

Chapter 87

SEWERS

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[HISTORY: Adopted by the Town Board of the Town of New Baltimore: Art. I, 11-28-62; Art. II, 3-24-87 as L.L. No. 2-1987; Art. III, 3-24-87 as L.L. No. 3-1987. Section 87-14 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

ARTICLE I
Individual Sewage Disposal Systems
[Adopted 11-28-62]

§ 87-1. Compliance required. [Amended 8-20-1991 by L.L. No. 2-1991]

No septic tank, tile field, seepage pit, chemical toilet, privy, pipe or other means for the disposal or discharge of sewage or sink wastes shall be installed anywhere in the Town of New Baltimore except as herein provided. The provisions of § A115-8¹, which pertain to improvements to subdivisions which may be required by the Planning Board, shall apply in addition to the requirements of this Article.

§ 87-2. Application required; filing of additional information.
[Amended 8-20-1991 by L.L. No. 2-1991]

No installation of a septic tank, tile field, seepage pit, chemical toilet, privy, pipe or other means for the disposal or discharge of sewage or sink wastes shall be begun, nor shall the construction, location or alteration of any structure intended for human occupancy be commenced, until an application duly filled out on forms supplied by the Town Clerk and a plot plan showing the intended location of the disposal system proposed to be used in connection with such structure shall have been filed in the Town Clerk's office along with the septic permit application fee as established by the Town Board. In the case of subdivisions, temporary residences or other premises requiring New York State Health Department approval, such approval must be on file with the Town Clerk before an application can be accepted.

§ 87-3. Sewerage Inspector.

- A. The Town Board of Health shall appoint a competent Sewerage Inspector, who shall be responsible to the Town Board of Health for the performance of the duties hereinafter mentioned, and whose appointment shall be held at the pleasure of the Town Board of Health.
- B. It shall be the duty of the Sewerage Inspector to:
 - (1) Receive applications filed with the Town Clerk.

¹ Improvements to subdivisions now covered under §115-9 of the Town Code

- (2) Promptly investigate, when requested by the applicant before installation, any proposed disposal devices indicated in said application; when the proposed installation meets the requirements of this Article, approve for issuance a permit to proceed with such installation.
- (3) See that the provisions of this Article are observed and inspect the installation after it is completed but before the system is covered.
- (4) Approve for issuance a certificate of compliance permitting the use of such installations that conform to the provisions of this Article.

§ 87-4. Procedure upon approval or disapproval of project.

- A. One (1) copy of the application shall be returned to the Town Clerk after approval or disapproval of the completed project by the Sewerage Inspector.
- B. When the project is approved, a certificate of compliance shall be issued by the Town Clerk.
- C. Should a project be disapproved, the reason(s) for declining a certificate of compliance shall be noted on two (2) copies of the application, one (1) of which shall be given to the applicant.

§ 87-5. Appeals.

If the Sewerage Inspector declines to approve any proposed installation, the applicant may appeal to the Town Board of Health, whose approval or rejection shall be final.

§ 87-6. Location of systems.

No septic tank, tile field, seepage pit, chemical toilet, privy or other device for the storage or disposal of human excreta shall be installed unless every part of such installation shall be more than ten (10) feet from the boundary line of the property on which it is located and more than twenty-five (25) feet from any lake, reservoir, stream or watercourse not protected

by rules enacted by the State Commissioner of Health; nor shall the leaching parts of such installation be located on the direct line of drainage to, nor less than one hundred (100) feet in a horizontal direction from, any source of domestic water supply. Systems which are located on watersheds of public water supplies must comply with the rules and regulations enacted by the State Department of Health for the protection of such supplies.

§ 87-7. Exposure of sewage to atmosphere or discharge into drains or bodies of water restricted; permit required for scavengers.

- A. No person, firm or corporation, either as owner, lessee or tenant of any property, dwelling, building or place, shall construct or maintain any privy, cesspool, sewage disposal system, pipe or drain so as to expose or discharge, the contents or other liquid or matter therefrom to the atmosphere or on the surface of the ground nor so as to endanger any source of drinking water; nor shall any such person, firm or corporation discharge into any watercourse, storm sewer, drain or body of water any sewage or sewage effluent from a cesspool, sewage disposal system, pipe or drain, or any excreta from a privy vault or other receptacle for the storage of excreta unless a permit for such discharge shall have been issued therefor by the State Commissioner of Health, and such discharge shall be made in accordance with the requirements thereof.
- B. Scavengers who clean septic tanks and cesspools must have a permit from the Town Clerk, and the place of disposal used by them must be approved by the Sewerage Inspector.

