



**Queensbury  
250**

**TOWN CODE CHAPTER 137  
PROPERTY TRANSFER LAW**

\*Septic Inspection Upon Property Transfer in any Water Front Residential Zone.\*

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**BUILDING AND CODES STAFF**

Dave Hatin Director  
 John O'Brien CEO  
 Charlie Dyer CEO  
 Mark Smith CEO  
 Kate Deck Office Specialist

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**CLASS OVERVIEW**

- Affected Properties
- The inspection process
- What we are inspecting for
- Minimum Standards
- Exemptions
- What are considered failures of existing system
- Appeal, Variance or Waiver Requests
- Penalties for non-compliance
- Current septic system problems found
- Frequently asked questions





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### THE INSPECTION PROCESS

- Submit on-line forms and pay \$250.00 fee to B & C Office
- Expose inlet and outlet of septic tank
- Expose any pump tanks
- Expose Distribution Box (D-Box) and/or Seepage Pits



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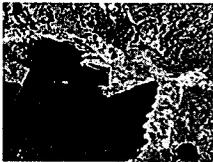
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- Excavate shoveled hole in pressurized disposal field if no D-Box
- Schedule time 48 hours after submission of application for inspection
- Registered Sewage Hauler to pump tank during inspection not before the inspection
- The Water Distribution System must be functional to flow all water fixtures



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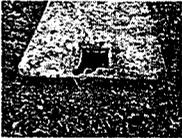
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### SO WHAT ARE WE INSPECTING FOR

- Metal Tank
- Cesspools
- Failed systems
- Malfunctioning systems
- Automatic failures by code



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**SO WHAT ARE WE INSPECTING FOR**

**Pump Stations and Holding Tanks**

- Floats and alarms not working
- Pumps not working
- Holding Tank water shut off not working

Open and unsealed openings in top of in-house pump station




Solenoid for water shut off



Floats in holding tank or pump station

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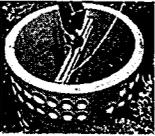
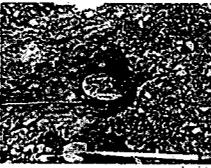
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**SO WHAT ARE WE INSPECTING FOR**

**Seepage Pits**

- Accessible
- Pit is not full of Effluent
- Effluent Level
- System life expectancy



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**THE FOLLOWING MINIMUM STANDARDS SHALL APPLY TO EACH INSPECTION:**

- All septic tanks must be within 250 gallons of the minimum volume requirement;
- All holding tanks shall be equipped with a float switch and high level alarm located in a conspicuous place to indicate when pump out is necessary. A copy of pump out records shall be submitted during the inspection prior to conveyance of real property;
- For an aerobic treatment system or enhanced treatment unit (ETU), the new owner must send a signed copy of an updated service contract to the Town within 30 days after the conveyance of real property.

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**SHOULD AN INSPECTION FAIL**

- Repairs compliant with the code can be made or new sewage disposal system can be installed
- Schedule a re-inspection
- Upon satisfactory pass inspection the Building and Codes Enforcement Office will issue to the property owner a letter of acknowledgment confirming that the OWTS is functioning properly.

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**There are 4 Exemptions from the Property Transfer Law with Conditions**

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*The property to be sold or transferred will not be inhabited, and the new owner plans to demolish the existing structure*

- A notarized affidavit must be submitted to the Building and Codes Enforcement Office stating that the dwelling will not be inhabited and that it will be demolished with no immediate plans to rebuild or the dwelling will not be inhabited
- It will be demolished and rebuilt, in which case the affidavit shall be accompanied by a site plan, including adequate detail to demonstrate a lawful OWTS, together with a check payable to the Town of Queensbury in the amount of \$2,000
- Such funds will be held in a non-interest-bearing escrow account and will be released in the former case, upon issuance of a demolition permit and, in the latter case, upon issuance of a certificate of occupancy from the Building and Codes Enforcement Office.

