# TOWN OF CLAYTON

# HAMLET OF DEPAUVILLE

# SEWER DISTRICT

# SEWER USE ORDINANCE

JANUARY 1991

TOWN OF CLAYTON

HAMLET OF DEPAUVILLE

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AN ORDINANCE OF THE TOWN OF CLAYTON, JEFFERSON COUNTY, NEW YORK, ESTABLISHING RULES, REGULATIONS AND REQUIREMENTS IN RELATION TO THE USE OF PUBLIC AND PRIVATE SEWERS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF SEWAGE, INDUSTRIAL WASTE OR OTHER WASTES INTO THE SEWERAGE SYSTEM OF THE TOWN OF CLAYTON, HAMLET OF DEPAUVILLE AND ALL PUBLIC AND PRIVATE SEWERS TRIBUTARY THERETO, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF CLAYTON, HAMLET OF DEPAUVILLE, JEFFERSON COUNTY, STATE OF NEW YORK, AS FOLLOWS:

## SEWER USE ORDINANCE


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## ARTICLE I

## SHORT TITLE AND STATEMENT OF PURPOSE

### Section 1.1 - Short Title

This Ordinance shall be known as Town of Clayton Sewer Use Ordinance Governing Sewer Use in the Depauville Sewer District.

### Section 1.2 - Purpose

The purposes of the rules, regulations and requirements of this Ordinance are specifically stated, as follows:

1. to prohibit excessive volumes into the Hamlet of Depauville sewer system, and all public and private sewers and lines tributary thereto;

2. to prohibit the contribution of sewage, industrial wastes or other wastes of flammable nature, or which create in any way poisonous or hazardous environment for sewage maintenance and operation personnel;

3. to prohibit the contribution of sewage, industrial wastes or other wastes which may cause maintenance difficulties in the septic tanks, lateral sewers, interceptor sewers, trunk sewers, force mains, pumping stations, sewage regulators, and other structures and appurtenances of the District sewer system, and public and private sewers tributary thereto;

4. to prohibit the contribution of sewage, industrial wastes or other wastes which may create operating difficulties at the Hamlet of Depauville Water Pollution Control Facility as it is to be constructed, modified, or improved in the future;

5. to require the treatment, before introduction into the Hamlet of Depauville Sewer System, and public and private sewers tributary thereto, of suchwastes as may impair the strength and/or durability of the structure appurtenant to the system, by direct or indirect chemical action or interfere with the chemical treatment process;

6. to regulate all connections, and discharges to and uses of, the Hamlet of Depauville sewage system for the purpose of providing maximum efficiency in the maintenance and operation of the system, and adhere to all applicable Federal, State and local requirements;

7. to require the connection to and the use of the sanitary sewer system.

8. to protect the public health and to prevent nuisances.

## ARTICLE II

## DEFINITIONS

Section 2.1 - Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. "Administrator" shall mean the Superintendent of Sewage or his duly authorized deputy, agent or representative.

2. "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade (68 degrees Fahrenheit) expressed in parts per million (p.p.m.) or milligrams per liter (mg/l);

3. "building drain'' shall mean that part of the lowest horizontal piping of a building sanitary drainage system which receives the discharge pipes from soil, waste, and other sanitary drainage pipes inside the walls of any building, and conveys such discharge to the building sewers, beginning four (4) feet outside the outer face of the building wall;

4. "building sewer" shall mean that part of the horizontal piping of a sanitary drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer or other point of disposal.

5. "chlorine demand" shall mean the difference between the amount of chlorine added to water, sewage, or industrial wastes, and the amount of residual chlorine remaining at the end of a twenty minute contact period at 68 degrees F. temperature;

6. "combined sewer" shall mean a sewer designed to receive and transport both surface runoff and sewage;

7. "cooling water" shall mean the water discharge from any system of condensation, air conditioning, cooling, refrigeration, or other sources;

8. "Town" shall mean the Town of Clayton;

9. "Depauville Sewer System" shall mean the septic tanks, interceptor sewers, trunk sewers, lateral sewers, force mains, pumping stations, sewage

regulators, and other appurtenant structures owned and operated by the Town of Clayton in the Hamlet of Depauville;

10. "Department of Health'' shall mean the New York State Department of Health;

11. "garbage" shall mean solid wastes from the domestic or commercial preparation, cooking and dispensing of food, or from handling, storage and sale of produce;

12. "industrial wastes" shall mean the fluid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage;

13. "industrial user" shall mean any individual firm, company, association, society, corporation, or group which develops industrial wastes as defined;

14. "other wastes" shall mean garbage (shredded or unshredded) refuse, woods, coffee grounds, sawdust, shavings, eggshells, bark, sand lime, cinder, ashes, and all other discarded matter not normally present in sewage or industrial wastes;