§ 87-8. Settling or septic tanks.

- A. Settling or septic tanks for single or two-family dwellings shall have capacities below the flow line of not less than one (1) day's flow of sewage, based on the rate of one hundred fifty (150) gallons per bedroom for small dwellings, farmhouses and summer cottages, and seventy-five (75) gallons per person for large dwellings, boardinghouses and hotels.
- B. The minimum size of approved septic tank is to be seven hundred fifty (750) gallons' working capacity. **[Amended 6-14-83 by resolution]**
- C. Septic tanks must be at least ten (10) feet outside the foundations of

buildings.

- D. Drains from buildings to septic tanks must be watertight and equipped with a house trap and fresh-air vent. They must have a diameter of not less than four (4) inches.
- E. No roof leaders or floor or cellar drains are to drain into septic tanks.
- F. Septic tank effluents shall be disposed of by discharging to subsurface tile systems, leaching cesspools or by such other means as may be approved in writing by the Sewerage Inspector.

§ 87-9. Subsurface tile system.

- A. A "subsurface tile system" is hereby defined as a field of perforated pipe or open joint farm tile laid with proper slope and alignment below the ground surface in such a fashion as to permit an even flow from the septic tank into all parts of the tile field. Main distributors should have diameters of not less than four (4) inches and be laid with tight joints on uniform slopes not greater than one percent (1%) or approximately one-eighth ($1/8$) inch per foot. Lateral distributors comprising the tile field should be laid in trenches twenty-four (24) inches wide when the soil test indicates a rate of one (1) inch in seven (7) minutes or less, and in widths up to thirty-six (36) inches when the rate is slower. Trench depth should be between eighteen (18) inches and thirty (30) inches; depths of less than twenty-four (24) inches are preferred. Individual laterals shall not be longer than sixty (60) feet. The minimum distance between walls of adjacent trenches should be five (5) feet, although greater separations are desirable. Laterals of the tile field should be kept twenty (20) feet from cellar walls.
- B. Laterals should have diameters of not less than four (4) inches and be laid on uniform slopes not greater than one-sixteenth ($1/16$) inch per foot. Farm tile should be laid with open joints one-fourth ($1/4$) inch wide, protected by strips of tar paper laid over the top and two-thirds ($2/3$) around the circumference of pipe. The entire pipe should be surrounded by gravel or broken stone three-fourths ($3/4$) to one and one-half ($1\ 1/2$) inches in size, from a level of six (6) inches below the bottom of the tile to a level two (2) inches above the top of the tile.
- C. Perforated pipe with split couplings or vitrified clay pipe with open joints may be substituted for farm tile laterals, but when perforated pipes are used, care must be taken to place the holes so the liquid will escape at an equal rate along the entire lateral. The top layer of stone

should be covered with hay, straw or untreated building paper, before placing the earth backfill. The placing of laterals over water service lines is prohibited. Curtain drains of suitable depth and location shall be provided to intercept surface and ground water where necessary. Laterals must not be nearer than twenty-five (25) feet from any lake, stream or other watercourse or body of water, and must not be laid in swampy soil or in soil that cannot take care of drainage. The length of the four-inch tile required should be determined by results of soil percolation tests and in accordance with the table given below, except that the minimum amount of tile which will be approved will be one hundred (100) feet.

D. Result of percolation test, or time for water to fall one (1) inch:

Minutes	2 B. R. Trench	3 B. R. Trench	Additional B. R. Trench
5	100 ft. 24 in.	100 ft. 24 in.	32 ft. 24 in.
10	100 ft. 36 in.	100 ft. 36 in.	30 ft. 36 in.
30	100 ft. 36 in.	150 ft. 36 in.	50 ft. 36 in.
60	250 ft. 36 in.	375 ft. 36 in.	125 ft. 36 in.

More
Than
60

-----Soil is unsuitable-----

E. To make a percolation test, dig a hole approximately one (1) foot square, and a depth equal to that at which it is proposed to lay the tile drain. Fill with water to ensure thorough moistening of the soil and allow the water to seep away. Then, while the bottom of the hole is still moist, fill to a depth of six (6) inches and observe the time for the water level to fall one (1) inch.

