisions of Section 340 of the Public Health Law.

**HOLDING TANK** — A watertight container used to receive and store liquid wastes in a sanitary manner until they can be transported for treatment or disposal according to S-11.02f or S-11.03a.

**INDIVIDUAL SEWAGE SYSTEM** — A sewage system serving a building or buildings owned or operated by the same person.

**INDUSTRIAL WASTE** — Liquid, gaseous, solid or waste substances or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause pollution of the waters of the county.

**MINIMUM LOT DIMENSION** — Measured as the diameter of a circle which is entirely inscribed within the usable area of the lot.

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**MOBILE HOME PARK** — A property consisting of a tract of land with three or more mobile homes or vehicles and the buildings or other structures that may be pertinent to its use, any part of which may be occupied by persons for living purposes other than recreation, traveling or vacationing.

**MUNICIPAL SEWAGE SYSTEM** — A public sewage system owned and/or operated by a municipality including a city, village, town or county or an intermunicipal body composed of the above.

**NON-MUNICIPAL SEWAGE SYSTEM** — A public sewage system that is not a municipal sewage system.

**NON-RESIDENTIAL ESTABLISHMENT** — Schools, factories, commercial establishments, service food establishments, or other places serving or frequented by the public, but providing no living or sleeping quarters.

**N.Y.C.R.R.** — Refers to State of New York Official Compilation of Codes, Rules and Regulations. Title 10 covers Health, Title 6 covers Environmental Conservation.

**OFFENSIVE MATERIAL** — Any sewage or human fecal matter or the contents of holding tanks, cesspools, septic tanks and chemical toilets in either liquid or solid state.

**OPEN FIRE** — Any outdoor fire or outdoor smoke producing process.

**PERMIT** — A written license or authorization to perform a specified activity or activities as regulated by this code.

**PERMITTEE** — A person who holds a valid permit issued by the Commissioner or the State Department of Health.

**PERMIT ISSUING OFFICIAL** — The person identified in the New York State Sanitary Code for New York Sanitary Code items, the Public Health Director of the Tompkins County Health Department or a designated representative for Tompkins County Sanitary Code items.

**PERSON or PERSONS** — Any individual, group of individuals, firm, public or private corporation, government agency, school district, principal stockholder of a corporation, partnership, partner of a partnership, principal of any company doing business under an assumed name, individuals holding themselves out to be spokesmen for and to have authority to bind any partnership, and any entity or group of entities acting in a common purpose or to a common end. However, no authority over New York State agencies is implied or assumed by this definition.

**POTABLE WATER** — Drinking water which complies with the standard established in Part 5 of the New York State Sanitary Code.

**PUBLIC SEWAGE SYSTEM** — A sewage system serving multiple buildings or lots, which are not owned or controlled by the same person. A public sewage system may be either a municipal or a non-municipal public sewage system.

**PUBLIC WATER SUPPLY** — A drinking water supply defined as a public water supply by Part 5 of the NYS Sanitary Code and any drinking water supply serving five or more dwelling units, a temporary residence, apartment complex, or institution or such non-residential

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establishments as schools, factories, commercial establishments, service food establishments, or other places serving or frequented by the public.

**REALTY SUBDIVISION** — Any tract of land which is divided into five or more parcels after August 1, 1977 along any existing or proposed streets, highways, easements, or rights-of-way for sale or for rent as residential lots or residential building plots, regardless of whether the lots or plots are to be sold or offered for sale, or leased for any period of time, are described by metes and bounds or by reference to a map or survey of the property or by any other method of description and regardless of whether the lots or plots are contiguous. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of the fifth residential lot or residential building plot therefrom within any consecutive three year period, and at this time the provisions of Article VIII of this code shall apply to all such parcels thereof, including the first four parcels, regardless of whether said parcels have been sold, rented, or offered for sale or lease singly or collectively.

**REFUSE** — All putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.

**RESIDENTIAL LOT or RESIDENTIAL BUILDING PLOT** — Any parcel of land of five acres or less, any point on the boundary line of which is less than one-half mile from any point on the boundary line of another such lot in the same tract, unless any such lot may not legally be used for residential purposes. Without limiting the generality of the foregoing, the term “residential” shall include temporary, seasonal and permanent residential use.

**RUBBISH** — Includes solid or liquid waste material, including but not limited to: paper and paper products, rags, trees or leaves, needles and branches therefrom, vines, lawn and garden debris, furniture, cans, crockery, plastics, cartons, chemicals, paint, greases, sludges, oils and other petroleum products, wood, sawdust, demolition materials, tires and automobiles and other vehicles and parts for junk, salvage or disposal. Rubbish shall not consist of garbage or other putrescible material, incinerator residue, street sweepings, dead animals, offal, hazardous substances or offensive materials.

**RUBBISH RESULTING FROM FARMING ACTIVITY** — Solid waste created in the normal operations of farming, but not including tires, vehicles and machinery, rubbish for salvage, or hazardous material such as pesticides. [Added 10-11-2005<sup>3</sup>]

**RUBBISH RESULTING FROM RESIDENTIAL ACTIVITY** — Garden and lawn clean-up materials only, such as vines, leaves, needles and trees and branches (less than 4 inches in diameter). [Added 10-11-2005<sup>4</sup>]

**SANITARY CODE** — The rules and regulations now or hereafter formulated, promulgated and adopted by the Board of Health of the Tompkins County Health District pursuant to Sections 347 and 348 of the Public Health Law of the State of New York.

**SECONDARY TREATMENT** — Treatment of sanitary wastes to at least 30 milligrams per liter (mg/l) of Biochemical Oxygen Demand, 30 mg/l suspended solids, and pH between 6.5 and 8.5. By definition this includes the effluent of a properly designed and

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<sup>3</sup> Editor’s Note: This amendment was filed with the New York State Department of Health 11-7-2005.

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operated septic tank/sand filter system, or other system as determined by the Commissioner of Health.

**SERVICE FOOD ESTABLISHMENT** — Any place in which food is prepared for public service, including all eating and drinking establishments whether fixed or mobile, temporary or permanent except common carriers in interstate service.

**SEWAGE** — The combination of human, household, industrial, other liquid or animal wastes with water including the waste from a flush toilet, bath sink lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment or machine.

**SEWAGE SYSTEM** — All connected pipes, tanks, and other equipment and appurtenances necessary or useful in whole or in part in connection with the collection, holding, treatment and/or disposal of sewage and/or liquid waste.

**SEWAGE WORKS CORPORATION** — A corporation organized to provide sewage service in accordance with Article 10 of the New York State Transportation Corporation Law.

**SMOKE** — Small gas-borne particles consisting essentially of black carbonaceous materials from the burning of combustible materials, in sufficient number to be observable.

**STATE SANITARY CODE** — The rules and regulations promulgated by the Public Health Council of the State of New York.

**STREET, HIGHWAY, EASEMENT or RIGHT-OF-WAY** — Includes any public or private street, highway, easement or right-of-way contiguous to or running through any portion of the tract.

**SUBDIVISION** — Realty subdivision.

**SUBSURFACE DISCHARGE** — The discharge of liquids, including treated sewage, below the ground surface so that the liquid is intended to become part of the groundwater.

**SURFACE DISCHARGE** — The discharge of liquids, including treated sewage, to the ground surface or waters on the ground surface such as streams, ponds, or lakes.

**TEMPORARY RESIDENCE** — As defined in Part 7 of the New York State Sanitary Code. It shall include, but shall not be limited to: a children's overnight or day camp, a mobile home park, hotel, boarding house or lodging house with capacity of 10 or more persons, a travel trailer park or camp with 3 or more units, all as defined in Part 7 of the New York State Sanitary Code.

**TRACT** — Any body of land, including contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

**USABLE AREA:**

A. The land available for the siting of a building and its appurtenances, a water supply, and the installation and replacement of a sewage system and the treatment and disposal of such wastes.

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B. “Usable area” excludes wetlands as designated by the New York State Department of Environmental Conservation, swamps, bogs, ponds, waterways, Flood Zones “A” as shown on Flood Insurance Rate Maps or Flood Hazard Boundary Maps prepared by the Federal Emergency Management Agency, and streets, highways, easements and rights-of-way where the easements or rights-of-way could affect the installation or operation of the sewage system and/or the soil’s ability to treat and dispose of the waste, as determined by the Commissioner.

C. After exclusion of the above, the minimum lot must be a single contiguous area.

**WATER SUPPLY** — A single system or network of piping, and any storage tanks, source reservoirs, pumps, treatment facilities, and other facilities, together with a source of water to supply a person, or persons.

