

MONROE COUNTY SANITARY CODE

ARTICLE III

Realty Subdivisions

[Amended 12-12-66 by Res. No. 487-1966; 2-21-67 by Res. No. 49-1967; 11-12-80 by Res. No. 407-1980; 3-24-81 by Res. No. 100-1981]

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§ 569-27. **Definitions.**

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

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 1/2 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.

SEWAGE -- Any substance, solid or liquid that contains any of the waste products or excrementitious or other wastes or washings from the bodies of human beings or animals.

SUBDIVISION -- Any tract of land which is divided into five or more parcels, after August 1, 1977, along any existing or proposed street(s), highway(s), easement(s) or right(s)-of-way for sale or for rent as residential lots or residential building plots, regardless of whether the lots or plots 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 means 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 this article shall apply to all 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.

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.

§ 569-28. **Submission of plans required.**

- A. No subdivision or portion thereof shall be sold, offered for sale, leased or rented by any corporation, company or person and no permanent building shall be erected thereon until a plan of such subdivision shall be submitted by the owner of such subdivision and shall be filed with and approved by the Director.
- B. A subdivision plan shall show but not be limited to methods for obtaining and furnishing adequate and satisfactory water supply and sewerage facilities to said subdivision.
- C. The owner of a subdivision shall submit with all plans presented for approval such data and information as may be required by the Director. Where it is proposed to install sewage disposal systems on each individual lot, such data and information shall include but not be limited to the nature and condition of the soil, the ability of the soil to absorb sewage, the depth to groundwater and bedrock, the topography of the land and the arrangements for proper drainage and disposal of surface water.
- D. The Director may disapprove the plans for a subdivision if, upon review, he finds that the plans do not show methods for obtaining and furnishing adequate and satisfactory water supply and sewerage facilities to said subdivision or when he finds the site proposed to be unsuitable for the obtaining and/or furnishing of adequate sewage disposal and/or water supply.
- E. A subdivision plan shall comply with all requirements of Part 74 of Title 10 and Part 653 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

§ 569-29. **Installation of private well or sewage disposal systems.**

- A. The installation of such facilities shall be in accordance with the plans or any revision or revisions thereof approved by the Director.
- B. Upon completion of the construction of a private well or sewage disposal system for an individual lot in a subdivision, the builder or owner shall immediately notify the Director, who may arrange for an inspection of the completed work.
- C. The Director, in his discretion, may require that private sewage disposal systems shall be installed under the supervision and direction of a licensed professional engineer and that he shall be furnished with a certified copy of the engineer's certificate of inspection.

§ 569-30. **Reproduction of plan to be furnished.**

Upon the sale of a lot in a subdivision, the owner shall furnish the purchaser with a legible reproduction of the plan as approved by the Director.

§ 569-31. **Filing of plans by County Clerk.**

The County Clerk shall not file nor record nor accept for filing any map of a subdivision of land unless there is endorsed thereon a certificate indicating the approval of the plans by the Director.

§ 569-32. **Powers of the Director.**

- A. The Director may order the installation of the whole or any part of the water supply and sewage disposal facilities of a subdivision in accordance with the approved plans or approved revisions thereof.
- B. The Director may order the stoppage of all work on a subdivision when he finds that construction, rentals or sales are proceeding without approval as required in § 569-29 above or when construction is found to be not in accordance with the plans as approved or with approved revisions thereof.

§ 569-33. **Fee.**

At the time of submitting a plan for approval as required by this article, a filing fee computed at the rate of \$3.50 per lot shall be paid to the Monroe County Department of Health.