§ 87-10. Seepage pits.

A. Seepage pits or cesspools may be permitted where the topsoil is underlaid with sand or gravel. They should be preceded by a septic tank. Such pits should be made of durable material and construction and of such proportions that the side area is approximately three (3) times the bottom area. The bottom of a seepage pit shall be at least two (2) feet above the groundwater table. The seepage area of a pit or cesspool shall be calculated as the area of the walls below the flow line plus the area of the bottom. The effective seepage area of the walls in square feet is three (3) times the diameter of the pit multiplied by its depth below the flow line. The seepage area required for such

installations shall be determined by the results of percolation tests in accordance with the table given below, but no permit will be issued for a seepage pit or cesspool unless the character of the soil in which it is to be located is such that groundwater flow appears to be away from any adjoining property within fifty (50) feet and at least twenty-five (25) feet from any lake, stream or other watercourse or body of water. Such installation shall not be located closer than one hundred (100) feet from a source of water supply. No permit shall be issued for a seepage pit or cesspool where, in the judgment of the Sewerage Inspector, such installation would be dangerous to the adjoining property. A minimum of eighty (80) square feet of seepage area must be provided for any such system.

B. Result of percolation test, or time for water to fall one (1) inch:

Minutes	1 B.R. (square feet)	2 B.R. (square feet)	3 B.R. (square feet)
5	80	100	150
10	80	140	210
30	135	270	405
60	300	600	900

More
Than -----Soil is unsuitable-----
60

C. To make a percolation test, dig a pit or sink a test hole to one-half (1/2) the depth of the proposed seepage pit. The bottom of the test hole should be one (1) foot square. Fill the test hole with water to thoroughly moisten the soil, and allow to drain. While the bottom of the test hole is still moist, fill with water to a depth of six (6) inches and observe the time required for the water level to lower one (1) inch. If more than one (1) seepage pit or cesspool is required in order to obtain adequate seepage area, a distribution box must be used to equalize the flow to them. The minimum distances between centers of pits must be at least three (3) times the diameter of the larger pit.

§ 87-11. Pit privies.

Outdoor pit privies are permissible only in porous sandy soils where the groundwater level is at least two (2) feet below the bottom of the pit. They shall be flytight, properly ventilated and otherwise constructed so as to facilitate maintenance in a sanitary condition.

§ 87-12. Watertight systems.

When the nearby groundwater must be protected or seepage systems cannot be utilized, a watertight vault privy, a removable receptacle privy or a chemical toilet can be used if approved by the Sewerage Inspector and adequate facilities are available for proper sanitary maintenance and disposal of wastes.

§ 87-13. Inadequate facilities.

Nothing contained in this article shall be construed to permit the installation or maintenance of disposal facilities which are or may become a nuisance. The Town Health Officer may, at any time, by personal inspection, determine that existing sewage disposal facilities on a property are inadequate or do not function properly or that there is not available an adequate supply of water for use in connection therewith. In such cases, he shall notify the owner of said premises in writing of such fact, and a copy of such notice shall be sent to the Town Clerk. Upon receipt of such notice, it shall be the duty of the owner, within 10 days, to make application to the Town Clerk for a permit to reconstruct or alter such disposal system and to complete such reconstruction or alteration within 30 days after receipt of said notice. Unless such reconstruction or alteration as is required shall have been completed within said 30 days, it shall be unlawful and improper to use said premises for human occupancy until such reconstruction or alteration is completed and approved in the manner provided for new installations.

§ 87-14. Penalties for offenses. [Amended 4-8-1986 by L.L. No. 2-1986]

- A. Any violation of this article, either by the occupancy of a structure without a duly authorized certificate of compliance or by the installation or use of a septic tank, tile field, seepage pit, chemical toilet, privy or discharge pipe without compliance with the terms and provisions aforesaid or any violation of any of the terms or provisions of this article is hereby declared to be an infraction and shall render the owner of the land whereon the same was installed, or the tenant or the person so installing same, or any other person guilty of a violation thereof, to a fine not to exceed the sum of \$250 or imprisonment for not to exceed 15 days, or both.
- B. If a fine is imposed and is not paid within 30 days or such other time

period established by the court, then following mailing of the notice described herein, the unpaid fines shall be assessed by the Town and added to the current tax roll by the Town as an unpaid charge attributable to the real property. Prior to assessing this charge for unpaid fines, the Town shall mail a notice to the fine debtor at his/her last known address by regular first-class mail stating that unless the fines are paid within 15 days of the notice date, they will be assessed and collected as an unpaid charge attributable to the real property. **[Added 11-13-2006 by L.L. No.3-2006]**

