

SEWERS

Chapter 41

SEWERS

**Local Law
No. 6
1990**

A LOCAL LAW REGULATING THE USE OF SEWERS

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[HISTORY: Adopted Walton Village Board 9-24-1990 as Local Law No. 6, 1990.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Water -- See Ch. 51.

Water cross-connections and backflow protection -- See Ch. 52.

Be it enacted by the Village Board of the Village of Walton as follows:

**ARTICLE I
Definitions****§ 41-1. Definitions; word usage.**

- A. Unless the context specifically indicates otherwise, the meaning of terms used in this local law shall be as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD⁵) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20° C.), expressed in milligrams per liter.

BOARD — The duly elected Board of Trustees of the Village of Walton or its authorized deputy, agent or representative.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet [one and five-tenths (1.5) meters] outside the inner face of the building wall.

¹ Editor's Note: This local law superseded former Ch. 41, Sewers, adopted 6-13-1977 as Local Law No. 1, 1977, as amended.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal, also called "house connection."

COMBINED SEWER — A sewer designed to receive both wastewater and storm- or surface water.

COMPOSITE SAMPLE — A combination of individual samples of wastewater taken at selected intervals, generally hourly, for a specified period.

CONTAMINATION — An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

COOLING WATER — The water discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources. It shall contain no polluting substances which would produce BOD or suspended solids, each in excess of ten (10) milligrams per liter.

EASEMENT — An acquired legal right for the specific use of land owned by others.

EFFLUENT — Treated wastewater flowing from any treatment device of a facility.

FEDERAL ACT or ACT — The 1972 Federal Water Pollution Control Act Amendments, Public Law 92-500, 1977 Clean Water Act, Public Law 95-217 and any amendments thereof, as well as any guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Act.

FLOATABLE OIL — Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

FLOW RATE — The quantity of waste or liquid that flows in a certain period of time.

GARBAGE — Animal and vegetable wastes from the preparation, cooking and disposing of food and from the handling, processing, storage and sale of food products and produce.

GRAB SAMPLE — A single sample of wastewater taken at neither a set time nor flow rate.

HOLDING TANK WASTE — Any sanitary waste from holding tanks, such as marine vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

INDUSTRIAL USER — Any nonresidential user served by the POTW, which user is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under one (1) of the following divisions:

- Division A: Agriculture, Forestry and Fishing
- Division B: Mining
- Division D: Manufacturing
- Division E: Transportation, Communications, Electrical, Gas and Sanitary Services
- Division I: Services

INDUSTRIAL WASTE — Any discarded matter, including any liquid, gaseous or solid substance or a combination thereof, resulting from any process of industry or manufacturing, trade or business or from development or recovery of natural resources. The term shall not include garbage.

INDUSTRIAL WASTEWATER — Wastewater in which industrial wastes are carried.

INFLUENT — Wastewater, raw or partly treated, flowing into any sewage treatment device of sewage treatment facilities.

INTERFERENCE — The inhibition or disruption of the POTW treatment processes or operations or its sludge processes, use or disposal. The term includes any action which contributes to a violation of any requirement of the Village of Walton SPDES permit or which results in the prevention of sewage sludge reuse, reclamation or disposal by the POTW in

accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act or any more stringent state criteria applicable to the method of disposal or use employed by the POTW.

MAJOR CONTRIBUTING INDUSTRY — All significant industrial users and any other industries having a wet process discharge to the sewer system.

NATURAL OUTLET — Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION or NYSDEC — The New York State Department of Environmental Conservation or other duly authorized official of said Department.

NORMAL SEWAGE — Sewage, industrial wastes or other wastes having pollutant concentrations which do not exceed two hundred (200) mg/l of BOD's, three hundred (300) mg/l of TSS or fifty (50) mg/l of oil and grease and which are otherwise acceptable for discharge into the POTW under the terms of these rules and regulations. The numbers and values of characteristics are subject to revision by the Village Board when, in the opinion of the Board, a revision is necessary in order to maintain the physical integrity of the POTW or to maintain the treatment works capability of providing treatment in compliance with federal, state or local standards.

OWNERS — The Village of Walton, New York.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

POTW or PUBLICLY OWNED TREATMENT WORKS — The Village of Walton sewage treatment plant. This term also includes any devices or systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of liquid nature by the Village of Walton Consolidated Sewer District. This includes intercepting sewers, outfall sewers, sewage collection systems, pumping power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal or residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including stormwater runoff or industrial waste, including waste in combined stormwater and sanitary sewer systems.

PREMISES — Any parcel of real property, including land, improvements, appurtenance or buildings, grounds, etc.

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to discharge to the POTW.

PRIVATE SEWER — A sewer which is not owned or controlled by a public agency.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch [one and twenty-seven hundredths (1.27) centimeters] in any dimension.

PUBLIC SEWER — A sewer which is owned or controlled by a governmental agency. This term includes any devices or systems used by the governmental agency in the storage, transmission, treatment or reclamation of municipal sewage or industrial wastes.

RCRA — The Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA), P.L. 95-580, as amended by P.L. 95-609 and by P.L. 96-482; 42 U.S.C. § 6091.

SANITARY SEWER — A sewer intended to carry only sanitary or sanitary and industrial wastewater from residences, commercial buildings, industrial plants and institutions.

SANITARY WASTE — Wash water, culinary wastes, the liquid waste containing only human excreta and similar matter flowing in or from a building drainage system or sewer originating in a dwelling, business building, factory or institution.

SEWAGE — The spent water of a community. The preferred term is "wastewater."

SEWER — A pipe or conduit that carries wastewater or drainage water.

SEWER SYSTEM — All sewers, laterals, pump stations, treatment plant or other conveyances which connect with or pertain to a connection with the sewers, plant or public works.

SIGNIFICANT INDUSTRIAL USERS — Those industries meeting one (1) or more of the following criteria:

- (1) All industrial facilities subject to promulgated federal categorical pretreatment standards.
- (2) Industrial facilities having a substantial impact, either singly or in combination with other industrial facilities, on the operation of the treatment works.
- (3) A single industrial facility using, on an annual basis, more than ten thousand (10,000) pounds or one thousand (1,000) gallons of substance constituting a priority

pollutant (designated pursuant to the Act) and discharging a measurable amount of that substance to the sewer system from the process using that substance.

- (4) Those industries discharging more than one percent (1%) of the average daily flow or more than one percent (1%) of the load of conventional pollutants tributary to the treatment plant receiving the waste.
- (5) All industries discharging heavy metals in any quantity or priority pollutants in any amount where the Board determines that the discharge of such materials into the sewer system may have a significant impact on or may interfere with the POTW.

