

LOCAL LAW NO.: ___ OF 2019

**A LOCAL LAW TO AMEND QUEENSBURY TOWN CODE
CHAPTER 137 BY REPEALING AND REPLACING
SECTION 137-4 (C) TO INCLUDE AN ADDITIONAL
EXEMPTION FROM THE “SEPTIC INSPECTION UPON
PROPERTY TRANSFER” LAW**

BE IT ENACTED BY THE QUEENSBURY TOWN BOARD AS FOLLOWS:

Section 1. Authority – This Local Law is adopted pursuant to Article 16 of the Town Law and Article 3 of the Public Health Law

Section 2. Amendment of Town Code – Chapter 137 of the Queensbury Town Code is hereby amended by repealing and replacing Section 137-4 (C) with the following:

C. Exemption from property transfer inspection. The following conveyances of real property shall be exempt from the provisions of this article in the following situations and pursuant to the terms identified below

(1) The property to be sold or transferred will not be inhabited, and the new owner plans to demolish the existing structure. In order to qualify for the exemption, 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~~ [compliance](#) from the Building and Codes Enforcement Office.

(2) An OWTS inspection was not able to be completed prior to the conveyance of real property due to inclement weather. In order to qualify for the exemption, 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.

(3) The property to be sold or transferred contains an existing OWTS that does not comply with the provisions of this Chapter and the prospective purchasers and/or the Seller wish to forgo an inspection in favor of installing an approved OWTS within 6 months of the transfer of property. In order to qualify for the exemption, a notarized affidavit must be submitted to the Building and Codes Enforcement Office stating that the existing OWTS will be replaced within 6 months from transfer of property. The affidavit must be accompanied by a site plan, including adequate detail to demonstrate that the replacement OWTS will comply with this Chapter, 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 upon issuance of a certificate of compliance from the Building and Codes Enforcement Office.

(34) During the OWTS inspection, a failure of the septic system was determined. Due to winter and frozen conditions, the repair to an existing OWTS could not occur or a new OWTS could not be installed before the conveyance of real property. In order to qualify for the exemption, a notarized affidavit from the new property owner to complete the installation or repair of the septic system within six months from 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 the repair or installation of a new septic system and a satisfactory OWTS inspection from the Building and Codes Enforcement Office.

(45) There is record of the property's OWTS having passed Town inspection within the last three years.

(56) 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.

Section 3. Severability – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 4. Repealer – All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.