**WATERS** — Includes lakes, reservoirs, springs, wells, rivers, streams and creeks within the territorial limits of Tompkins County and all the bodies of underground or surface water, natural or artificial, public or private (except private waters which do not effect any juncture with natural surface or ground water) which are wholly or partially within or bordering the county or within its jurisdiction.

### § S-1.03. Applicability; legal effects.

A. The provisions of the Sanitary Code shall be in force throughout the County of Tompkins.

B. The code shall be supplemental to the Public Health Law, the New York State Sanitary Code, the New York State Environmental Conservation Law, Penal Law and other New York State Laws relating to public health and shall, as to matters to which it refers, and in the territory prescribed therefore by law, supersede all local ordinances heretofore or hereafter enacted inconsistent therewith.

### § S-1.04. Rules and regulations.

The Board of Health is hereby authorized and empowered to make and promulgate all reasonable rules and regulations necessary to enforce the provisions of this Sanitary Code.

### § S-1.05. Penalties for offenses.

The provisions of the County Sanitary Code shall have the force and effect of law. Penalties for violations or non-conformance with any provisions of such County Sanitary Code or of any rule, regulation, order or directions made thereunder shall be in accordance with provisions of the Public Health Law of the State of New York. Certified copies of the County Sanitary Code shall be received in evidence in all courts, and proceedings in the State.

a. Penalty by the Board of Health. Pursuant to the provisions of Section 309 of the Public Health Law, the Board of Health may impose a penalty not to exceed five hundred dollars upon a person for any violation of or failure to comply with any provisions of the Sanitary Code or of

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the State Sanitary Code, or any order made pursuant to such codes or to law after holding a hearing thereon. Each day on which such violation or failure continues shall constitute a separate offense. Nothing herein contained shall be construed to exempt an offender from any other prosecution or penalty provided by law.

b. Violation. Pursuant to the provisions of Section 348 of the Public Health Law, any non-compliance or non-conformance with any provisions of the Sanitary Code or of any rule, regulation, order or special direction duly made thereunder shall constitute a violation punishable by a fine of not more than two hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment.

### § S-1.06. Interference with notices.

At his discretion, the Commissioner may post a notice or placard advising the public of the existence of such violation.

No person shall remove, mutilate or conceal any notice or placard of the Department of Health posted in or on any premises or public places except by permission of the Commissioner.

### § S-1.07. Inspection generally.

a. All premises covered by the regulations of this Sanitary Code shall be subject to inspection by the Commissioner of Health. No person shall refuse to allow any officer of the Department of Health or their assistants to fully inspect any and all such premises, and no person shall molest or resist any officer of the Department of Health or their assistants in the discharge of their duties.

### § S-1.08. Permits generally.

All applications for permits or written approval herein required or required by the Public Health Law or Sanitary Code of the State of New York shall be made upon forms prescribed and furnished by the State Commissioner of Health or the Commissioner and shall be signed by the applicant who shall be the person or authorized agent thereof, responsible for conformance with the conditions of the permit or approval applied for. Such application shall contain such data and information and be accompanied by such plans as may be required by the Commissioner. A permit issued to a particular person, or for a designated place, purpose, or vehicle shall not be valid for use by any other person or for any other place, purpose or vehicle than that designated therein.

Such permits or written approvals may contain general and specific conditions and every person who shall have obtained a permit or written approval as herein required shall conform to the conditions prescribed in said permit or written approval and to the provisions of the Sanitary Code. Every such permit shall expire as stated on the permit and may be renewed by the Commissioner, suspended for cause by the Commissioner or revoked by the Commissioner after due notice and hearing. Fees for such permits, if any, shall be those established by the Tompkins County Board of Health.

### § S-1.09. Issuance of licenses.



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Nothing herein contained shall be construed to restrict or abrogate the authority of any city or any village in the health district to adopt and enforce additional ordinances or to enforce existing ordinances relating to the regulation, control and/or issuance of any license, and/or revocation thereof, and to charge and collect a fee therefor.

### § S-1.10. Unconstitutionality clause.

In the event any section, paragraph, sentence, clause or phrase of this Sanitary Code shall be declared unconstitutional or invalid for any reason the remainder of this Code shall not be affected thereby.

## ARTICLE II Service Food Establishments

### § S-2.01. State Sanitary Code provisions.

Part 14 of the Sanitary Code of the State of New York establishes the regulations in force in this county.

### § S-2.02. Permit required.

- a. As is permitted under Section 14.5 of the Sanitary Code of the State of New York, in Tompkins County no person, firm or corporation shall maintain or operate a service food establishment without first having obtained a permit therefore from the Commissioner.
- b. The Commissioner may waive the required permit for itinerant establishments or places maintained by fraternal or religious organizations serving occasional meals, provided that such establishments conform to all other requirements.

## ARTICLE III Temporary Residences

Part 7 of the New York State Sanitary Code establishes the regulations in force in this county. The following is supplemental. For requirements relating to facilities, Articles IV, VI, VII and VIII apply also.

### § S-3.01. Permits.

- a. No person shall maintain or operate any temporary residence or cause or allow the same to be occupied without first having obtained a permit from the Department.
- b. A permit may be revoked by the Commissioner if the temporary residence is maintained, operated, enlarged, improved, converted, or occupied in violation of the provisions of this article or any of the applicable articles of this Code or any of the applicable sections of Part 7 of the Sanitary Code of the State of New York.
- c. Permits shall be issued annually, and except for children's camps, shall expire on October 31, following the date of issuance.

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### § S-3.02. Developmental plan.

- a. No person shall establish, improve, convert, or enlarge a temporary residence or any portion or facility thereof, until a developmental plan where appropriate is submitted to and approved by the Department.
- b. The content of such developmental plan shall include:
  - 1) A surveyed plan including lot boundaries, topography, ditches, waterways, ponds, swamps, high pressure gas mains, etc., prepared by a N.Y.S. licensed surveyor.
  - 2) An engineered plan including soil tests, building locations, water and sewage system location and design (including adjacent systems), drainage control and soil erosion prevention plans, etc., prepared by a N.Y.S. licensed professional engineer.
  - 3) An engineering report including a solid waste collection and disposal plan and a method for control of air pollutants other than normal household emissions.

### § S-3.03. Construction of facilities.

- a. The construction of all facilities shall be in accordance with the approved plans.
- b. Failure to construct and maintain any facilities in accordance with the approved plans may result in the plan approval being rescinded and/or the permit revoked.

### § S-3.04. Environmental factors.

- a. Water supply.
  - 1) By definition, the water supply of a temporary residence is a public water supply and comes under all the requirements for public water supplies set forth in Article VII.
  - 2) Connection to an existing public water supply is required when the temporary residence is located within an existing water district or is reasonably accessible to one. This requirement shall apply in the event that the applicant does not submit to the Department, satisfactory proof that he cannot effect arrangements for connection to an existing water district.
  - 3) A temporary residence having 10 or more dwelling units is required to have one public water supply serving the entire temporary residence.
- b. Sewage disposal.
  - 1) A public sewage disposal system is required when the temporary residence is located within an existing municipal sewer district or is reasonably accessible to such a district.
  - 2) One public sewage disposal system shall serve the entire temporary residence, if possible.
  - 3) Public sewage disposal systems not serving the entire temporary residence must dispose of the effluent by subsurface disposal into natural soils only (tile fields or dry wells).

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4) When a temporary residence is developed by sections, each section defined by a single plan submission, the provisions of § S-3.04b2 may apply to each such section independently of the others.

c. Solid waste disposal. As a minimum, the operator of a temporary residence must provide a weekly refuse collection service, operated in compliance with Article IV.

### § S-3.05. Other agencies and persons.

The Commissioner may utilize information from other governmental agencies or persons responsible for making health or safety inspections in making a determination regarding the issuance or revocation of a permit required by this article. Such information may result from the normal duties of such agencies or persons, or from a request for information by the Commissioner.

### § S-3.06. Maintenance of temporary residence facilities.

a. The owner and operator of a temporary residence is responsible for ensuring that all facilities are kept safe, sanitary, in good repair and working order, and in full compliance with the New York State and Tompkins County Sanitary Codes.

b. Delegation of responsibilities.

1) In addition to § S-3.06a, in a temporary residence where all facilities are not owned by the operator, the occupant or tenant shall be held responsible for maintenance of his or her own facilities according to a set of written rules.