SLUG — Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration or flow during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

SPDES — The State Pollution Discharge Elimination System established by Article 17 of the Environmental Conservation Law of the State of New York for issuance of permits authorizing discharges to the waters of the state.

STORM DRAIN (sometimes termed "storm sewer") — A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

SUPERINTENDENT — The Superintendent of Water Pollution Control of the Village of Walton or his authorized deputy, agent or representative.

SUSPENDED SOLIDS — The total suspended matter in water or wastewater, as determined by the Standard Methods for the Examination of Water and Wastewater.

TOXIC SUBSTANCES — Any substances, whether gaseous, liquid or solid, which, when discharged to the sewer system in sufficient amounts, may tend to interfere with any sewage treatment process, constitute a hazard to the receiving waters

of the effluent from the sewage treatment plant, pose a hazard to animal life or inhibit aquatic life. This definition includes, but is not limited to, EPA priority pollutants.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY or USEPA — The United States Environmental Protection Agency or, where appropriate, a designation for the administrator or other duly authorized official of said Agency.

UNPOLLUTED WATER — Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

USER — Any person who contributes, causes or permits the contribution of wastewater into the POTW, including the Walton sewer and sewage treatment plant.

VILLAGE — The Village of Walton, New York.

WASTEWATER — The water-carried domestic, human or animal waste from residences, buildings, industrial establishments or other places, together with such ground infiltration and industrial and commercial wastes as may be present.

WASTEWATER CONSTITUENTS AND CHARACTERISTICS — The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and such other parameters, that serve to define, classify and measure the contents, quality, quantity and strength of wastewater.

WATERCOURSE — A natural or artificial channel for the passage of water either continuously or intermittently.

B. Word usage.

- (1) Unless otherwise defined herein, technical terms shall be as defined in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Health Association, the American Water Works Association and the Water Pollution Control Federation.
- (2) "Shall" is mandatory; "may" is permissive.

ARTICLE II
Use of Public Sewers Required

§ 41-2. Depositing wastes on public and private property.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village of Walton or in any area under the jurisdiction of said village any human or animal excrement, garbage or objectionable waste.

§ 41-3. Discharge to natural outlet.

It shall be unlawful to discharge to any natural outlet within the Village of Walton or in any area under the jurisdiction of said village any wastewater or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this local law.

§ 41-4. Restrictions on private disposal systems.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

§ 41-5. Connection required.

The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the village and abutting on any street, alley or right-of-way in which there is not located or may in the future be located a public sanitary or combined sewer of the village, are hereby required at the expense of the owner(s) to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this local law, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within one hundred (100) feet [thirty and five-tenths (30.5) meters] of the property line.

ARTICLE III
Private Wastewater Disposal

§ 41-6. Connection to private system.

Where a public sanitary or combined sewer is not available under the provisions of Article II, § 41-5, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

§ 41-7. Construction permit required; fee.

Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the village, which the applicant shall supplement by any plans, specifications or other information as are deemed necessary by the Superintendent. A permit and inspection fee of ten dollars (\$10.) shall be paid to the village at the time the application is filed.

§ 41-8. Inspection during construction.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.

§ 41-9. Compliance with other requirements.

The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the Department of Public Health of the State of New York or any other municipal, state or federal government having jurisdiction. No permit shall be issued for any private wastewater disposal system employing

subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§ 41-10. Abandonment of private system.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, direct connection shall be made to the public sewer within ninety (90) days. In compliance with this local law any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

§ 41-11. Operation and maintenance of private system.

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the village.

§ 41-12. Additional requirements by Health Officer.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

**ARTICLE IV
Building Sewers and Connections**

§ 41-13. Permit required.

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

§ 41-14. Classes of permits; application; fee; conditions.

A. There shall be two (2) classes of building sewer permits: for residential and commercial service and for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent or in accordance with rules and regulations adopted by the Board of Trustees. A permit and inspection fee of ten dollars (\$10.) for a residential or commercial building sewer permit and one hundred dollars (\$100.) for an industrial building sewer permit shall be paid to the village at the time the application is filed.

B. Permits generally.

- (1) Maximum time period for the permit to discharge industrial wastes shall be for three (3) years. In the judgment of the Superintendent, this period can be extended upon receipt of the proper application form and upon all other specifications and conditions being met for two-year periods.
- (2) The permit's terms and conditions may be subject to modification and change by the village after sufficient time and notice have been given.
- (3) An industrial waste discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or for a new or changed operation.
- (4) The owner or agent of an industrial waste discharge permit shall apply for a permit modification if production or process is changed so that the wastewater characteristics or flow is altered.
- (5) Any violation not corrected after sufficient notice is given of such violation shall result in the revocation of the permit.

- (6) All permit applications shall include information concerning volume, constituents and characteristics of wastewater, flow rates, each product produced by type, amount and rate of production and description of activities, facilities and plant process on the premises, including all materials processed and types of materials which are or could be discharged.
- (7) Conditions of industrial waste discharge permits shall be uniformly enforced by the village in accordance with this local law and applicable state and federal regulations. Also, the permits shall be expressly subject to all provisions of this local law and all other regulations, user charges and fees established by the village and applicable state and federal regulations.
- (8) Permits shall contain specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (9) Major contributing industries shall further comply with the requirements of Article VI.

§ 41-15. Costs and expenses; indemnification of village.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 41-16. Separate sewer required for each building; exception.

A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the village does not and will not assume any

obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

§ 41-17. Use of old sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

§ 41-18. Material and procedure specifications.

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other rules and regulations applicable in the village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and the Water Pollution Control Federation Manual of Practice No. 9 shall apply. Each building sewer serving not more than five (5) closets shall not be less than four (4) inches in inside diameter. When serving more than five (5) water closets, the size of the building sewer shall be increased to sufficient capacity to meet all requirements, but shall be a minimum of six (6) inches in inside diameter.

§ 41-19. Elevation of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 41-20. Connection of surface runoff and groundwater.

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

§ 41-21. Compliance with connection regulations required.

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other rules and regulations applicable to the village or the procedures set forth in appropriate specifications of the American Society for Testing Materials and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight and shall be verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

§ 41-22. Inspection and testing.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

§ 41-23. Guarding of excavations; restoration of property.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the village.

ARTICLE V
Use of Public Sewers

§ 41-24. Discharge of unpolluted waters to sanitary sewers.

No person(s) shall discharge or cause to be discharged any unpolluted waters, such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water, to any sewer, except that stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Superintendent.