ARTICLE II
Sewer. Use Regulations
[Adopted 3-24-1987 by L.L. No. 2-1987]

§ 87-15. Definitions.

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

BIOCHEMICAL OXYGEN DEMAND (BOD) - The quantity of oxygen utilized in biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BOARD - The governing board or council of the municipality.

BUILDING DRAIN - That part of the lowest horizontal piping of a drainage system which receives discharge from soil, waste and other drainage pipes inside walls of the building and conveys it to the building sewer beginning five feet outside the inner face of the building wall.

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 intended to receive both wastewater and storm- or surface water.

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

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 does not interfere with the collection system.

GARBAGE - Animal and vegetable waste resulting from handling, preparation, cooking and serving of foods.

INDUSTRIAL WASTES - Wastewater from industrial processes, trade or business, as distinct from domestic or sanitary wastes.

INFLOW - Water other than wastewater that enters a sewerage system, including sewer service connections, from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters or drainage. "Inflow" does not include and is distinguished from infiltration.

MUNICIPALITY - The political entity as set forth in this Article.

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.

NYSDEC - New York State Department of Environmental Conservation or any duly authorized representative of said agency.

OPERATOR - The chief operator of the wastewater treatment plant of the municipality.

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

pH - The reciprocal of the logarithm of hydrogen-ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

PROPERLY SHREDDED GARBAGE - Waste from the preparation, cooking and dispensing of food, that has been shredded to such degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

PUBLIC SEWER - A common sewer controlled by a governmental agency or public utility.

SANITARY SEWER - A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground-, storm- and surface waters that are not admitted intentionally.

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

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

SEWER INSPECTOR - Any person appointed by the Board to act as the Board's authorized agent in matters falling under this Article and who shall exercise those powers delegated to him by the Board.

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

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

SUPERINTENDENT - The Superintendent of Public Works or other person designated to take responsible charge of wastewater facilities of the municipality or his authorized deputy, agent or representative within the specific authority established by the Board.

SUSPENDED SOLIDS - Total suspended matter which either floats on the surface of or is suspended in water, wastewater or other liquids and is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as "nonfilterable residue."

UNPOLLUTED WATER - Water of quality equal to or better than the effluent criteria in effect or water which would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities

provided.

USEPA - United States Environmental Protection Agency or any duly authorized representative of said Agency.

WASTEWATER - Spent water of a community. From the standpoint of source, it may be a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES - Structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS - An arrangement of devices and structures for treating wastewater, industrial wastes and sludge; sometimes used as synonymous with "water treatment plant" or "wastewater treatment plant" or "water pollution control plant."

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

B. "May" is permissive; "shall" is mandatory.

§ 87-16. Use of public sewers required.

- A. 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 New Baltimore Sewer District, hereinafter referred to as the "municipality," or in any area under the jurisdiction of said municipality any human or animal excrement, garbage or any other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the municipality or in any area under the jurisdiction of said municipality any wastewater or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Article.
- C. 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 disposal of wastewater.

- D. The owner(s) of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the municipality and abutting on any street, alley or right-of-way in which there is now located or may be located in the future a public sanitary or combined sewer of the municipality, is hereby required, at the owner's expense, to install suitable toilet facilities therein, including wastewater and other polluted water facilities and to connect such facilities directly with the proper public sewer in accordance with provisions of this Article, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. The Town Board, upon presentation of evidence and a finding that practical difficulty and/or extraordinary and unnecessary hardship may result from strict compliance with the requirement to connect such facilities to the public sewer, may vary such requirement so that substantial justice may be done and the public health and welfare protected.

§ 87-17. Private wastewater disposal.