15. "permittee" shall mean any person who obtains a permit for sewer connection;

16. "person" shall mean any individual, firm, company, association, society, corporation or group;

17. "properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has 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 having a dimension greater than one-half (1/2) inch in any dimension;

18. "private sewage disposal system" shall mean any privy, septic tank, cesspool, or other sewage disposal facility owned and operated by a person other than a municipal sewage system;

19. "public sewer" shall mean a sewer controlled by public authority;

20. "receiving waters" shall mean a natural water course or any other body of surface or groundwater into which treated or untreated sewage is discharged;

21. "sanitary sewer" shall mean a sewer which carries sewage, and to which storm, surface and groundwaters are not intentionally admitted;

22. "scavenger wastes" shall mean the conditioned humanwaste matter collected from privies, septic tanks, cesspools, and chemical toilets;

23. "sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwater as may be inadvertently present. The admixture also shall be considered "sewage" within the meaning of this definition;

24. "sewage charge" shall mean the demand payment for the use of public sewer and/or sewage treatment plant for handling any sewage, industrial wastes or other wastes accepted for admission thereto, in which the quantity or characteristics thereof exceed the maximum values as defined herein;

25. "sewage system" shall mean all facilities for collecting, regulating, pumping, and transporting sewage to the Hamlet of Depauville Water Pollution Control Facility;

26. "sewage treatment plant" (Water Pollution Control Plant) shall mean any arrangement of devices and structures used for treating sewage at the Hamlet of Depauville Water Pollution Control Facility;

27. "sewer" shall mean a pipe or conduit for carrying sewage;

28. "slug" shall mean any discharge of water, sewage, or industrial waste 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 (24) hour concentration or flow during normal operation;

29. "storm sewer" (storm drainage) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than cooling waters and other unpolluted waters;

30. "suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering;

31. "pH'' shall mean the intensity of the acid or alkaline reaction of a solution in terms of hydrogen concentration (but is not a measure of the total concentration of acid or alkali present). The pH is expressed as the common

logarithm of the reciprocal of the hydrogen concentration in moles per litter:

$$pH = \log \frac{1}{(h+)}$$

32. "shall" is mandatory; "may" is permissive.

33. "The Act" shall mean The Federal Water Pollution Control Act, also known as the CleanWater Act, as amended, 33 U.S.C. 1251, et. seq.

34. "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hair, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

35. NYSDEC - The New York State Department of Environmental Conservation or duly authorized official of said Department.

36. USEPA - United States Environmental Protection Agency or duly authorized official of said Agency.

37. State - State of New York.

38. SPDES - State Pollutant Discharge Elimination System.

39. Receiving Waters - A natural water course or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

40. Septic Tank - A private domestic sewage treatment system consisting of an underground tank (with suitable baffling) constructed in accordance with any and/or all local and State requirements.

41. Infiltration - Water, other than wastewater, that enters a sewer system (excluding sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

42. Inflow - Water, other than wastewater, that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewer and sanitary sewers, catch

basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

43. Interference - a discharge which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use of disposal and which is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude of duration of violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act - RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection Research and Sanctuaries Act.

44. Toxic Substances - Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to sewer maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, of the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

Section 2.2 - Undefined Terms

Terms not defined in this Article, or terms found to be ambiguous or improperly defined in this Article, shall be defined by the Act, or Regulations, pursuant thereto.

## ARTICLE III

## ADMINISTRATOR, DUTIES/POWERS, PERMITS

### Section 3.1 - Duties

It shall be the duty of the Administrator of the Town of Clayton, Hamlet of Depauville Sewer District to enforce the provisions of this Ordinance and to formulate and issue such rules, regulations and specifications as may be necessary for the administration, development, or construction of sewers within the District as required to implement this Ordinance.

### Section 3.2 - Powers

Subject to the provisions of the State and Federal Constitutions and other applicable laws, the Administrator, or his authorized representatives, such as the Administrator's deputy, inspector, or after reasonable notice to the Administrator, authorized employees of the New York State Department of Environmental Conservation, New York State Department of Health and the United States Environmental Protection Agency (USEPA), bearing proper credentials and identifications, shall be permitted at all reasonable times to enter all non-residential properties for the purposes of designing, installing, constructing, rehabilitating, replacing, operating, maintaining (including septage pumping and inspections), observing, measuring, sampling and testing building drains, building sewers, public sewers, septic tanks, on-site sewage and grinder-pump sewage disposal systems or appurtenance thereto.

If the administration determines that an emergency exists, he and other duly authorized personnel of the Town bearing proper credentials and indentifications shall be permitted to enter upon private properties for the purpose of inspection, observation, measurement, sampling and testing without previous notice. The Administrator, or his representative, shall have no authority to inquire into any processes used in any industrial operation beyond that point having a direct bearing on the kind, source, and quantity of discharge to a public sewer receiving water, or the on-site facilities for water treatment.