§ 41-25. Discharge of unpolluted waters to combined sewers or natural outlets.

Stormwater, other than that exempted under § 41-24 of Article V, and all other unpolluted drainage, may not be discharged without an SPDES permit being applied for, and such discharge of cooling water is subject to federal and state regulation. After such permit is applied for and approval obtained, it shall be discharged to such sewers as are specifically designated as combined sewers or to a natural outlet approved by state and federal regulatory agencies and by the Superintendent. Unpolluted industrial cooling water or process waters may be discharged only upon obtaining a SPDES permit, as well as the approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

§ 41-26. Prohibited discharges.

No person(s) shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

- A. Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the treatment works or to the operation of the treatment works. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent (5%) nor any single reading over ten

percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, benzene and any other substances which the Board, the DEC or EPA has notified the user constitute a fire or explosion hazard to the system.

- B. Any wastewater containing toxic pollutants in sufficient quantity, either single or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the treatment works or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Federal Act.
- C. Any wastewater having a pH less than six point zero (6.0) or higher than nine point zero (9.0) or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the treatment works.
- D. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as but not limited to grease, shredded garbage with particles greater than one-half ($\frac{1}{2}$) inch in any dimension, animal guts or tissue, paunch manure, bones, hair, hides or fleshings, entrails, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, snow, ice or any other solid objects, materials, refuse and debris not normally contained in ordinary sewage.
- E. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludge or scums, to be unsuitable for reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal development

pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or state criteria applicable to the sludge management method being used.

- F. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to prevent entry into the sewers for their maintenance and repair.
- G. Any substance which will cause the treatment works to violate its State Pollutant Discharge Elimination System (SPDES) permit or the receiving water quality standards.
- H. Any wastewater with objectionable color not removed in the treatment process.
- I. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case heated wastewater with a temperature at the introduction into the sewer system which exceeds one hundred fifty degrees Fahrenheit (150° F.) [sixty-five and five-tenths degrees centigrade (65.5° C.)] or in such quantities that the temperature of wastewater at the POTW treatment works exceeds one hundred four degrees Fahrenheit (104° F.) [forty degrees centigrade (40° C.)].
- J. Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause interference with the treatment works.
- K. Any wastewater which causes a hazard to human life, creates a public nuisance or is detrimental to aquatic life.
- L. Radioactive wastes. No person shall discharge or cause to be discharged any radioactive materials or wastes into the POTW.

§ 41-27. Discharges subject to approval and regulation by Superintendent.

The following-described substances, materials, waters and wastes shall be limited to discharges to municipal systems of concentrations or quantities which will not harm either the sewers, wastewater

treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger life, limb or public property or constitute a nuisance. The Superintendent may set limitations if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the water in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer, which shall not be violated without approval of the Superintendent, are as follows:

- A. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oil or a product of mineral oil origin.
- B. Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of two hundred (200) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (32° and 150° F.).
- C. Any garbage that has not been properly shredded. (See Article I, § 41-1A.) Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- D. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials and identified in the discharge permit or as established in a categorical pretreatment standard, whichever is more stringent.

- E. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies with jurisdiction over such discharge to the receiving waters.
- F. Quantities of flow or concentrations, or both, which constitute a slug, as defined herein.
- G. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- H. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release noxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- I. Solid or viscous substances, such as but not limited to grease, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., in quantities or of such size capable of impairing the hydraulic capacity of the sewer or other interference with the operation of the POTW.
- J. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
 - (2) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works. The admission into the public sewers of any waters or wastes having a five-day BOD greater than two hundred (200) parts per million by weight or containing more than two

hundred (200) parts per million by weight of suspended solids or containing more than ten (10) parts per million of chlorine demand or having an average daily flow greater than five percent (5%) of the average daily sewage flow of the village shall be subject to the review and approval of the Superintendent.

- K. Any discoloration, such as but not limited to dyes, inks and vegetable tanning solutions, or any other condition in the quality of treatment works effluent in such manner that receiving water quality requirements established by law cannot be met.

§ 41-28. Restricted discharges.

No person shall discharge directly or indirectly into the POTW wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or instantaneous basis. Concentration limits are applicable to wastewater effluents at a point just prior to discharge into the village sewer system.

Substance*	Allowable Daily Average Effluent Concentration Limit** (mg/l)
Ammonia	20.00
Arsenic	1.0
Barium	2.0
Benzene	0.05
Beryllium	0.15
Bromine	1.0
Cadmium	1.0
Chlorine	1.0
Chlorobenzene	0.01
Chloroform	0.1
Chromium (hexavalent)	1.0
Chromium (total)	2.0
Copper	5.0
Cyanide (complex)	0.5
Cyanide (free)	0.5

Substance*	Allowable Daily Average Effluent Concentration Limit** (mg/l)
Fluorides	10.0
Gold	0.5
Iodine	2.0
Iron	10.0
Lead	0.5
Manganese	1.0
Mercury	0.25
Nickel	2.0
Phenol	0.1
Phosphorous	8.0
Selenium	1.0
Silver	1.0
Sulfides	3.0
Trichloroethane	0.05
Zinc	10.0

NOTES:

*All concentrations listed for metallic substances shall be as "total metal," which shall be defined as the value measured in a sample acidified to a pH value of less than two (2) without prior filtration.

**As determined by a composite sample taken of the user's daily discharge over the operational and/or production period.

§ 41-29. Regulation of deleterious discharges.

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 41-27 of this Article and which, in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) Reject the waste.

- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require control over the quantities and rates of discharge.
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 41-34 of this Article.
- B. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

§ 41-30. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 41-27B, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the personnel of the owner(s) must be performed by currently licensed waste disposal firms.

§ 41-31. Pretreatment and flow-equalizing facilities.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at the expense of the owner(s).

§ 41-32. Sampling and measurement facilities.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 41-33. Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis, subject to approval by the Superintendent.

§ 41-34. Agreements with industrial concerns.

Special agreements and arrangements between the municipality and any persons or agencies may be established when, in the opinion of the municipality, unusual or extraordinary circumstances compel special terms and conditions. Acceptance of such waste shall not cause the POTW to violate its SPDES permit or the receiving water quality standards or any pretreatment regulations promulgated by USEPA or NYSDEC in accordance with Section 307 of P.L. 95-217.

ARTICLE VI
Industrial Wastewater Pretreatment

§ 41-35. Registration of existing major contributing industries.

No later than thirty (30) days after the effective date of this Article, each major contributing industry shall register with the Board. Registration may be accomplished by the user's submitting a completed industrial chemical survey form and an industrial wastewater discharge permit application (with application fee) to the Superintendent.