- A. Where a public sanitary or combined sewer is not available under provisions of § 87-16D, the building sewer shall be connected to a private wastewater disposal system complying with provisions of this section and the provisions of Article I of this chapter. **[Amended 8-20-1991 by L.L. No. 2-1991]**
- B. Before commencing construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Superintendent. Application for such permit shall be on a form furnished by the municipality, which the applicant shall supplement by any plans, specifications and other information deemed necessary by the Superintendent.
- C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He 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.
- D. Type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the New York State Department of Environmental Conservation. No septic tank or cesspool

shall be permitted to discharge to any natural outlet.

- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 87-16D, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this Article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
- F. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the municipality.
- G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer of the municipality or the New York State Department of Environmental Conservation.

§ 87-18. Building sewer connections.

- A. 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.
- B. 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 municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.
- C. All costs and expenses incidental to installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by installation of the building sewer.
- D. 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 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. The municipality does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

- E. Old building sewers may be used to connect with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Article.
- F. Size, slope, alignment, materials of construction of a building sewer and the methods used in excavating, placing the pipe, jointing, testing and backfilling the trench shall all conform to requirements of the Building and Plumbing Code or other applicable rules and regulations of the municipality. 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 and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.
- G. 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 wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. 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.
- I. Connection of the building sewer into the public sewer shall conform to requirements of the Building and Plumbing Code or other applicable rules and regulations of the municipality or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- J. 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

under the supervision of the Superintendent or his representative.

- K. All excavations for building sewer installation 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 municipality.

§ 87-19. Discharge restrictions.

- A. 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.
- B. Stormwater other than that exempted under Subsection A and all other unpolluted drainage shall be discharged to sewers specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling or process waters may be discharged, on approval by the Superintendent, to a storm sewer, combined sewer or natural outlet and may be subject to a State Pollutant Discharge Elimination System permit issued by NYSDEC.
- C. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter, as CN in wastes discharged to the public sewer.
 - (3) Any waters or wastes having a pH lower than five point five (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the

wastewater works.

- (4) Solid or viscous substances in quantities or sizes capable of causing obstruction to the flow in sewers or other interference with proper operation of the wastewater facilities, such as but not limited to ashes, bones, 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, either whole or ground by garbage grinders.
- (5) Heat in such quantities as to cause the temperature at the wastewater treatment works to exceed one hundred four degrees Fahrenheit (104° F.) [forty degrees Celsius (400 C.)].
- (6) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/ or pollutant concentration which will cause interference in the wastewater treatment works.
- (7) Waters or wastes containing substances not amenable to treatment or reduction by the wastewater treatment processes employed or amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet requirements of other agencies having jurisdiction over discharge to receiving waters.

D. The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, have an adverse effect on the receiving stream or otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent and/or operator may set lower limitations than those established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to acceptability, the Superintendent and/or operator will consider such factors as quantity of subject waste in relation to flows and velocities in the sewer, materials of construction of the sewers, wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. 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:

- (1) Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.) [sixty-five degrees Celsius (65° C.)].
- (2) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin.
- (3) Wastewater from industrial plants which contains floatable oils, fat or grease.
- (4) Any garbage not properly shredded. (See § 87-15.) Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from preparation of food in kitchens for consumption on the premises or when served by caterers.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent and/or operator for such materials.
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances exceeding limits established by the Superintendent and/or operator.
- (7) Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent and/or operator in compliance with applicable state or federal regulations.
- (8) Quantities of flow or concentrations or both, which constitute a "slug." (See § 87-15.)
- (9) Waters or wastes containing substances not amenable to treatment or reduction by the wastewater treatment process employed or amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet requirements of other agencies having jurisdiction over discharge to receiving waters.

- (10) Water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- E. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent and/or operator, they are necessary for proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 87-19D(3), 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 located so as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for proper removal and disposal, by appropriate means, of the captured material and shall maintain records of dates and means of disposal, which shall be subject to review by the Superintendent. Any removal and hauling of collected materials which is not performed by the owner's personnel must be done by waste disposal firms approved by the municipality.
- F. 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 his expense.
- G. When required by the Superintendent and/or operator, the owner of property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measuring of the wastes. Such structure, when required, shall be accessibly and safely located and constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and maintained by him so as to be safe and accessible at all times.
- H. Measurements, tests and analyses of characteristics of waters and wastes, as referred to in this Article, 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 shall be determined on an individual basis, subject to

approval by the Superintendent and/or operator.

