

**CHAPTER __. PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT
FACILITIES
ARTICLE 1. DEFINITIONS**

DEFINITIONS:

Unless the context otherwise requires, the following definitions in this section shall govern the construction of this Chapter:

- (a) "IAWWTF" shall be the Ithaca Area Waste Water Treatment Facility located at 525 Third Street, Ithaca.
- (b) "IAWWTF Setback Zone" shall mean those land areas of the city of Ithaca within 1,200 feet of the property boundary of the Ithaca Area Waste Water Treatment Facility.
- (c) "IAWWTF operations" shall mean and include, but not be limited to, the delivery and receiving of trucked waste and sanitary waste, aeration and treatment of waste water, biosolids management, processing of wastewater and biogas, and activities incident to or in conjunction with the treatment and handling of wastewater and residual materials.

**ARTICLE ____ 3. PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT
FACILITIES**

PURPOSES:

- (a) Where non-industrial land uses, especially residential development, extend into the IAWWTF Setback Zone, or locate in the vicinity of the IAWWTF, waste water treatment operations may be the subject of nuisance complaints. Such complaints may request the curtailment of waste water treatment operations, and discourage investments, improvement and expansion for waste water treatment operations. Constraints on operations, management and possible expansion of the IAWWTF is detrimental to the health, safety, and economic viability of City and Town of Ithaca, Town of Dryden and surrounding areas for which it serves. It is the purpose and intent of this Chapter to protect the resources and services provided by the IAWWTF to the larger community.
- (b) It is the declared policy of the City of Ithaca to conserve, enhance and encourage adequate and appropriate waste water treatment operations within the City, and to minimize potential conflict between IAWWTF operations and non-industrial land uses within the City.
- (c) This policy can best be implemented by educating residents and businesses as to the laws protecting IAWWTF operations from conflicts with non-industrial uses, and by notifying owners and users of real property in the City of inherent potential problems associated with the ownership and/or use of real property located adjacent to or in the vicinity of waste water treatment operations, including, but not limited to, odors, trucks, lighting, construction, noise, dust, chemicals, discharge, smoke and extended hours of operation which may accompany such waste water treatment operations. It is intended that through the use of such

notice owners and users of real property within the City will better understand the impact of living near waste water treatment operations and be prepared to accept such problems as the natural result of living on or near the IAWWTF lands.

NUISANCE:

No operation, conducted or maintained for the purposes of serving the IAWWTF, and in a manner consistent with the proper and accepted customs and standards established and followed by similar waste water treatment operations, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

DISCLOSURE STATEMENT:

- (a) Upon any transfer by sale, exchange, installment land sale contract, as defined in section _____ of the _____ Code, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of real property, or residential stock cooperative, the transferor shall deliver to the prospective transferee the written statement required by subsection (b) of this section.
- (b) The disclosure statement shall contain, and be in the form of, the following:

LOCAL OPTION

**REAL ESTATE TRANSFER DISCLOSURE STATEMENT
THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED
IN TOMPKINS COUNTY, CITY OF ITHACA,
DESCRIBED AS _____. THIS STATEMENT IS A DISCLOSURE OF THE
CONDITION OF THE ABOVE DESCRIBED PROPERTY
IN COMPLIANCE WITH ORDINANCE NO__ OF THE ORDINANCE CODE OF THE
CITY OF ITHACA AS OF _____. IT IS NOT
A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S)
REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND
IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE
PRINCIPAL(S) MAY WISH TO OBTAIN.**

SELLER'S INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyer(s) may rely on

PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES
this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property. **THE FOLLOWING ARE THE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE CITY OF ITHACA.**

AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DIS-CLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

The City of Ithaca supports operation of properly conducted waste water treatment operations with the City. If the property in which you are taking an interest is located near the IAWWTF, or included within the IAWWTF Setback Zone, you may be subject to inconveniences or discomfort arising from such operations. Such may include, but may not necessarily be limited to: odors, trucks, lighting, construction, noise, fumes, dust, smoke, discharge, operation of machinery during any 24 hour period, storage and disposal of biosolids and trucked waste, and the application of chemicals, amendments. One or more of the inconveniences described may occur as a result of any operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live near the IAWWTF, you should be prepared to accept such inconveniences and discomfort as a normal and necessary aspect of living in proximity to a waste water treatment facility.

Seller certifies that the information herein is true and correct to the best of Seller 's knowledge as of the date signed by the Seller.

Seller _____ Date _____

Seller _____ Date _____

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT

Seller _____ Date _____

Buyer _____ Date _____

Seller _____ Date _____

Buyer _____ Date _____

Agent (Broker Representing Seller) _____

By _____

(Associate Licensee or Broker)

Date _____

Agent (Broker Obtaining the Offer) _____

By _____

(Associate Licensee or Broker)

Date _____

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

INTENT:

Pursuant to section _____ of the City of Ithaca Code, it is intended by section ____ of this Chapter to require disclosures in addition to those disclosures required by section _____ of the City of Ithaca Code.

**PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES
NOTICE:**

- (a) All discretionary approvals by the City of Ithaca for parcel maps, subdivision maps or use permits relating to agricultural land, or real property located within the IAWWTF Setback Zone, shall include a condition that the owners of such real property record a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES Notice" in substantially the form provided in subsection (d) of this section.
- (b) All applicants for building permits for new residential or commercial construction to be issued by the City of Ithaca located within the IAWWTF Setback Zone shall be provided with a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES Notice" in substantially the form provided in subsection (d) of this section.
- (c) The Clerk/Recorder/Assessor of the County shall include a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES Notice" in substantially the form provided in subsection (d) of this section with any grant deed, quitclaim deed or land sale contract returned to the grantee by the Clerk/Recorder/Assessor after recording.
- (d) "City of Ithaca PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES Notice". It is the declared policy of the City of Ithaca to conserve, enhance and encourage waste water treatment operations within the City of Ithaca. Residents of property within the IAWWTF Setback Zone land should be prepared to accept the inconveniences and discomfort associated with waste water treatment operations, including, but not necessarily limited to: odors, trucks, lighting, construction, noise, fumes, dust, smoke, discharge, operation of machinery during any 24 hour period, storage and disposal of biosolids and trucked waste, and the application of chemicals, amendments. Consistent with this policy, City of Ithaca Code section _____ provides that no operation, conducted or maintained for the purposes of serving the IAWWTF, and in a manner consistent with the proper and accepted customs and standards established and followed by similar waste water treatment operations, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

NOTICE TO CORRECT:

After receiving a complaint from an occupant within the IAWWTF Setback Zone, the City of Ithaca Assistant Superintendent of Water and Sewer shall immediately notify the Special Joint Commission of the Ithaca Area Waste Water Treatment Facility of the complaint. If the City of Ithaca Assistant Superintendent of Water and Sewer determines that such use does not conform with the proper and accepted customs and standards established in similar waste water treatments facilities, he or she shall endeavor specify

any measures required to correct the situation, and the time within which the measures must be taken.