§ 41-36. Permit applications; fee.

- A. All applicants for a permit to discharge industrial wastes into any sewer tributary to the POTW shall complete and file with the Superintendent an application on a form provided by the Board.
- B. The Superintendent may require such other additional information as he/she deems necessary to carry out the intent and purpose of this Article. All required information shall be furnished by the applicant in complete cooperation with the Superintendent. The application shall be completed and signed by:
 - (1) A principal executive officer of at least the level of vice president if the industrial user is a corporation.
 - (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
 - (3) A duly designated representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.
- C. The fee shall be one hundred dollars (\$100.).

§ 41-37. Terms and conditions of permit.

The Board, in issuing a permit, shall impose such terms and conditions as it deems appropriate in order to ensure compliance with local, state and federal law and with the terms and conditions of the SPDES permit issued for the POTW treatment plant.

§ 41-38. Draft and formal permits.

- A. Draft permit. A draft permit will be issued on the basis of the Board's action on the application for permit. The draft permit will incorporate such terms and conditions as the Board determines to be appropriate for the monitoring and control of the permitted discharge. The draft permit shall be issued to the applicant for his review, and the applicant shall have thirty (30) days from the date the draft permit is issued to file with the Superintendent any written objections in regard to the permit terms and conditions. If no written objections are received within thirty (30) days, the Board may issue a formal permit.
- B. Formal permit. Upon approval of the draft permit or after resolution of permit conditions by the Superintendent, a formal permit will be issued to the applicant by the Board.

§ 41-39. Modification, suspension or revocation of permit.

- A. Industrial wastewater discharge permits may be modified, suspended or revoked whenever the Board finds that the user has violated any term of the permit or that the user obtained the permit by misrepresentation or failure to disclose fully all relevant facts.
- B. Permits may additionally be modified, suspended or revoked whenever the Board determines that a change in conditions or the existence of a condition at the treatment plant requires either a temporary or permanent reduction or elimination of the authorized discharge. The Superintendent shall notify affected users of any proposed changes in their permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a

reasonable time schedule for compliance. Any user aggrieved by a proposed modification, suspension or revocation of the user's wastewater discharge permit may appeal to the Board for relief in accordance with the provision of these rules and regulations.

- C. If the Superintendent finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect in his/her order, summary suspension or modification of a permit may be ordered pending proceedings for modification, suspension, revocation or other action. As soon as possible thereafter, but not to exceed fifteen (15) days, the Board shall provide the affected user an opportunity to be heard in accordance with the hearing provisions of Article XIII.

§ 41-40. Permit renewal.

Permits are granted for no more than two (2) years. Applications for renewal of a permit must be made no earlier than sixty (60) days and no later than thirty (30) days prior to the expiration date. When a permittee has made timely and sufficient application for the renewal of a permit or requested a modification of its permit with reference to any activity of a continuing nature, the existing permit does not expire until action on the application has been taken by the Superintendent and approved by the Board. In cases where the application is denied or the terms of the new or modified permit are contested, the existing permit will not expire until the last day for seeking Board review of the Superintendent's determination or such later date as may be fixed by the Board.

§ 41-41. Transfer of permit.

Industrial waste discharge permits are issued to a specific user for a specific operation and are nontransferable. In the event of any change in ownership of the industrial facility, the permittee shall notify the new owner of the existence of the permit by letter, a copy of which shall be forwarded to the Superintendent.

§ 41-42. Wastewater discharge reports.

As a means of determining compliance with these rules and regulations, with applicable SPDES permit conditions and with applicable state and federal law, the Superintendent may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the Superintendent deems necessary. All information required by the Superintendent shall be furnished by the user in complete cooperation with the Superintendent.

§ 41-43. Confidential information.

Information and data concerning a user, obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections, shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Board at the time the information is submitted that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to these rules and regulations, the National Pollutant Discharge Elimination System (NPDES) permit, State Pollutant Discharge Elimination System (SPDES) or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Information accepted by the Board as confidential shall not be transferred to any governmental agency or the general public by the Board until and unless a ten-day notification is given to the user. Wastewater constituents and characteristics will not be recognized as confidential information.

§ 41-44. Monitoring, surveillance and sampling.

The Superintendent shall maintain a continuing program of monitoring, surveillance and sampling of industrial wastes discharged into any sewer tributary or the POTW. The Superintendent (or any of his/her duly authorized representatives, including designated commercial laboratories) shall have the power to obtain samples and make tests and measurements necessary to determine the nature, concentration and quantity of such wastes and shall have the right to reassess his/her determinations by taking samples and tests at any time or by periodic rechecks without notice to the user discharging such wastes.

- A. Samples shall be taken and flow measurements made at the monitoring station or stations which are specifically identified with the user.
- B. In the event that a monitoring station has not been required, the samples shall be taken at a suitable and accessible point or points to be selected by the Superintendent and that are specifically identified with the user.
- C. The user shall pay the total cost of not more than three (3) per year samplings under this section within thirty (30) days from submission of a bill from the Superintendent.

§ 41-45. Monitoring facilities.

Monitoring facilities that are required to be installed pursuant to the permit shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurements of wastewaters produced by the user. If sampling and metering equipment is also required by the Board, it shall be provided, installed, operated and maintained at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside the building. If the monitoring facility is inside the user's fence, there shall be accommodation to allow safe and immediate access for the Superintendent (or any of his/her duly authorized representatives), such as a gate secured with the Superintendent's lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring

equipment shall be approved by the Superintendent and maintained at all times in a safe and proper operating condition by and at the expense of the user. No person shall falsify, tamper with or knowingly render inaccurate any monitoring device or method required under these rules and regulations.

§ 41-46. Pretreatment.

Where necessary, in the opinion of the Board, users shall make wastewater acceptable under the limitations established by this Article by Section 307 of the Act before discharging into any sewer tributary to the POTW. Any facilities required to pretreat wastewater to a level acceptable to the Board shall be provided and maintained at the user's expense. Detailed plans bearing the seal of a professional engineer licensed by the State of New York, showing pretreatment facilities and operating procedures, shall be submitted to the Superintendent prior to commencement of construction of the facility. The submission of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this Article and any applicable local, state or federal requirements. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Superintendent as soon as is reasonably practicable. When pretreatment regulations are adopted by EPA or DEC for any industry, then that industry must immediately conform to the EPA or DEC timetable for adherence to federal or state pretreatment requirements and any other applicable requirements promulgated by EPA or DEC. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions and determined by the Board.