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### APPEAL, VARIANCE, OR WAIVER REQUESTS

- Appeals from determinations of the Building and Codes Enforcement Office and/or requests for variance/waivers from the provisions of this article must be sought from the Town of Queensbury Town Board as the local Board of Health within 60 days.
- A. Forms for such Appeals and/or requests for variance and waivers will be made available to the public in the Building and Codes Enforcement Office. New copies of such forms must be properly filled out and must be submitted to the Building and Codes Enforcement Office with payment of the applicable \$150.00 fee as established by the Town Board.
- B. In evaluating appeals from determinations of the Building and Codes Enforcement Office, the Town Board may consider whatever information it deems relevant, including any evidence or information submitted by the applicant and any information obtained from the Building and Codes Enforcement Office and/or Town Engineer. In the event additional information is needed, the Town Board may direct a subsequent inspection of the OWTS at issue, in which case the applicant will not be required to make any additional inspection payments.
- C. In regard to any request for variance or waivers, such applications will be governed by the procedure set forth in Town Code Section § 136-44.1C(1) through (3). The Town Board should take into consideration all matters it deems relevant, including the age of the OWTS, whether it appears to be functioning, its proximity to any water body, its age, the circumstances concerning the request for variance or waiver and the hardship to the property owner in the event no variance or waiver is granted.
- D. The above remedies shall be exhausted prior to any judicial review.

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### NOTICE OF VIOLATION AND PENALTIES FOR OFFENSES

If a property owner fails to:

1. Complete an inspection required by this article
2. To allow access to the property for the required inspection
3. The property owner fails to comply with any other provision of this article
4. A notice of violation may be issued by the Building and Codes Enforcement Office mandating the compliance with the inspection requirements.

- A. In the event the property owner in its capacity as grantor was issued a notice of violation and such violation continues for a period of six months, the current property owner (or grantee) too shall be deemed to be in violation of this article and may be subject to enforcement proceedings.
- B. An offense against any provision of this article shall constitute a violation, punishable by a fine not exceeding \$250 or imprisonment for a term not exceeding 15 days, or both. Each week such violation continues after notification to the person in violation shall constitute a separate violation.

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### IMPORTANT TO NOTE

Failure to complete the inspection, obtain the permit or complete all repairs/installations identified in the preceding subsections of this section within the time provided or any subsequent deadline established by the Building and Codes Enforcement Office will result in forfeiture of the moneys held in escrow, and the Town may use such funds toward abating the conditions caused by each such violation of this article.

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FREQUENTLY ASKED QUESTIONS

What do we do if there is frost in the ground?

Answer: A notarized affidavit from the new property owner to complete the requisite OWTS inspection within six months of the date of the conveyance of real property, or June 1, whichever comes first, must be filed with the Building and Codes Enforcement Office.

A check payable to the Town of Queensbury in the amount of \$2,000 will be held in a non-interest-bearing escrow account and shall be released upon the completion of a satisfactory OWTS inspection from the Building and Codes Enforcement Office.

Seven horizontal lines for handwritten notes.

FREQUENTLY ASKED QUESTIONS

What if the system does not meet today's standards?

Answer: The system is not required to meet today's standards but must pass a visual inspection and not have one or more of the 12 items considered automatic failures identified in section 137 D of the Property Transfer Law

Seven horizontal lines for handwritten notes.

FREQUENTLY ASKED QUESTIONS

Why do we have to expose everything?

Answer: We are verifying that all components of the system are in good working order and do not violate any parts of Chapter 137 of the Property Transfer law

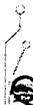
Seven horizontal lines for handwritten notes.

**FREQUENTLY ASK QUESTIONS**

Is it recommended to have a professional engineer present to observe in the event a repair or new system will need to be designed?

While it is not discouraged it would be your choice to have an Engineer on site during the inspection.

Any conditions of failure will be documented and can be verified at a later date if necessary.




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**FREQUENTLY ASKED QUESTIONS**

If the sale of the property does not go through is a Property Transfer Law Inspection required.

No, the Property Transfer Law states "prior to the conveyance of real property"




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**FREQUENTLY ASKED QUESTIONS**

Will repairs to septic system need to be made if transfer of real property and the contract are canceled prior to sale but repairs need to be made?

Yes, once a failure is identified all repairs or replacements must be made




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