2) Such rules shall be provided in writing to each tenant or occupant, and posted in a location on the premises, accessible to all residents, and in a mobile home park, they shall be promulgated in compliance with Section 233 of the Real Property Law of the State of New York.

c. The temporary residence owner and operator shall be responsible for enforcement of his rules and all applicable sections of this Sanitary Code.

d. If the Department finds that the owner or operator does not take reasonable action to ensure that said facilities are adequately maintained and conditions hazardous to the health and safety of the residents are removed, the Department may take action against the temporary residence owner and operator.

e. If the owner does take reasonable action to ensure that the facilities are adequately maintained and conditions hazardous to health and safety of the residents are removed, the Department may take action against the tenant or occupant.

### § S-3.07. Temporary Residences; Responsibilities for Maintenance of Facilities in Mobile Home Parks: Rules and Regulations.

( 1) Rule I.

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The mobile home park owner and operator may not delegate the responsibility for the maintenance and supervision of any park owned facilities to the occupant or tenant. These shall include, but not be limited to:

- A. The water supply to the mobile home stand.
  - B. The sewage disposal system including the riser pipe for connection.
  - C. Electrical equipment and wiring to the mobile home stand.
  - D. Fuel oil and liquid propane gas systems to the mobile home stand.
  - E. Any park operated refuse disposal equipment.
  - F. The grounds, roads, associated buildings and any other facilities pertinent to the normal operation of the mobile home park.
- (2) Rule II.

When rules are promulgated in compliance with Section 233 of the Real Property Law of the State of New York, the mobile home owner may be held responsible for the maintenance of his mobile home, his mobile home lot, all his facilities and connections to park facilities and refuse storage facilities and containers serving his lot.

### ARTICLE IV **Refuse Disposal** [Amended 5-9-2000<sup>5</sup>]

The purpose of this article is to protect public health and the environment by avoiding public health nuisances and public health hazards caused by refuse accumulation, collection and disposal.

#### § S-4.01. Accumulation.

- a. No person shall accumulate refuse except as follows:
  - 1) All refuse shall be drained as free as possible of liquids.
  - 2) Garbage shall be accumulated in closed, durable, non-absorbent water tight containers. The interior of reusable containers shall be kept clean by thorough washing and draining as needed.
- b. On every premise there shall be adequate containers (S-4.01a2) to accumulate refuse and so placed and maintained as to not create a nuisance.

#### § S-4.02. Removal and transportation.

- a. Every person who collects and/or transports garbage shall so confine such garbage that there will be no spillage on, or littering of, the highways, roadways or adjacent land.

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<sup>5</sup> Editor's Note: These amendments were filed with the New York State Health Department 10-3-2000.

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b. All liquid or semi-liquid wastes shall be transported in closed tanks or containers allowing no spillage or leakage en route.

### § S-4.03. Disposal of dead animals.

A dead animal shall be buried or disposed of in a sanitary manner by its owner within 72 hours after its death or after its carcass has been discovered.

### § S-4.04. Disposal.

a. Refuse shall be disposed of either by a method approved by the Commissioner or at a refuse disposal area approved by and under permit of the NYS Department of Environmental Conservation.

b. Where not prohibited by local ordinance, refuse derived from a single family may be disposed of on the owner's property, provided that it does not cause a nuisance, and garbage is kept covered. Any such refuse disposal area must be so situated and maintained as to not pollute ground or surface water.

### § S-4.05. Refuse disposal areas.

All applicable portions of the Environmental Conservation Law, the Public Health Law and related codes of the State of New York shall be in effect and apply to the operation of refuse disposal sites in Tompkins County.

a. Factors relating to approval of new sites.

1) Site approval shall take into account existing and potential adjacent land uses, the need for the site and its accessibility.

2) Suitable visual barriers shall be provided and maintained around the disposal area to restrict direct view by the public along adjacent or approach roads. The entrance to the site shall be designed and landscaped so as to minimize the adverse effect on the general appearance of the neighborhood.

3) The operator of each approved disposal site shall remove daily to the site any litter in the vicinity of the disposal site and the immediate approach road.

### § S-4.06. Refuse Disposal: Rules and Regulations.

( 1) Rule I.

All vehicles used in the removal or transportation of refuse shall be compactor trucks or shall be enclosed or adequately covered to prevent the loss of any material en route. They shall bear the name of the owner in a clear and legible manner. There shall be no printed reference on the vehicles concerning the Health Department.

(2) Rule II.

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All vehicles and appurtenances used in the storage, removal, and transportation of refuse shall be kept in a clean and inoffensive manner at all times.

(3) Rule III.

No refuse shall be transported or stand in such a manner as to create a nuisance or the loss or discharge of the material.

(4) Rule IV.

The disposal of refuse shall be only at refuse disposal sites approved by the NYS Department of Environmental Conservation as complying with N.Y.C.R.R. Part 360.

Failure to comply with these Rules and Regulations may lead to revocation of the permit issued under the provisions of the Tompkins County Sanitary Code.

### ARTICLE V

#### **Nuisances and General Sanitation**

§ S-5.01. Nuisances; inspection; investigation.

- a. The Commissioner or his duly authorized representative shall investigate all complaints of any nuisance which may affect health.
- b. The Commissioner or his duly authorized representative may enter upon or within any place or premise where he has reason to believe a nuisance or condition dangerous to life exists or where a place or premise is maintained or operated in a manner to constitute a public health nuisance.

§ S-5.02. Nuisances; notice to owner and others.

If a nuisance which may affect health, or a condition dangerous to life or health has been found to exist, the Commissioner or his representative shall supply the owner, agent and occupants of place or premise with a written statement concerning the nature of the nuisance or condition and initiate procedures as in his opinion shall result in voluntary abatement of the nuisance or condition.

§ S-5.03. Nuisances; hearings and orders.

- a. Upon the filing in the department of the written statement (§ S-5.02) the Commissioner may cause to be served upon the owner, agent, or occupant of such place or premise a notice to appear at a stated time and place, to show cause why such condition should not be declared a nuisance, or a condition dangerous to life or health, and why an order for its abatement should not be issued.
- b. If after such hearing the Commissioner determines the condition found to exist constitute a nuisance or condition dangerous to life or health, a copy of the findings determination and order shall be served on the owner, agents or occupants, and posted conspicuously on the building. Such order shall specify the time period within which the nuisance shall be corrected and the building, dwelling, or premise placed in a sanitary and habitable condition.

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### § S-5.04. Abatement of nuisances.

a. Failure by the owner, agent, or occupants of any premise whereon any nuisance or condition deemed detrimental to the public health exists or causes the existence of a nuisance elsewhere, to comply with any order or regulation for the abatement, suppression, or removal of such nuisance or condition, may be reason for the Commissioner or his duly authorized representative to enter upon the premises to which such order or regulation relates and to abate, suppress, or remove such nuisance or condition.

The expense of such abatement, removal, or suppression shall be paid by the owner, or the Department or County may maintain an action to recover the expense of such abatement in accordance with Sections 1306 and 1307 of the Public Health Law of the State of New York.

### § S-5.05. Unsanitary buildings.

a. Whenever any building or part thereof shall become unsanitary or any dwelling shall become unsanitary as to be unfit for human habitation or in the event occupancy of a building or dwelling shall cause an unsanitary condition on or adjacent to the premises thereof so as to constitute a nuisance, the inspections, investigations, notice to owners and others, the hearing and orders shall be performed as under Nuisances Article V, §§ S-5.01, S-5.02, and S-5.03.

b. Upon failure of said owners to comply with said order, the Commissioner may issue a further order to be affixed conspicuously upon such building or dwelling and served upon the occupant or leasee thereof and upon the owner thereof or his agent requiring all persons to vacate such building or dwelling and to discontinue its use at such time as shall be stated in said order and until such time as the building or dwelling shall be placed in a sanitary habitable condition and the nuisance abated. Upon failure of such building or dwelling to be vacated within the time specified the Board of Health may issue a warrant to the Sheriff directing that such building or dwelling shall be vacated and the Sheriff shall forthwith execute such warrant pursuant to law.

### § S-5.06. Public places.

a. Every person who shall provide a toilet or lavatory for the use of employees, patrons, or members, or available to the public shall maintain such toilet or lavatory at all times in a clean, well lighted, ventilated and sanitary condition. The floors shall be impervious to moisture and properly drained. An adequate supply of soap, running water, and sanitary individual towels or their equivalent shall be available at all times. No towel, hair brush, comb, or drinking cup for common use is allowed.

b. In a building or dwelling wherein two or more tenants have common use of a toilet, lavatory, or bath the owner either directly or through his agent in charge of the building, shall be responsible for the sanitary maintenance of these facilities and shall keep them in a functional and sanitary state of repair.

### § S-5.07. Sale of clothing and bedding.

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No person shall sell or offer for sale any soiled article of clothing, bedding or blankets, whether new or used. No such soiled articles shall be removed from the Tompkins County Health District for sale elsewhere.