§ 41-47. Federal effluent limitations.

Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than limitations in this Article. Users in industrial categories subject to effluent guidelines issued under Section 304 of the Federal Act and discharging pollutants into the POTW shall achieve the level of treatment established by federal regulations. Nothing in these rules and

regulations shall be construed to relieve any industrial user from its obligation to comply with the pretreatment standards established pursuant to Section 307 of the Federal Act.

§ 41-48. Accidental discharge.

- A. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Article. Facilities to prevent accidental discharge or prohibiting materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and shall be approved by the Board before construction of the facility.
- B. Users shall notify the Superintendent forthwith upon discharging wastes in violation of these rules and regulations due to the breakdown of pretreatment equipment, accidents caused by human error or negligence or mechanical failure or other causes, such as acts of nature, to enable countermeasures to be taken by the Superintendent and/or the Board to minimize damage to the POTW or interference of pass-through.
- C. In addition to the notice provided above, users shall notify the Superintendent in writing within five (5) days of the date of occurrence by a detailed statement describing the causes of the discharge and the measures being taken to prevent future occurrences. Such notification will not relieve users from liability for any expense, loss or damage to the sewer system, treatment facility or treatment process or for any fines imposed on the owners and/or the Board on account thereof under Section 309 of the Act, or any liability for civil penalties under § 41-81.

§ 41-49. Notice to employees.

In order for employees of the users to be informed of Board requirements, users should make available to their employees copies of this Article, together with such other wastewater information and

notices as may be furnished by the Superintendent from time to time, directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these rules and regulations.

§ 41-50. Inspections.

- A. The Superintendent and his duly authorized representatives may enter upon private premises for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The Superintendent or his/her designated representatives shall have no authority to inquire into any processes used in any industrial operation beyond that point having a direct bearing on the kind and source of discharge to the sewers or the on-site facilities for waste treatment. The Superintendent or his representative shall, at all reasonable times, have access to and may photocopy any records which the user is required to maintain under this Article or any applicable local, state or federal provisions.
- B. While performing the necessary work on private premises referred to in this section, the Superintendent or his duly authorized representatives shall observe all safety rules applicable to the premises as established by the owner and/or occupant of the premises.
- C. Inspections will be accomplished during hours of operation or at periods of sewer use with or without notice to the users, and such inspections shall be conducted to reasonably measure the characteristics of the discharged wastes and wastes discharged into the POTW.

§ 41-51. Analytical procedures.

All measurements, tests and analyses of the constituents and characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest editions of Standard Methods for the Examination of Water and Wastewater and

the Methods for Chemical Analysis of Water and Waste and the latest version of 40 CFR 136, Analysis of Pollutants, or similar methods approved by the Board.

§ 41-52. Program cost recovery.

The costs to administer the industrial wastewater pretreatment program will be recovered in part from the industrial users. Additional program costs will be recovered through the permit and application fee for industrial wastewater discharge permits.

**ARTICLE VII
Falsification of Data**

§ 41-53. False statements; tampering with monitoring device.

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the municipality or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be punished by immediate arrest under a charge of disorderly conduct, malicious mischief and/or vandalism.

**ARTICLE VIII
Sewer Use Charges**

§ 41-54. Source of revenue.

The source of the revenues for debt service and capital expenditures shall be a sewer capital charge and the source of revenues for operation and maintenance of the public sewage works shall be a sewer rent charge to owners of any real property located within the incorporated limits of the village, served or required to be served by the sewage works.

§ 41-55. Sewer capital charges. [Amended 9-18-1995 by L.L. No. 6-1995; 10-4-2004 by L.L. No. 3-2004; 7-7-2008 by L.L. No. 3-2008]

The sewer capital charge will be levied and collected quarterly commencing July 1, 1978. The sewer capital charge will be \$14.04 per unit per quarter and shall be levied until the principal and interest on the outstanding sewer serial bonds are paid.

§ 41-56. Classification of units. [Amended 3-6-2000 by L.L. No. 2-2000]

The classification of units shall mean the benefits and quantities of usage of the sewage works assigned to different classifications of real property in the Village. The basis of the charge for sewer capital charge to be paid by the owners of real property served or required to be served shall be determined from the following schedule:

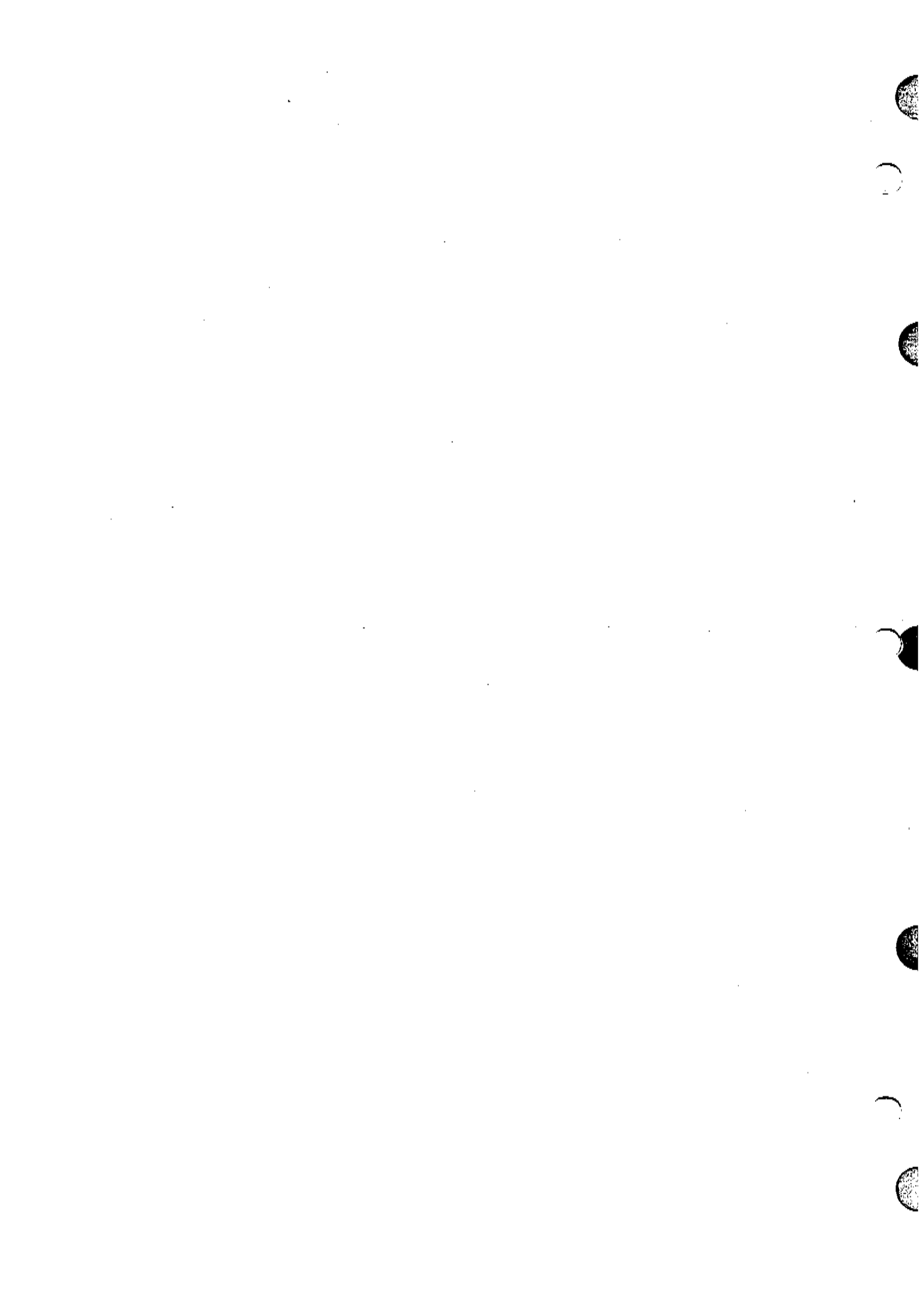
Classification	Number of Units
Single residence	1
Multiple residence	1 per dwelling unit, plus $\frac{3}{4}$ for each additional dwelling unit
Trailer park	1 per trailer site
Nursing home and hospital	$\frac{1}{2}$ per bed
Motel-hotel unit	$\frac{1}{4}$ per motel-hotel unit
Restaurant	
Seating capacity of 50 or greater	4 each
Seating capacity of less than 50	2 each
General commercial	1 for up to 15 employees, plus $\frac{1}{15}$ for each employee over the basic 15
Automobile dealership and/or repair	2 each