- I. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted for treatment by the municipality, subject to payment therefor by the industrial concern, but in no case shall such agreement circumvent federal categorical pretreatment standards or national pretreatment standards.

§ 87-20. Tampering with wastewater facilities prohibited.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 87-21. Powers and duties of Superintendent and other authorized employees.

- A. The Superintendent, NYSDEC, USEPA and other duly authorized employees of the municipality, bearing proper credentials, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with provisions of this Article.
- B. The Superintendent and/or operator or other duly authorized employees are authorized to obtain information concerning industrial processes having direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential but must establish that revelation to the public of the information in question might result in an advantage to competitors. Effluent discharge data shall not be considered confidential.
- C. While performing necessary work on private properties referred to in Subsection A above, the Superintendent or duly authorized employees of the municipality shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the municipal employees. The

municipality shall indemnify the company against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required in § 87-19E.

- D. The Superintendent and other duly authorized employees of the municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with terms of the duly negotiated easement pertaining to the private property involved.

§ 87-22. Industrial waste disposal requirements.

- A. No person or persons shall discharge or cause to be discharged any pollutant into the sewer system unless such discharge shall be in compliance with the Federal Water Pollution Control Act Amendments of 1972, or later revisions thereof, and any more stringent state or local standards.
- B. No person or persons shall discharge any pollutant into the sewer system before receiving approval of an industrial sewer connection and discharge application.
- C. The approved industrial sewer connection and discharge application shall be deemed as authorization to discharge only those wastes defined and described within such application. Authorization shall be valid for a term of one (1) year from the date of application and permit approval. Permits are automatically renewed unless there are changes in the discharge and/or requirements of the municipality, in which event a new application for permit shall be required.
- D. Prohibited discharges. Wastes as defined in 40 CFR 128.131 of the Federal Register shall be prohibited from discharging into the sewer system.
- E. Pretreatment standards.

- (1) The Superintendent and/or operator or other duly designated personnel are authorized to enforce compliance of contributing industries with federal pretreatment standards and any other applicable requirements promulgated by the Environmental Protection Agency in accordance with Section 307 of the Federal Water Pollution Control Act Amendments of 1972.
- (2) The Superintendent and/or operator or other duly authorized personnel shall have authority to require compliance with any future more stringent pretreatment standards necessitated by local conditions. When pretreatment regulations are adopted by USEPA or NYSDEC for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to federal or state pretreatment requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of P.L. 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the municipality.

F. Inspection and entry. Where required by the municipality, contributing industries shall construct and maintain a control manhole or other approvable facility through which all wastes entering the sewer system must flow. This manhole or facility shall be constructed so as to provide safe and ready access for the purposes of inspection, observation, measurement, sampling and testing.

G. Reporting and self-monitoring.

- (1) Contributing industries shall file an annual report containing a complete description of constituents and character of each waste contributed, daily volume and maximum rates of discharge and representative analyses.
- (2) Industries regulated by this Article shall maintain sufficient records and analyses to substantiate data supplied in annual reports. If not previously installed, adequate flow-measuring equipment or devices approved by the municipality shall be installed.

H. Enforcement.

- (1) Fines and other penalties for violations shall be imposed in accordance with provisions of this Article. Violations of the regulations set forth in this Article may result in termination of

the sewer connection and discharge permit.

- (2) An industrial user shall notify the municipality immediately upon accidentally discharging wastes in violation of this Article. This notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process or for any fines imposed upon the municipality under applicable state and federal regulations.
- (3) A notice shall be furnished and permanently posted on the industrial user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Article. Also, copies of this Article are to be made available to user's employees.
- (4) The municipality reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Article.
- (5) No user shall ever increase the use or process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or in any other pollutant-specific limitation developed by the town or state unless authorized by state or federal regulation.

§ 87-23. Fees. [Amended 8-20-1991 by L.L. No. 2-1991]

- A. A permit and inspection fee shall be paid to the municipality in the amount established by the Town Board at the time the application is filed for a private wastewater disposal system permit under § 87-17B of this Article.
- B. A permit and inspection fee shall be paid to the municipality in the amount established by the Town Board at the time the application is filed for a residential or commercial building sewer under § 87-18B of this Article.

§ 87-24. Penalties for offenses.