### ARTICLE VI **Sewage Holding, Treatment and Disposal** **[Amended 5-9-1989; 5-9-2000<sup>6</sup>]**

The purpose of this article is to protect the public health and the environment from the dangers of exposure to infectious and other disease causing agents which may be present in sewage, and to prevent the contamination of groundwater, surface water, or soil by wastes from individual or non-municipal sewage systems.

§ S-6.01. Design standards and waivers.

- a. Section 75 and Appendix 75-A of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York provide the basic design standards to be used for individual sewage systems.
- b. General Waivers from Part 75 and Appendix 75-A may be sought by the Tompkins County Board of Health from the New York State Department of Health; and when granted they supersede conflicting portions of Section 75, Appendix 75-A and/or Article VI of the Tompkins County Sanitary Code.
- c. The permit issuing official may grant, in writing, a specific waiver from the requirements of Part 75 or Appendix 75-A in an individual situation where a hardship or other circumstance makes it impractical to comply with a standard, and the waiver provides for an adequate level of public health and environmental protection. If a specific waiver is denied by the permit issuing official, the waiver may be requested of the Tompkins County Board of Health.
- d. Waivers from Article VI of the Tompkins County Sanitary Code may be requested of the Tompkins County Board of Health where specific hardships or circumstances make it difficult to comply with Article VI and the waiver provides for an adequate level of public health and environmental protection.
- e. The permit issuing official may include a sketch and specifications of departmental design with the construction permit, or may require for difficult sites that a design professional submit a developmental plan and specifications for review and approval prior to issuing a construction permit. The applicant has the right to submit an application with a developmental plan and specifications by a design professional for approval by the Department, instead of accepting the departmental sketch.
- f. Notwithstanding any of the above provisions, waivers in writing from Appendix 75-A or Article VI are not required for replacement sewage systems where the permit issuing official recognizes the need for a construction permit to solve a health or nuisance condition.

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<sup>6</sup> Editor's Note: These amendments were filed with the New York State Health Department 10-3-2000.



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### § S-6.02. General provisions.

- a. Where a municipal sewage system is available and accessible, no person shall construct any other sewage system except for temporary use in connection with a construction project. When a municipal sewage system is available and accessible to any property, the permit issuing official may order the owner to abandon the use of any other sewage system and to connect with the municipal sewage system within a specified period of time.
- b. No person shall expose or discharge human wastes or sewage to the atmosphere, or to the surface of the ground, or into any storm sewer or drain or into any water course or body of water. This does not apply to persons operating wastewater treatment systems in accordance with a permit issued by the New York State Department of Environmental Conservation allowing such practices.
- c. All sewage systems shall be constructed and operated so as to minimize safety risks.

### § S-6.03. Construction permit.

- a. The property owner, the sewage system operator and the builder of the sewage system are individually required to ensure that a Health Department construction permit has been issued and is in effect for an individual or non-municipal sewage system prior to beginning any of the following activities:
  - 1) Construction, placement or siting of any building or structure requiring a sewage system, or
  - 2) Construction, repair, alteration or enlargement of a sewage system to serve any building(s) or structure(s), or
  - 3) Conversion of a building by alteration, enlargement or extension of an existing building(s) or structure(s) in such a way as to result in a change in the volume or characteristics of the liquid wastes therefrom, including converting from non-residential to residential use.
- b. Term of permit.
  - 1) The construction permit will be valid for two years from the date of issue unless otherwise specified. If the construction of the sewage system cannot be completed within the time period specified, the plan shall be resubmitted to the Department for consideration of renewal.
  - 2) If the standards and requirements of the Department, the site conditions of the lot and the information on the application as certified by the permit holder remain essentially the same as at the time of the original permit, one renewal for up to two years may be issued if applied for before the permit expires.
  - 3) The permit may be transferred to another applicant by the Department if the standards and requirements of the Department, and the site conditions of the lot (including system design flow and system location) as certified by the applicant, remain essentially the same as at the time of the original permit. The transferred permit shall have the same expiration date as the original permit and may be renewed if the original permit had not already been renewed.

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c. Two or more buildings may use one system if all other provisions of Article VI are met, and all involved properties are under one ownership or a Sewage Works Corporation or Municipal Sewer District is formed.

### § S-6.04. Certificate of completion.

a. The construction of the sewage system shall be in accordance with the plans approved in the construction permit.

b. The Department, and a design professional if the system was designed by one, shall be notified when the sewage system is ready for inspection. No part of the system shall be covered until inspected and found to be in accordance with the permit. Whenever considered necessary by the Department, any covered work shall be uncovered at the expense of the owner to permit proper inspection. A certificate of completion will be issued by the Department upon a satisfactory inspection of the completed work by the Department and/or a letter from a design professional noting completion in accordance with the permit.

c. The sewage system serving any building may not be used, nor shall any new building or converted part of a building be occupied, until the system is inspected and approved and the certificate of completion is issued.

d. Any sewage system that is abandoned or not in use for a period of five years or more, whether or not a completion certificate was issued, may not be placed back into service before a new construction permit is obtained. A new system does not need to be built if the existing system either complies with all current design and separation criteria, or a waiver is appropriate and issued.

e. The design or the construction of a sewage system meeting with the approval of the Department shall not be construed as a guarantee by the Department that the system will function satisfactorily nor shall it in any way restrict action of the Department in the enforcement of any law or regulation.

### § S-6.05. Other regulations.

Nothing in this article shall exempt any construction of individual or public sewage systems from other applicable local, state and federal regulations.

The issuance of a sewage system construction or operation permit by state or federal agencies or a building permit by local municipalities shall not exempt any person from the requirement for a construction permit under S-6.03 of this article.

### § S-6.06. Special requirements in Tompkins County.

a. The definitions included in the New York State Sanitary Code, Part 75 and Appendix 75-A, supersede the definitions in Article I, except:

- 1) "Sewage" is used as defined in Article I.
- 2) "Watercourse" includes, but is not limited to, all surface water paths that have identification numbers assigned by the New York State Department of Environmental

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Conservation, except those that the permit issuing official determines in writing to contain water only during and immediately after a rainstorm or snow melt.

b. Vertical separation.

1) Where a groundwater source is developed or anticipated to be developed within 500 feet of a sewage system, the vertical separation distance from the bottom of any trench or bed of that system to bedrock or fractured bedrock shall be at least three feet, except only two feet are required beneath a sand filter and the gravel of a bed or mound following a sand filter.

2) Where the permeability of soil over bedrock is slower than 60 minutes per inch, the vertical separation distance from the bottom of a sand filter to bedrock or fractured bedrock shall be at least one foot. There is no vertical separation requirement from the bottom of a sand filter to soil with a permeability slower than 60 minutes per inch.

c. Protection of system.

1) No parking areas, roads, driveways, structures or impermeable surfaces shall be placed over, or within ten feet uphill or sidehill of, or twenty feet downhill of, a sewage system's soil absorption or fill areas.

2) Sewage system components (septic tanks, pumping chambers, solid wall pipes, etc.) under parking areas, roads, driveways and structures must be designed to safely support the anticipated loads.

d. Lot size.

1) Where a sewage system is to be installed, the lot shall be of sufficient usable area to furnish adequate distance between the sewage system, any water system and any adjacent sewage systems, surface waters, property lines, etc., and to provide adequate space for the sewage system based upon the estimated amount of sewage effluent, and to allow room for construction of an entirely new and separate system, when needed. As a minimum, the following horizontal separations in addition to those contained in the New York State regulations must be maintained:

**TABLE VI-1  
SEPARATION DISTANCES FROM WASTEWATER SYSTEM COMPONENTS**

System Components	Well or Suction Line	Stream, Lake, Water Course <sup>(b)</sup> or Wetland	Dwelling	Property Line	Drainage Ditch <sup>(e)</sup>
Mound System <sup>(c)</sup> or Mound or Bed following Sand Filter	100' <sup>(a)</sup>	100'	20' <sup>(g)</sup>	20'	20'
Waste Stabilization Pond, Treatment Plant, Spray Irrigation Field <sup>(f)</sup>	150' <sup>(a)</sup>	—	300' <sup>(d)</sup>	300' <sup>(d)</sup>	20'

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- (a) When a sewage treatment system is located upgrade and in the general path of drainage to a well, the closest part of the treatment system shall be at least 200 feet away from the well.
- (b) Mean high water mark.
- (c) For all systems involving the placement of fill material, separation distances are measured from the toe of the slope of the fill.
- (d) Also to habitable buildings. May be reduced for tertiary or polishing ponds.
- (e) Also to storm sewer.
- (f) These systems components do not apply to individual residential lots.
- (g) When a treatment system is upgrade of a dwelling, the closest part of the treatment system shall be at least 50 feet from the dwelling.