Classification	Number of Units
Laundromat	1/2 per machine
Car wash	1 per stall
Industry	1 for up to 15 employees, plus 1/15 for each employee over the basic 15, plus an additional amount to be assessed as a result of any unusual or extraordinary circumstances pursuant to § 34 of this chapter
School	1 for the first 15 pupils and staff, plus 1/15 for each additional pupil and staff
Religious and fraternal	1 per each major building
Vacant residential building lot (separately assessed as a lot on the assessment roll)	3/4 per lot
Agricultural	1 per 10 acres
Dentist office	1/2 per chair
Doctor's office	1/2 per examining room
Mobile home park	1 for first mobile home, plus 3/4 for each additional mobile home
Bed-and-breakfast	1 1/2
Professional office	1 for up to 15 employees, plus 1/15 for each additional employee
Gasoline/convenience center	4, not including car wash

§ 41-57. Sewer rent charges.

- A. The sewer rent charge shall mean a scale of charges established and imposed by the Board of Trustees for the use of the sewage works. The amount of such sewer rent shall be based on consumption of water and will be billed quarterly on the 5th day of each quarter. The sewer rental charge will apportion the total sewage works operation and maintenance costs among system users in the proportion of user water consumption to total water consumption and shall be determined by resolution of the Board of Trustees adopted at a regular meeting. [Amended 9-18-1995 by L.L. No. 6-1995; 3-6-2000 by L.L. No. 2-2000]

(Cont'd on page 4141)



- B. For properties which are connected to the village sewer system but are not connected to the village water system, the sewer rent charge shall be based on a rate per person residing at the property. The rate established for the quarters commencing on July 5, 1980; on October 5, 1980; on January 5, 1981, and on April 5, 1981, shall be eight dollars (\$8.) per person. The rate to be charged per person will be reviewed annually by the Board of Trustees, and any changes shall be made by the adoption of a local law after public notice and a public hearing in accordance with Chapter 36, Local Laws, Adoption of.

§ 41-58. Penalty for late payment; unpaid charges to become lien.

Sewer capital charges and sewer rental charges which are not paid on or before the due date shall bear a penalty of ten per centum (10%). If such amount remains unpaid on the first day of April, the Village Clerk-Treasurer shall certify the amount due and payable to the Board of Trustees, which shall levy the same as taxes and add such sewer capital charge and sewer rentals and penalties to the succeeding tax roll of the village. Such tax shall be collected and enforced in the same manner and at the same time as provided for the collection and enforcement of village taxes, and it shall be the duty of the Village Clerk-Treasurer to charge and collect interest thereon at the same rate specified for the collection of village taxes. Such sewer capital charges and sewer rent charges shall constitute a lien upon the real property served by such sewage works, and such lien shall be prior and superior to any other lien or claim, except the lien of an existing tax, assessment or other lawful charge.

§ 41-59. Discontinuance of service.

All sewerage service may be discontinued without further notice if the sewer rents for such services are not paid within thirty (30) days after rendition of the final bill therefor.

§ 41-60. Sewer Capital and Rent Fund.

Revenues derived from such sewer capital charges and sewer rents, including interest, shall be credited to a special fund to be known as the "Sewer Capital and Rent Fund." Moneys in such fund shall be used for the payment of the cost of debt service, capital expenditures and operation and maintenance of the sewage works.

§ 41-61. Applicability of capital and rent charges.

All users of the sewage works, including tax exempt properties, must pay sewer capital charges and sewer rent charges.

§ 41-62. Review of charges.

Any user claiming to be aggrieved by any surcharge, assessment or cost apportionment made under this Article may seek review of said charge by serving a notice, in writing, of application for review with the Village Clerk within thirty (30) days of notice of said charge.

§ 41-63. Board of Review.

At a time and place and during specified hours, the Board of Review shall meet to hear complaints in relation to any surcharge, assessment or cost apportionment. The Board of Trustees, together with the Superintendent of Water Pollution Control, shall constitute the Board of Review.

§ 41-64. Effective date of industrial cost recovery provisions.

The provisions of this local law providing for industrial cost recovery shall become effective and operate from the date construction on the system is completed or the date of the first beneficial use, operation or occupancy of any portion thereof, whichever first occurs.

ARTICLE IX
Miscellaneous Provisions

§ 41-65. Termination of service.

The use of the Village of Walton sewer system shall be a privilege, not a right. Failure to comply with the requirements of this local law may result in the termination of such privilege or discontinuance of service, in the complete discretion of the Board of Trustees of the Village of Walton. Such discontinuance of service may be in addition to the penalties herein set forth.