- A. Any person found violating any provision of this Article, except § 87-20, shall be served by the municipality with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A above shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in the amount set forth separately and made a part of this Article for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this Article shall become liable to the municipality for any expense, loss or damage occasioned the municipality by reason of such violation.
- D. Any person found guilty, as defined in Subsection B above, shall be fined the sum of one hundred dollars (\$100.). Upon being found guilty on the fourth and subsequent days after the initial violation, such person shall be fined twenty-five dollars (\$25.) for each such day of violation.
- E. The municipality may immediately suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the municipality, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the publicly owned treatment works (POTW) or causes the municipality to violate any condition of its National Pollutant Discharge Elimination System (NPDES) permit.
- F. Any person notified of a suspension of the wastewater treatment service and/or wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the municipality shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The municipality shall reinstate the wastewater contribution permit and/or wastewater

treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful condition and the measures taken to prevent any future occurrence shall be submitted to the municipality within fifteen (15) days of the date of occurrence.

- G. If any person discharges sewage, industrial waste or other waste into the municipality's wastewater disposal system contrary to the provisions of this Article, federal or state pretreatment requirements or any order to the municipality, the Town Attorney may commence an action for appropriate legal and/or equitable relief in the court of the county.

ARTICLE III
Sewer Use Charges
[Adopted 3-24-87 as L.L. No. 3-1987]

§ 87-25. Purpose.

The purpose of this Article shall be to generate sufficient revenue to pay all costs for operation and maintenance and debt service for the New Baltimore Sewer District. The costs shall be distributed to each specific property in proportion to the usage of the wastewater system.

§ 87-26. Determination of cost of operation and debt service.

- A. The Town of New Baltimore, on behalf of the New Baltimore Sewer District, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual costs of operation and maintenance shall include but not be limited to labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund.
- B. The town shall also determine the total annual costs of principal and interest payments which constitute the debt service.

**§ 87-27. Surcharge for discharge of high-strength waste.
[Amended 12-28-87 by L.L. No. 5-1987]**

The town, in consultation with its engineer, will assess a surcharge rate for all nonresidential users discharging wastes with BOD and suspended solids strengths greater than three hundred (300) milligrams per liter. Such users will be assessed a surcharge sufficient to cover the costs of treating such users' above-normal-strength waste. The surcharge rate structure for such above normal-strength waste will be:

- A. Twenty-five percent (25%) for concentrations from three hundred one (301) to four hundred (400) milligrams per liter.
- B. Fifty percent (50%) for concentrations from four hundred one (401) to five hundred (500) milligrams per liter.
- C. Seventy-five percent (75%) for concentrations of five hundred (500) or greater milligrams per liter.

§ 87-28. Point system determination of charge.

- A. Charges for system operation and maintenance costs will be based on a point system, a "point" being defined as one-tenth (0.1) the flow contribution from a single-family residence, or a single-family residence equals ten (10) points. [One (1) point represents an average daily flow of twenty (20) gallons of pollutant material at normal domestic sewage concentrations.] All other flow contributions will be converted to points on this basis by proportion. Debt service charges will be similarly based, with all benefited properties assessed, whether or not using the system. In both cases, the total points for users will be divided into the total cost for a per-point charge. Then the per-point charge will be multiplied by the user point assessment to determine the service charge.
- B. The schedule of point assessments for various user categories are included on the Schedule of Point Assessments². Any category not included will be defined by the Town Board upon application for service, using the schedule and estimated flow contribution to establish a point assessment for each category.

² The schedule of Point Assessments is included at the end of this Article.

§ 87-29. Review of rates.

The town shall review the total annual cost not less often than every two (2) years and will revise the system as necessary to assure equity of the service charge system. If it is determined that excess revenues have been collected from a class of users, the excess revenues from that class of users shall be applied to the costs of operation and maintenance attributable to that class for the next year, and the rate charged to such users shall be adjusted accordingly.

§ 87-30. Payment of charges; collection of unpaid bills.