Caution: More strict separation distances may be required by other codes, such as Public Drinking Water Supply Watershed Rules and Regulations.

- 2) The minimum lot size or area eligible for a sewage system construction permit is one (1.0) acre of usable area.
- 3) As a minimum, either the building or sewage system must be located within the usable area identified in the application for the sewage system permit.
- 4) Construction permits for lots of 30,000 square feet or more created prior to August 17, 1977, will be considered if all other requirements of Article VI can be met.
- 5) The minimum lot size may be halved if the property is served by a public water supply operated by a municipality or an approved water company.
- 6) Construction permits for lots of any size in previously approved subdivisions will also be considered if the subdivision has been developed in accordance with the approved plans.
- 7) Where an individual or non-municipal sewage system is constructed, the minimum lot area requirements necessary to obtain a construction permit must be retained for the lot as long as a sewage system is needed.

### e. Minimum lot dimensions.

- 1) Lots must be shaped such that, as a minimum, a circle of 150 feet diameter can be inscribed entirely within the confines of the usable area.
- 2) Those lots which may be halved according to S-6.06d5 of this article must be shaped such that, as a minimum, a circle of 100 feet diameter can be inscribed entirely within the confines of the usable area.
- 3) Lots of 30,000 square feet or more created prior to August 17, 1977, do not need a minimum lot dimension.
- 4) Where an individual or non-municipal sewage system is constructed, the minimum lot dimension necessary to obtain a construction permit must be retained for the lot as long as the sewage system is needed.

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### f. Holding tanks.

1) Holding tanks for sewage may be approved only for temporary use, whether continuous or intermittent, and only with the written approval of the permit issuing official. Such permits shall be renewable as specified and at least annually. Such facility shall be maintained to comply with all provisions of this article, subject to permit revocation. The permit may include conditions designed to ensure against overload or overflow of such tanks. Holding tanks on recreational vehicles or boats and commercial portable toilets with holding tanks are excluded from this permit or approval requirement.

2) Holding tanks for industrial wastes may be approved for permanent use where a municipal sewer is not available. The permit shall include conditions designed to ensure against overflow of such tank, and acceptability at a facility authorized to treat such industrial wastes.

g. Where a design professional is responsible for the sewage system design and all other parts of Article VI are met, the minimum lot size and minimum lot dimension may be waived by the permit issuing official. A developmental plan shall be submitted in accordance with S-6.06h2 of this article.

### h. Developmental plan.

1) A developmental plan must be submitted for approval with any application for a construction permit for a sewage system on a tract where the total design flow of all the sewage systems on the tract is greater than 1,000 gallons/day, and for all laundromats and car washes open to the public, and all industrial or other facilities that are required to have State Pollutant Discharge Elimination System (SPDES) permits from the New York State Department of Environmental Conservation.

2) The developmental plan must show features which may affect the property or sewage or water systems, such as property boundaries, topography, swales, streams, ponds, gas mains, adjacent water and sewer systems, etc. The soil tests, water and sewage system design, drainage control, soil erosion prevention plans, building and paved area location, etc., must be provided by a design professional licensed to practice in New York State. The design professional shall be responsible to inspect the sewage system construction and certify to the Department of Health that construction is completed in accordance with the approved plans and construction permit.

## ARTICLE VII Water Supply

Part 5 (excluding Part 5-2) of the New York State Sanitary Code establishes the regulations in force in this County. The following is supplemental.

### § S-7.01. General provisions.

a. Dug wells, springs and infiltration galleries and other surface supplies will be accepted only as a final possible source for a drinking water supply, and must be adequately constructed and protected. Filtration, chlorination, or both, may be a condition of approval as an acceptable source of the supply.

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- b. No persons shall serve, provide or make available or accessible for others, drinking water which is not potable or from a supply which is not adequately protected and maintained.
- c. All drinking water supplies shall be developed, maintained, and operated in accordance with the latest published New York State Department of Health specifications, principles and practices or those principles and practices contained in the latest New York State Construction Code.
- d. When any drinking water supply has been proved chemically, physically, or bacteriologically to be non-potable and unsafe for human consumption, or is not adequately maintained, operated, or protected from pollution, the Commissioner may order corrections, treatment, abandonment, sealing or posting of such water supply or any portion thereof, as is required to produce potable water or to protect the health of persons using the water.

### § S-7.02. Disinfection of systems.

- a. No drinking water supply or any portion thereof shall be placed in use after it has been constructed, cleaned, repaired, or modified until adequately disinfected in an approved manner.
- b. The disinfection of all new mains and storage tanks in connection with a public water supply shall be personally witnessed by a representative of the Department, or designee, and approved before being placed in use.

### § S-7.03. Physical connections (cross connections) and interconnections.

- a. Physical connections between drinking water supplies and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where, as approved by the Commissioner, suitable protective devices are installed, tested and maintained to insure proper operation on a continuing basis.
- b. Interconnection between two or more public water supplies shall be permitted only with the approval of the Commissioner.
- c. The pipes of a non-potable system shall be painted a conspicuous color. A permanent, indestructible sign "Water Unsafe – Do Not Drink" shall be placed over each outlet of the non-potable system.

### § S-7.04. Public water supply reports.

The Commissioner may require that periodic reports be submitted to the Department by the person responsible for a public water supply.

### § S-7.05. Public water supply construction and design.

- a. No person shall construct or undertake to construct, alter or modify a public water supply, without first having applied to and obtained approval from the Department and/or the New York State Departments of Health and/or Environmental Conservation.
- b. An application for approval to construct, alter, or modify a public water supply shall be accompanied by such plans and information as the Commissioner requires or directs in

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accordance with a format prescribed by the Department or the State Departments referred to in § S-7.05a.

c. Design, construction, alteration or modification of the public water supply shall be in accordance with the standards and requirements of the Department and of the New York State Departments of Health and Environmental Conservation, and shall be in conformity with the terms of approval.

d. The Commissioner may require that the public water supply shall be designed, constructed, altered or modified under the supervision of a professional engineer, licensed and registered, pursuant to the Education Law of the State of New York, and that he shall be furnished with a certified copy of the engineer's certificate of final inspection.

### § S-7.06. Bottled water.

No person shall sell, offer for sale or deliver bottled or bulk water for human consumption, food preparation or culinary purposes unless it was obtained from an approved source and is disinfected, bottled, and delivered under conditions satisfactory to the Department and complies with Part 5-1.40 of the State Sanitary Code.

### § S-7.07. Water delivered by tank truck.

Water delivered by tank truck shall be potable, from an approved source, and at the time of delivery to the consumer shall have a free chlorine residual of at least 1 part per million. Such tank trucks shall have been inspected and approved for such services by this Department or Health Departments in adjacent counties prior to any delivery.

### § S-7.08. Public Water Supplies: Rules and Regulations.

#### ( 1) Rule I.

All public water supplies shall be capable of delivering water at a minimum pressure of 20 pounds per square inch at all points in the distribution system and under all flow conditions.

#### (2) Rule II.

All public water supplies shall be adequately chlorinated as a minimum treatment prior to consumption. Chlorination procedure and standards of the Department shall apply.

#### (3) Rule III.

All public water supplies, except those serving nonresidential establishments, shall be capable of delivering water at a minimum rate of 100 gallons per capita per day or 75 gallons per capita per day when service connections are metered.

#### (4) Rule IV.

In all public water supplies, except those serving non-residential establishments, where wells, infiltration galleries, and/or springs are the source of the supply, at least two sources shall be developed and available.

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### (5) Rule V.

All public water supplies, except those serving nonresidential establishments or fewer than 10 dwelling units, shall have at least one day's available storage at design average consumption.

### (6) Rule VI.

For purposes of reporting, all chemical, bacteriological and physical water test methods and techniques shall be in conformance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

## ARTICLE VIII

### **Realty Subdivisions and Apartment Complexes**

#### § S-8.01. General.

Water supply and sewage disposal facilities and lot sizes in developments shall be in accordance with the applicable provisions and requirements of Articles VI and VII of this Code, and the Administrative Rules and Regulations pertaining thereto.