§ 41-66. Provision of service at basement level.

The Village of Walton assumes no responsibility to provide sewer service to any building or property which is located at such a place or elevation as to make such service impractical. Wherever service can be provided, the basement level of a residence or building will be served, unless the location and grade of the building or property is such that service at the basement level is not feasible or practical from either an economic or an engineering point of view. In such case, service shall be provided at such level as is feasible.

§ 41-67. Adoption of additional rules and regulations.

The village reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as part of this local law.

ARTICLE X
Repealer; Severability; When Effective

§ 41-68. Repealer.

All local laws and ordinances or parts of local laws or ordinances in conflict herewith are hereby repealed.

§ 41-69. Severability.

The invalidity of any section, clause, sentence or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

§ 41-70. When effective.

This local law shall take effect immediately upon filing in the office of the Secretary of State.

SEWER

**ARTICLE XI
Installation of Service Connections****§ 41-71. Permit required; fee.**

Before making any sewer connection, the owner or his agent shall obtain a permit, which shall be available at the Village Clerk's office, 21 North Street, Walton, New York, for a fee of ten dollars (\$10.).

§ 41-72. Hookup to existing system.

In most cases hookup will be made directly in line with an existing system, and in no case shall the house sewer cross other private property without special permission.

§ 41-73. Inspections.

All work is to be done in accordance with these rules. Notice must be given to the village by the owner or his agent when the work is ready for inspection. Inspection will be made by the village within forty-eight (48) hours from the time notice is given for work to be inspected. Under no condition will any work done be covered up before it has been inspected and tested by the village.

§ 41-74. Specifications.**A. Materials.**

- (1) The pipes shall be made of four-inch extra-heavy cast-iron pipe or four-inch extra-strength PVC gravity sewer pipe, as selected by the owner.
- (2) The extra-heavy cast-iron pipe shall meet all requirements of ASTM 74-75. Joints shall be bell-and-spigot type with a rubber ring assembly. The pipe length shall be no greater than five (5) feet.
- (3) The PVC gravity sewer pipe shall meet all requirements of ASTM 3034-74 SDR-35. Pipe and fittings shall be joined with a solid rubber ring. The pipe shall have an integral bell-and-spigot joint with a factory locked-in rubber ring.

B. Fittings. The fittings shall have no ledges, shoulders or reductions which can retard or obstruct flow in the piping. All transition joints in house connections between similar and dissimilar materials of equal or unequal size shall be made watertight by means of a connector or adaptor of the compression or mechanical type. Flexible couplings of the mechanical seal type shall have tightening clamps or devices made of 305 stainless steel.

C. Pipe size. A minimum of four-inch pipe shall be used on all sewer connections.

D. Pipe slope. Pipe slope shall be:

- (1) One-eight-inch minimum fall per foot.
- (2) One-fourth-inch maximum fall per foot.

E. Pipes in certain areas. All pipes going through foundation walls, under driveways or subject to traffic or basement floors shall have extra-heavy cast iron and extend four (4) feet from the building wall.

F. Cleanouts. A cleanout shall be provided on all sewer lines at the point of entrance in the building, with a minimum of three (3) feet clearance of obstruction. At every one hundred (100) feet of line, there shall be a cleanout installed that is extended

to grade level. This cleanout shall be made so that a sewer rod may be used on that line. For any sewer direction change of ninety degrees (90°) or over, there shall be a cleanout installed. Cleanouts shall not be less than four (4) inches in size. No bend sharper than a one-eighth-bend shall be used for changes in direction of run.

- G. House trap and fresh-air inlet. A house trap and fresh-air inlet are not required. However, it is recommended if there is any question as to the venting of the present system, in which case the Village Inspector will direct the installation of it.
- H. Excavation and preparation of trench. The trench should be wide enough to provide room for inspection of joints, grade and alignment of pipe, but must not exceed three (3) feet in width. The trench should not be dug deeper than necessary so that pipe can rest on firm, undisturbed soil. All rocks and stone are to be removed and a layer of sand or fine gravel is to be placed in the bottom of the ditch to a depth of six (6) inches.
- I. Backfill. Clean sand or fine gravel shall be used to cover the pipe a minimum of six (6) inches. Clean backfill is to be used on the remainder of the ditch. Backfill of the trench shall not begin until exposed sewer line and backfill material are inspected by the Village Inspector.
- J. Water and sewer in same ditch.
 - (1) The top of the sewer line will be a minimum of twelve (12) inches lower than the waterline.
 - (2) The water service pipe must be placed on a solid shelf at the side of the trench.
 - (3) The water service pipe will be one (1) piece between the building and curb stop.
 - (4) The building sewer shall be tested after installation by the installer to the Village Inspector's satisfaction.
- K. Performance and workmanship. All work will be performed in accordance with the National Plumbing Code. The installer shall perform the work in a good and workmanlike manner in accordance with the practice in the community and to the satisfaction of the Village Inspector.

§ 41-75. Discharge into system.

- A. No water that has accumulated in the trench excavation shall be drained into the sewer system.
- B. Roof drains, cellar drains and any natural accumulation of water will not be permitted to drain into the sewerage system; only domestic sewage will be permitted.
- C. Industrial wastes, gasoline or any flammable liquids shall not be discharged into the sewer.

§ 41-76. Conditions requiring notification of village.

These rules and the attached drawing² describe the average connection to the new sewer system. For multiple dwellings and unusual conditions, the village shall be notified of such and will instruct accordingly.

§ 41-77. Registration of contractors and other installers.

All contractors who will be installing sewer connections are to provide the Village Clerk with their name, address and name of liability insurance carriers. Persons who desire to install their own sewer connections should so notify the Village Clerk.

§ 41-78. Existing septic tank.

The existing septic tank shall be removed completely or filled with sand, at the homeowner's option.

§ 41-79. Connection date.

All property owners are required to connect to the public sewer within ninety (90) days after official notice to do so, provided that the public sewer is within one hundred (100) feet of the property line. The official date to commence connection is June 1, 1978. Therefore, all connections should be completed on or before August 30, 1978.

² Editor's Note: The drawing of the typical sanitary sewer service connection is included at the end of this chapter.

§ 41-80. Questions concerning connection.

All questions concerning the sewer connections shall be addressed to the village-appointed inspectors.