- A. The town shall submit a semiannual statement to the user for the user's semiannual service charge. This statement shall include a charge for operation and maintenance and a charge for debt service as separate items. Any payments not received within thirty (30) days from the billing date will be charged a late payment fee at the same rate as charged for late payment of town taxes. **[Amended 12-28-87 by L.L. No. 5-1987]**
- B. Pursuant to § 452, Subdivision 4, of the New York State General Municipal Law, unpaid sewer users' annual service charges shall be levied against the real property liable for the same at the same time and in the same manner as town taxes and shall be included in the town tax bill for the following town fiscal year, and such amount shall be collected and enforced in the same manner and at the same time as is provided by law for the collection and enforcement of town taxes.

§ 87-31. Prohibited discharges.

The discharge of any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate sludge of any municipal systems or to injure or interfere with any sewage treatment process or constitute a hazard in or have an adverse effect on the waters receiving any discharge from the treatment works is prohibited. (Section 87-19 of Article II of this chapter contains additional requirements covering the use of the New Baltimore Sewer District public sewers.)

§ 87-32. Increased costs for certain discharges.

Each user which discharges any toxic pollutant which causes an increase in the cost of managing the effluent or the sludge of the wastewater treatment works shall pay for such increased costs.

§ 87-33. Precedence over other agreements.

This system of service charges shall take precedence over any terms or conditions of agreements or contracts between the grantee and users, including industrial users, special districts, other municipalities or state or federal agencies or installations, which are inconsistent with 204(b)(1)(A) of the Clean Water Act (33 U.S.C. § 1251 et seq., as amended) or the 40 CFR 35 rules and regulations.

POINT ASSESSMENT SYSTEM AND SCHEDULE

Point Assessment System

All properties in the New Baltimore Sewer District will be assessed charges in proportion to usage of the sanitary sewer system by each specific property. Charges for system operation and maintenance costs will be based upon a point system, a point being defined as one-tenth (0.1) the flow contribution from a single-family residence, or a single-family residence equals ten (10) points. All other flow contributions will be converted to points on this basis by proportion. Debt service charges will be similarly based, with all benefited properties assessed, whether or not using the system.

The schedule of point assessments for various user categories is given below. Any category not included will be defined by the Town Board upon application for service, using the schedule and estimated flow contribution to establish a point assessment for such category. This point assessment will apply to all further such establishments in the future.

Schedule of Point Assessments

[One (1) point represents an average daily flow of twenty (20) gallons of pollutant material at normal domestic sewage concentrations.]

Units	Points	
	For O&M	For Debt Service
Single-family residence	10	10
Multiple-family house, per dwelling unit	10	10
Mobile home	10	10
Apartment developments, per dwelling unit	10	10
Apartments in commercial building, in addition to charges for commercial establishment	7	7

Units	Points	
	For O&M	For Debt Service
Schools, per pupil and employee Churches (no school), library, Firehouse, nonprofit organization or lodge building:	1	1
No food service	10	10
With bar or food service	20	20
Motel:		
Owner's unit and building, no food	10	10
Per unit (if food service, additional Charge per restaurants) Service	2	2
Commercial:		
Small (4 employees or less)	10	10
Large, per employee (based on 8 hour day	2.5	2.5
Restaurants:		
Per seat	0.5	0.5
Owner's apartment on site (additional)	10	10
Tavern:		
Per seat	0.5	0.5
Owner's apartment on site (additional)	10	10
Nursing homes, per bed	15	15
Rooming house (no food service) 10 pts, Plus 2 for each rental bedroom. Minimum	16	16
Boardinghouse 10 pts, Plus 2 for each rental bedroom. Minimum	22	22
Self-service Laundromat, per washing machine	15	15
Commercial laundry (use meter rate Schedule)	---	---
Theaters:		
Movies (each 7 seats)	1	1
Seasonal (each 70 seats per calendar month of operation)	1	1

Units	Points	
	For O&M	For Debt Service
Car Wash:		
Self-service; no recirculation, per car stall	10	10
Self service with recirculation, Per car stall	5	5
Attended, automatic (use industrial rate schedule)	---	---
Service station:		
Self service, no public rest room	10	10
Self service with public rest rooms	20	20
Full service	20	20
Vacant land:		
Building lot with sewer service within 100 feet	---	5
Building lot more than 100 feet from sewers	---	1
Bulk acreage suitable for development and not in active use as farmland	---	2.5
Farmland in active agricultural use:		
Developable, per acre	---	1
Nondevelopable, per acre	---	Exempt
Existing building (within village but More than 100 feet from sewer lines and requiring extension of sewer system for service	---	2