#### § S-8.02. Development plan approval required.

##### a. Subdivisions.

1) No subdivision or portion thereof shall be sold, offered for sale, leased, rented by any person and no building shall be erected thereon, until a plan of such subdivision shall have been filed with and permit approved by the Department and such plan and map thereafter filed in the office of the Clerk of the County of Tompkins. NOTE: Section 1117, Public Health Law and Section 17-1511 of Environmental Conservation Law of the State of New York require that the County Clerk or Registrar shall not file nor record nor accept for filing or recording any map or plot showing a subdivision of land in any town, village, or city unless there is endorsed thereon or annexed thereto a certificate of the Department approving the water supply and sewerage systems proposed or installed for such subdivision and consenting to the filing thereof.

2) At the time of originally submitting a plan for approval as required by this article, a filing fee computed at the rate of three dollars and fifty cents (\$3.50) per lot shall be paid to the Department.

##### b. Apartment complexes.

1) No permit under Article VI of this Code for the construction or enlargement of any apartment complex shall be issued until a plan of such complex or the proposed enlargement has been submitted to and approved by the Department.

2) Should one or more but not all the buildings be conveyed to separate owners, the method of sewage disposal and water supply for the individual buildings must be approved by the Department prior to the conveyance.

#### § S-8.03. Submission and content of plans for a development.



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- a. The developer shall submit with all plans presented for approval such maps, plans, details, reports, specifications, and data as the Commissioner may require or direct (see rules and regulations for details).
- b. The Department shall prescribe the number of copies and the format in which the plans and information required by this article shall be submitted.
- c. The proposals for developments shall conform with all applicable comprehensive studies including air, water, sewage and solid wastes.

### § S-8.04. Construction of facilities in a development.

- a. The construction of all facilities shall be in accordance with the approved plan or revisions thereof.
- b. Failure to construct and maintain any facilities in accordance with the approved plan or revisions thereof may result in the plan approval being rescinded.

### § S-8.05. Environmental factors.

- a. Water supply.
  - 1) By definition, a water supply serving an apartment complex is a public water supply and comes under all the requirements for public water supplies set forth in Article VII.
  - 2) Connection to an existing public water supply is required when the development is located in an existing water district or is reasonably accessible to an existing water district. This requirement shall apply in the event that the developer does not submit to the Department satisfactory proof that he cannot effect arrangements for connection to an existing water district.
  - 3) A public water supply is required for a subdivision when:
    - a) The proposed water supply system(s) for the subdivision does not meet all applicable requirements of Article VII of this Code.
    - b) The subdivision consists of a potential of 50 lots or more or 200 or more residents in the aggregate.
- b. Sewage disposal. A municipal sewage disposal system is required for a development when:
  - 1) The development is located in an existing municipal sewer district.
  - 2) The development is reasonably accessible to an existing municipal sewer district. This requirement shall apply in the event that the developer does not submit to the Department satisfactory proof that he cannot effect arrangements for connection to an existing municipal sewer district.
  - 3) The development consists of a potential of 50 lots or more, or 200 or more residents in the aggregate.

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4) The proposed sewage disposal system(s) cannot meet all the requirements of subsurface disposal methods as described in the applicable sections of Article VI of this Code.

c. The developer is required to provide the Department with an acceptable plan and report regarding:

- 1) A method of solid waste collection and disposal.
- 2) A drainage control and soil erosion prevention plan. Drainage shall include surface runoff of water and groundwater.
- 3) A method of controlling air pollutants if any structure has other than normal household emissions.

§ S-8.06. Furnishing of plans.

If both a public water supply and a public sanitary sewer system are not provided in a subdivision, the seller shall furnish each purchaser a legible reproduction of an entire set of plans as approved by the Department.

§ S-8.07. Duration of approval validity.

All development approvals shall be valid for a maximum of 10 years from the date of approval; the Commissioner may specify a shorter time period for which approval of the development plan or map will be valid. If the time period elapses without completion of the development, a new plan or map shall be required to be submitted to the Department for approval subject to compliance with the standards and requirements of the Department in effect at the time of the new submittal.

§ S-8.08. Subdivisions with Individual Sewage Disposal Systems: Rules and Regulations.

( 1) Rule I. General.

- A. Fills and subsurface leaching systems are permitted on all subdivision lots.
- B. All provisions and rules and regulations of Article VI including requirements relating to soil conditions, lot sizes, and useable area shall apply in addition to the approvals required under this article.
- C. A construction permit issued under Article VI shall be required prior to construction of any individual sewage disposal system.
- D. If the property is served by a public water supply operated by a municipality or a water company, and subsurface disposal methods as described in Article VI, Rule VI, can be utilized, the minimum lot size and the minimum lot dimension may be reduced as in Article VI, Rules IV and V.

(2) Rule II. Lots containing useable area of two (2) acres or less.

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A. A survey of boundaries, topography, lot locations, ditches, streams, ponds, swamps, high pressure gas mains, etc., conducted by a land surveyor licensed to practice in New York State is required.

B. Soil tests, building location, water and sewage system location and design, drainage control and soil erosion prevention plans, etc., provided by a professional engineer licensed to practice in New York State is required.

C. Minimum lot dimensions for each lot shall be 200 feet as described in Article VI, Rule V.

(3) Rule III. Lots containing useable area of more than two (2) acres.

A. A survey as described in Rule II.A is required.

B. Minimum lot dimensions for each lot shall be 250 feet.

(4) Rule IV. Lots utilizing sand filters.

A. Sand filters will be permitted only if the requirements of Article VI, Rule VII are met.

B. Lot sizes must be greater than two (2) acres.

C. The minimum lot dimension for the lot shall be 250 feet.

D. The discharge from the sewage disposal system must not drain towards adjacent residential lots.

E. A survey as described in Rule II.A is required.

F. An engineered plan as described in Rule II.B is required.

### § S-8.09. Subdivisions with Public Sewage Disposal: Rules and Regulations.

( 1) Rule I. Developmental plan required.

A. A survey of boundaries, topography, lot locations, ditches, streams, ponds, swamps, high pressure gas mains, etc., conducted by a land surveyor licensed to practice in New York State is required.

B. Soil tests, building location, water and sewage system location and design, drainage control and soil erosion prevention plans, etc., provided by a professional engineer licensed to practice in New York State is required.

(2) Rule II.

Non-municipal sewage disposal systems are not permitted to serve a subdivision.

### § S-8.10. Apartment Complexes Requiring Health Department Construction Permit: Rules and Regulations.

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( 1) Rule I. Developmental plan required.

A. A survey of boundaries, topography, lot locations, ditches, streams, ponds, swamps, high pressure gas mains, etc., conducted by a land surveyor licensed to practice in New York State is required.

B. Soil tests, building location, water and sewage system location and design, drainage control and soil erosion prevention plans, etc., provided by a professional engineer licensed to practice in New York State is required.

(2) Rule II.

The minimum lot size shall not be less than one-half (1/2) acre of useable area per building in the complex.

(3) Rule III.

The minimum lot dimension for an apartment complex is 200 feet, and may not be reduced.

ARTICLE IX

**Air Pollution Control**

[Amended 5-2-2000 by L.L. No. 5-2000<sup>7</sup>; 10-11-2005<sup>8</sup>]

The purpose of this article is to protect public health and the environment by avoiding public health nuisances and public health hazards caused by open fires and other air pollution sources.

§ S-9.01. General provisions.

a. This article is supplemental to applicable rules and regulations of the New York State Department of Environmental Conservation.

b. No person shall discharge into the outdoor air any contaminants, smoke or other material that may cause:

1) Nuisance or annoyance to or disturb the comfort or repose of any considerable number of persons or the public; or

2) Injury to or endanger the health and safety of any person; or

3) Substantial injury or damage to business or property.

Such discharges shall be controlled using all available technology.

c. No person shall cause or permit a building or its appurtenances or a road or parking area to be constructed, altered, repaired or demolished without taking reasonable precautions to prevent the release of contaminants, smoke, or other material into the air.

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<sup>7</sup> Editor's Note: This local law was filed with the New York State Health Department 10-3-2000.

<sup>8</sup> Editor's Note: This amendment was filed with the New York State Department of Health 11-7-2005.

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### § S-9.02. Open fires.

- a. No person shall burn any rubbish in any open fire except in conformity with the provisions of this article.
- b. No person shall burn, cause, suffer, allow or permit burning in an open fire of:
  - 1) Garbage.
  - 2) Rubbish, except:
    - (i) Rubbish resulting from residential activity, outside of a boundary of 1/8 mile of the periphery of any city or village and so long as no violation of § S-9.01.b is created.
    - (ii) Rubbish resulting from farming activity.
  - 3) Materials resulting from the demolition of buildings or structures.
- c. The following types of open burning shall not be considered violations of § S9.02.b:
  - (1) Fires in outdoor grills and outdoor fireplaces for the purpose of preparing food.
  - (2) Campfires and fires used solely for recreation purposes. However, the burning of leaves and lawn and garden debris shall not be considered recreational burning.
  - (3) Fire-training exercises sponsored by an agency or fire recognized by the Tompkins County Department of Emergency Response.