**ARTICLE XII
Enforcement and Penalties****§ 41-81. Civil penalties.**

Any person who violates any of the provisions of, or who fails to perform any duty imposed by, these rules and regulations or any other order or determination of the Board or the terms of any permit issued thereunder shall be liable to the owners for a civil penalty of not less than five hundred dollars (\$500.), to be assessed after a hearing before the Board. Each violation shall be a separate and distinct violation, and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Board's Attorney in the name of the owners in any court of competent jurisdiction. Such civil penalty may be released or compromised by the Board before the matter has been referred to the Board's Attorney, and, where such matter has been referred to Board's Attorney, any such penalty may be released or compromised, and any action commenced to recover the same may be settled and discontinued by the Board's Attorney only with the consent of the owners.

§ 41-82. Judicial enforcement.

In addition to the power to assess penalties as set forth in § 41-81, Civil penalties, the Board shall have the power, following a hearing held by the Board, to issue an order suspending, revoking or modifying the violator's permit and enjoining the violator from continuing the violation. Any such order of the Board shall be enforceable in an action brought by the Board's Attorney at the request of the Board in the name of the owners in any court of competent jurisdiction.

§ 41-83. Judicial review.

Any civil penalty or final order issued by the Village Board pursuant to this Article shall be reviewable in a proceeding pursuant to Article 78 of the CPLR. Application for such review must be made within thirty (30) days after service, in person or by mail, of a copy of the determination or order upon the attorney of record for the applicant and of each person who has filed a notice of appearance, or the applicant in person, if not directly represented by an attorney.

§ 41-84. Penalties for offenses.

Any person who willfully violates any provision of these rules and regulations or any final determination or order of the Board shall, in addition, be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment of not more than six (6) months or by a fine of not less than two hundred fifty dollars (\$250.). Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

§ 41-85. Civil liability.

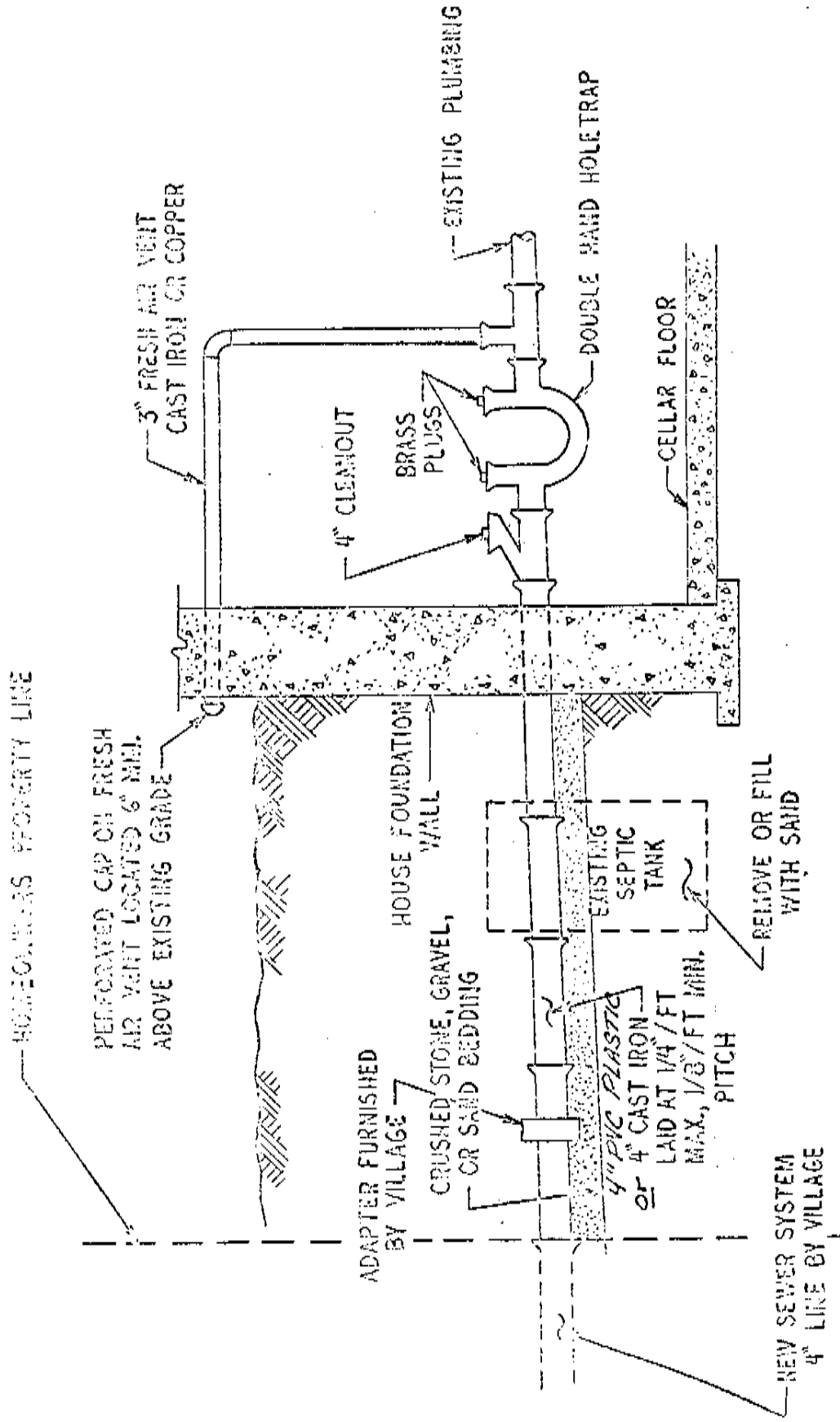
Any person violating any of the provisions of these rules and regulations shall, in addition, be liable to the owners for any expense, loss or damage occasioned the owners by reason of such violation and any expense incurred in correcting the violation, including but not limited to any fines, violations or penalties imposed on the Board by any other regulatory or governmental agency.

§ 41-86. Right to seek relief.

The Board's Attorney shall have the right to seek equitable relief in the name of the owners to restrain the violation of, or to compel compliance with, these rules and regulations or any order or determination issued thereunder by the Board.

§ 41-87. Summary abatement.

Notwithstanding any inconsistent provisions of law, whenever the Board finds, after investigation, that any user is causing, engaging in or maintaining a condition or activity which, in his/her judgment, presents an imminent danger to the public health, safety or welfare or to the environment or is likely to result in irreversible or irreparable damage to the public sewer system, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the Board may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as in the Board's judgment will reasonably notify such person whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity. In the event of a user's failure to comply voluntarily with such emergency order, or where the giving of notice is impracticable, the Board may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) days, the Board shall provide the user an opportunity to be heard.



TYPICAL SANITARY SEWER SERVICE CONNECTION
 ONE FAMILY DWELLING