## ARTICLE X

### **Water Pollution Control**

Chapter II, Parts 75-76 of the Sanitary Code of the State of New York and/or the Laws or Rules & Regulations of the New York State Departments of Health and/or Environmental Conservation shall apply.

The following are supplemental for Tompkins County.

### § S-10.01. Definitions.

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

**WATERS** — Includes lakes, reservoirs, springs, wells, rivers, streams, and creeks within the territorial limits of Tompkins County and all the bodies of underground or surface water, natural or artificial, public or private (except private waters which do not effect any juncture with natural surface or ground water), which are wholly or partially within or bordering the county or within its jurisdiction.

**INDUSTRIAL WASTE** — Liquid, gaseous, solid or waste substance of a combination thereof resulting from any process of industry, manufacturing, trade, or business

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or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause pollution of the waters of the county.

**SEWAGE** — The water carrying human or animal wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present.

**OTHER WASTES** — Garbage, refuse, decayed wood, sawdust, shavings, sand, offal, oil, chemicals, all other discarded matter and thermal energy, not sewage or industrial waste, which may cause or might reasonably be expected to cause pollution of the waters of the county.

### § S-10.02. General prohibition.

- a. No person shall discharge from any source whatsoever such quantities of sewage, industrial waste or other wastes into the waters of the county which: a) cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public; b) endanger the comfort, repose, health or safety of any such persons or the public; or c) have a tendency to cause injury or damage to business or property.
- b. No person shall, directly or indirectly, throw, drain, run or otherwise discharge into such waters any sewage, industrial waste, or other wastes that shall cause or contribute to a condition in contravention of the standards adopted by the State of New York Water Resources Commission, State of New York Department of Health or State of New York Department of Environmental Conservation.
- c. All discharges into the waters shall meet or be treated to meet the requirements of §§ S-10.02a and S-10.02b above.

## ARTICLE XI

### **Offensive Materials, Animal Waste, and Hazardous Substances**

[Amended 5-2-2000 by L.L. No. 5-2000<sup>9</sup>]

The purpose of the article is to protect the public health and the environment by avoiding public health nuisances and public health hazards caused by the handling or disposal of offensive materials, animal wastes and hazardous substances.

### § S-11.01. Offensive material.

- a. This section is supplemental to applicable rules and regulations of the New York State Department of Environmental Conservation, including that no person shall engage in the business of removing, collecting, transporting or disposing of offensive material within Tompkins County, regardless of the place of origin, without a permit therefor issued by the Department of Environmental Conservation.
- b. No person shall remove or transport, or permit the removal or transportation of, any offensive material from said person's premises except in such a manner or by such conveyance

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<sup>9</sup> Editor's Note: These amendments were filed with the New York State Health Department 10-3-2000.

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as will prevent the creation of a nuisance or the loss or discharge of such material. All such material shall be handled, covered, or so treated that it cannot escape or be accessible to rodents, flies or other insects or create a nuisance.

c. No person shall permit the deposition or storage of, nor shall hold, any offensive material on any premises or place, or in any building or structure, unless such material is so treated, screened, covered or placed as to not create a nuisance detrimental to health. All containers for the storage of such material shall completely confine the material, shall be rodent and insect proof, and shall be kept in an inoffensive and sanitary condition at all times.

d. All offensive material shall be disposed of only in a place and manner as stated in the permit.

e. The preferred method of disposal of the contents of septic tanks, cesspools or holding tanks, or other offensive material, is by treatment at a municipal sewage treatment facility. Disposal into or onto the ground shall be permitted only when discharge to a municipal treatment facility is not regularly available. If disposal into or onto the ground is necessary, the material shall not be deposited:

1) In or within 250 feet of any stream, watercourse or body of water, nor in any other place or in any manner which will allow the material to drain or be washed into any body of water, stream or watercourse.

2) In or on any land unless such land is located at least one-third mile from any human dwelling or other place of gathering of people and at least 100 feet from any public road.

### § S-11.02. Animal waste.

a. Animal or fowl excreta may be used on a farm as fertilizer on the farm where produced.

b. Animal or fowl excreta may be transported via public roads only in such manner or by such conveyance as will prevent the creation of a nuisance or the loss or discharge of the material onto the road.

c. Unless broadcast, animal or fowl excreta shall not be deposited, accumulated or piled within 250 feet of the residence or well of another property owner, nor in or within the same distance of any stream, watercourse, or body of water that borders or crosses another's property. Animal or fowl excreta shall not be deposited, accumulated or piled in any place or in any manner which would allow it to pollute any body of water, stream, intermittent stream, or watercourse.

d. Animal waste shall not be accumulated, piled, or deposited in any manner which may create a nuisance detrimental to health.

e. Fowl embryos and offal may be disposed of by incineration in an incinerator approved for the purpose by the Department of Environmental Conservation.

### § S-11.03. Hazardous substances.

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- a. A person engaged in collecting or transporting, or in any process or procedure for disposing of, hazardous substances within Tompkins County, regardless of the place of origin, shall do so only in accord with all applicable laws, rules, and regulations, including maintaining a valid permit if required.
- b. No person shall permit the removal of any hazardous substance from his premises, place, building, structure or container except by a person operating in accord with all applicable laws, rules and regulations, including maintaining a valid permit if required.
- c. No hazardous substance shall be disposed of by discharge or deposition on the surface of the ground, or into any stream, body of water, storm sewer or sanitary sewer, or by injection or discharge into the ground or release into the air without a permit from the Department of Environmental Conservation.

### § S-11.04. Collection, Transportation and Disposal of Offensive Material: Rules and Regulations.

#### ( 1) Rule I.

All vehicles used in the removal or transportation of offensive material shall bear the name of the owner in a clear and legible manner. There shall be no printed reference on the vehicles concerning the Health Department. Such vehicles shall be subject to annual inspection by the Commissioner.

#### (2) Rule II.

All vehicles and appurtenances used in the removal, transportation or disposal of offensive material shall be kept in a clean and inoffensive manner at all times.

#### (3) Rule III.

No offensive material shall be transported in such a manner as to create a nuisance or the loss or discharge of the material.

#### (4) Rule IV.

The preferred method of disposal of the contents of septic tanks, cesspools, or privies, or of other offensive material is by treatment at a municipal sewage treatment facility. Disposal according to Rules V, VI, VII, VIII, and IX (below) shall be permitted only when discharge to a municipal treatment facility is not available.

#### (5) Rule V.

The contents of septic tanks, cesspools, privies, or other offensive material shall not be deposited in or within 250 feet of any stream, water course or body of water nor shall they be deposited in any place or in any manner which will allow the material to drain or become washed into any body of water, stream or water course.

#### (6) Rule VI.

The contents of septic tanks, cesspools, privies or other offensive material shall not be deposited in or on any public or private dump or any other land without specific permission of the owner thereof and specific approval of the site by the Health Department.



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(7) Rule VII.

The contents of septic tanks, cesspools, or privies shall not be deposited on any land unless such land is located at least one third mile from any human dwelling or other place of gathering of people and at least 100 feet from any public road.

(8) Rule VIII.

The contents of septic tanks, cesspools, or privies shall not be deposited on any land surface with a slope greater than 15 percent.

(9) Rule IX.

Offensive material may be deposited or injected only on land where the water table, rock, and hardpan are at least 5 feet below the level of application.

Failure to comply with these Rules and Regulations may lead to revocation of the permit issued under the provisions of this article.

### ARTICLE XII **Feline Rabies Control** [Added 9-9-1986]

§ S-12.01. Definitions.

**CAT** — All members of the domesticated feline (*felis catus*), 4 months of age and older.

**OWNER** — Any person who keeps or harbors a cat or who has it in his care or permits it to remain on or about any premises occupied by him.

**RABIES VACCINE** — An animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in cats by the National Association of State Public Health Veterinarians.

**VACCINATION** — The administration of rabies vaccine by a licensed veterinarian or under the supervision of a licensed veterinarian.

**BITE** — To be seized by the teeth so that the skin of the person or animal has been nipped or gripped, wounded or pierced and includes probable contact of saliva with a break, abrasion of the skin or with any mucous membrane.

**ANIMAL CONTROL OFFICIAL** — Any person, persons or organization contracted by a municipality for the control of animals.

**RABID TERRESTRIAL ANIMAL** — An animal or animals, that by its nature feeds on the ground, that is infected with rabies.

**SIGNIFICANTLY REPORTED** — The verbal or written report of two or more laboratory confirmed rabid terrestrial animals, with consideration given to the virus strain reported, that is expected to rapidly spread to other terrestrial animals.

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### § S-12.02. Vaccination.

a. The owner of every cat 4 months of age or older shall have the cat vaccinated against rabies.

1) The duration of the vaccine's immunity shall be consistent with the specifications of the rabies vaccine used.

2) Evidence of vaccination shall consist of a certificate signed by a licensed veterinarian with the original certificate given to the owner and a copy retained by the person administering the vaccine.

3) The certificate shall legibly include a description of the cat, its age, sex, breed and the name and address of the owner, and the name of the manufacturer of the vaccine, its type and lot number used, and the date the cat shall be revaccinated.

b. The vaccination requirement shall not apply to cats owned by a non-resident while passing through Tompkins County for a period not exceeding 15 days, to cats confined to the premises of incorporated societies devoted to the care of lost, strayed or homeless animals, or confined to the premises of public or private hospitals devoted to the treatment of sick animals or confined for the purposes of research to the premises of colleges or other educational or research institutions.

### § S-12.03. Enforcement.

a. As long as terrestrial rabies is not significantly reported in Tompkins County or its contiguous counties owners of cats shall be subject to a notice of violation and to a penalty when the cat(s) is found to be unvaccinated at the following times:

1) When the cat is reported to have bitten a person.

2) When the cat is reported to have bitten or been bitten by other domestic or wild warm-blooded animals other than rodents.

3) When the cat has been impounded by an animal control official and is redeemed by the owner.

b. When terrestrial rabies is significantly reported in Tompkins County or its contiguous counties, the owners of cats shall be subject to a notice of violations and to a penalty when the cat(s) is reported, at any time, to be unvaccinated.

## ARTICLE XIII

### Quarantine and Detention

[Added 4-13-2004, effective 8-9-2004]

§ S-13.01. Removal and detention of cases, contacts, and carriers who are or may be a danger to public health.

Upon determining by clear and convincing evidence that the health of others is or may be endangered by a case, contact or carrier, or suspected case, contact, or carrier, of smallpox, pneumonic plague, or any other communicable disease that, in the opinion of the Public Health Director, may be disseminated or transmitted from person-to-person, and may pose an

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imminent and significant threat to the public health resulting in severe morbidity or high mortality, the Public Health Director may order his or her removal and/or detention. Such person shall be detained in a medical facility, premises, or other appropriate facility designated by the Public Health Director and complying with § S-13.04.

### § S-13.02. Period and manner of detention.

A person who is removed or detained by order of the Public Health Director pursuant to § S-13.01 shall be detained for such period and in such manner as the Department may direct in accordance with this section.

### § S-13.03. Criteria for discontinuing detention.

Notwithstanding any inconsistent provision of this section:

- (1) A confirmed case or a carrier of a disease set forth in § S-13.01 who is detained pursuant to this section shall not continue to be detained after the Department determines that such person is not infectious.
- (2) A suspected case or suspected carrier of a disease set forth in § S-13.01 who is detained pursuant to this section shall not continue to be detained after the Department determines, with the exercise of due diligence, that such person is not infected with or has not been exposed to such a disease, or, if infected with or exposed to such a disease, no longer is or will become infectious.
- (3) A person who is detained pursuant to this section as a contact of a confirmed case or a carrier of a disease set forth in § S-13.01 shall not continue to be detained after the Department determines that such contact no longer presents a potential danger to the health of others.
- (4) A person who is detained pursuant to this section as a contact of a suspected case of a disease set forth in § S-13.01 shall not continue to be detained: (i) after the department determined with the exercise of due diligence, that the suspected case was not infected with such disease, or was not infectious at the time the contact was exposed to such individual; or (ii) after the Department determines that the contact no longer presents a potential danger to the health of others.

### § S-13.04. Assessment of medical condition; adherence to standards.

A person who is detained pursuant to § S-13.01 shall as is appropriate to the circumstances: (i) have his or her medical condition and needs assessed on a regular basis; and (ii) be detained in a manner that is consistent with recognized isolation and infection control principles in order to minimize the likelihood of transmission to such person and to others.

### § S-13.05. Detention order; hearing.

When a person is ordered to be detained pursuant to § S-13.01 for a period not exceeding three business days, such person shall, upon request, be afforded an opportunity to be heard. An individualized assessment of the person's circumstances and/or behavior constituting the basis for the issuance of the detention order shall be undertaken in determining whether to continue

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the detention. The Public Health Director's order for such detention shall include the authority under which the order is issued, advise the person being detained that he or she has the right to request release from detention, and include instructions on how such request shall be made. If a person detained pursuant to § S-13.01 and this subdivision needs to be detained beyond three business days, he or she shall be served with an additional Public Health Director's order which complies with the requirements of § S-13.06.

§ S-13.06. Requests for release; detention period limits; court review; right to representation.

When a person is ordered to be detained pursuant to § S-13.01 for a period exceeding three business days, and such person requests release, the Public Health Director shall make an application for a court order authorizing such detention within three business days after such request, which application shall include a request for an expedited hearing. After any such request for release, detention shall not continue for more than five business days in the absence of a court order authorizing detention. Notwithstanding the foregoing provisions, in no event shall any person be detained for more than 60 days without a court order authorizing such detention. The Public Health Director shall seek further court review of such detention within 90 days of each subsequent court review. In any court proceeding to enforce a Public Health Director's order for the removal or detention of a person issued pursuant to this subdivision or for review of the continued detention of a person, the Public Health Director shall prove the particularized circumstances constituting the necessity for such detention by clear and convincing evidence. Any person who is subject to a detention order shall have the right to be represented by counsel, and, upon the request of such person, counsel shall be provided.

§ S-13.07. Contents of detention order.

( 1) An order of the Public Health Director pursuant to § S-13.01 and § S-13.06 shall set forth:

(i) The legal authority under which the order is issued, including the particular sections of this article or other law or regulations; and

(ii) An individualized assessment of the person's circumstances and/or behavior constituting the basis for the issuance of such orders; and

(iii)The less restrictive alternatives that were attempted and were unsuccessful and/or the less restrictive alternatives that were considered and rejected, and the reasons such alternatives were rejected.

(2) In addition, the order shall:

(i) Include the purpose of the detention;

(ii) Advise the person being detained that he or she has the right to request release from detention by contacting a person designated on the Public Health Director's order, at a telephone number stated on such order, and that the detention shall not continue for more than five business days after such request in the absence of a court order authorizing such detention;

(iii)Advise the person being detained that, whether or not he or she requests release from detention, the Public Health Director must obtain a court order authorizing detention within 60

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days following the commencement of detention and thereafter must further seek court review of the detention within 90 days of such court order and within 90 days of each subsequent court review;

(iv) Advise the person being detained that he or she has the right to arrange to be represented by counsel or to have counsel provided, and that if he or she chooses to have counsel provided, that such counsel will be notified that the person has requested legal representation;

(v) Advise the person being detained that he or she may supply the addresses and/or telephone numbers of friends and/or relatives to receive notification of the person's detention, and that the Department shall, at the patient's request, provide notice to a reasonable number of such people that the person is being detained.

### § S-13.08. Disorderly conduct prohibited.

A person who is detained in a medical facility, premises, or other appropriate facility shall not conduct himself or herself in a disorderly manner, and shall not leave or attempt to leave such facility or premises until he or she is discharged pursuant to this section.

### § S-13.09. Provision of interpreters.

Where necessary, language interpreters and persons skilled in communicating with vision- and hearing-impaired individuals shall be provided in accordance with applicable law.

### § S-13.10. Administration of medication.

The provisions of this article shall not be construed to permit or require the forcible administration of any medication without a prior court order.

### § S-13.11. Enforcement of alternative orders.

In addition to the removal or detention orders referred to in § S-13.01, the Public Health Director may, in his or her discretion, issue and seek enforcement of any other orders that he or she determines are necessary or appropriate to prevent dissemination or transmission of disease, including but not limited to orders requiring any person or persons who are not in the custody of the Department to remain at home or at a premises of such person's choice that is acceptable to the Department and under such conditions and for such period as will prevent dissemination or transmission of the disease. Such person or persons shall, upon request, be afforded an opportunity to be heard, but the provisions of §§ S-13.01 through S-13.11 shall not otherwise apply.

## ARTICLE XIV Effective Date

### § S-14.01. When to take effect.

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Every regulation of the Sanitary Code, unless otherwise specifically stated, shall take effect on July 1, 1972.