Refusal to permit the entry upon private lands required to perform the necessary work referred to in this section shall be punishable by such penalties as may be prescribed under Article XIII of this Ordinance.

Section 3.3 - Permits

It shall be unlawful for any person to discharge directly or indirectly into public sewers except after the issuance of a permit therefore, properly issued by the Administrator, and upon terms and conditions as may be established by the Administrator, or by this Ordinance, for the issuance of such a permit.

Before the commencement of construction of any building drain, building sewer or on-site or grinder pump sewage disposal system, within the District, an owner shall first obtain a written permit approved by the Administrator. The application for such permit shall be made on a form furnished by the Town and shall be supplemented by plans, specifications and such additional information as is deemed necessary by the Administrator to clearly describe the work. A permit and inspection fee shall be paid to the Town at the time the application is filed.

All applications for permit for on-site or grinder pump sewage disposal systems shall further include an easement form, furnished by the Town, which shall be completed and signed by the Owner. Said easement shall grant to the Town of Clayton the right for District personnel to gain access (at all reasonable times) to the proposed on-site or grinder pump sewage disposal system for such purposes as are enumerated in Article III, Section 3.2.

Any revisions or construction variations to the approved application and supplements thereto without the written approval of the Administrator is prohibited and is subject to such penalties, fines as is provided in Article XII.

A permit issued in accordance with this Section shall be kept on the premises, available for exhibition at all times during the construction of the work and the failure to keep such permit so available shall be presumptive evidence that the work is being conducted without a permit in violation of this Ordinance.

Section 3.4 - Annual Report

Once each year, or at greater intervals at the discretion of the Town Board, the Administrator shall prepare a report containing a description of those activities and corresponding expenses incurred during the prior period. The Administrator shall also include such additional information concerning expenses as is necessary for the Town to fairly apportion costs of debt service, operation and mainentance and reserve fund to property owners discharging sewage within the boundaries of the District.

## ARTICLE IV

## USE OF PUBLIC SEWER REQUIRED

### Section 4.1 - Sewage Discharge

It shall be unlawful to discharge into any receiving waters either directly or indirectly, any sewage, industrial wastes, or other polluted waters.

### Section 4.2 - Use Required

The person owning any property used for human occupancy, employment, recreation, commerce, industry, or other public or private purpose which abuts on any street or right-of-way in which, or adjacent to which, there is located a public sanitary sewer, is hereby required to be connected to the sanitary sewage discharge from his property directly with the public sewer, provided that said public sewer is within one hundred fifty feet (150') of the property line and the building for which service shall be extended is not further than one hundred fifty feet (150') from the property line in accordance with this Ordinance.

### Section 4.3 - Limitation of Time

New buildings constructed after the completion of the sewage system shall be connected with the sewage system before the use or occupancy thereof.

### Section 4.4 - Unauthorized Use

It shall be illegal for any property owner to connect his building to the collection system without the prior approval of the Administrator. If there is any unauthorized taking of sewer service without the approval of the Administrator, then such individual shall be subject to the penalties and fine as hereinafter provided.

## ARTICLE V

## BUILDING SEWERS AND CONNECTION

### Section 5.1 - Connection Permit Required

No person shall uncover, make any connections with, or opening into, use, alter, disturb, or discharge into any public sewer or appurtenance thereof without first obtaining a written permit from the Administrator or Town Board where designated.

### Section 5.2 - Permit Classes

There shall be two (2) classes of building sewer permits: (1) for residential and commercial services; and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Administrator. The permit application shall be accompanied by plans, profiles, specifications or other information considered pertinent by the Administrator. All permit applications for service to establishments producing industrial wastes shall be subject to Town Board approval after a public hearing. /A permit and inspection fee/ for a residential or commercial building sewer permit or for an industrial building sewer permit in the amount prescribed in a fee schedule adopted by the Town board shall be paid at the time the application is filed.

### Section 5.3 - Connection Costs

All costs and expenses in installing and connecting a public sewage system or building sewer to the Depauville Sewerage System shall be borne by the owner. The owner shall indemnify the Sewer District for any loss or damage that might be occasioned by the installation and connection of such public sewage system or building sewer.

### Section 5.4 - Separate Building Sewer Required

A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on a separate interior lot, and no sewer is available or can be constructed to the rear of the 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 building sewer; but each shall be considered a separate unit for the purpose of sewerage service charges.

Section 5.5 - Existing Building Sewers

Existing building sewers may be used in conjunction with new building only when they are found, upon inspection and testing by the Administrator, to meet all requirements of this Ordinance, and any other specifications adopted by the Administrator.

Section 5.6 - Construction Requirements

The size, slope, alignment, materials or construction of a building sewer, appurtenances, and the methods to be used in excavating, placing of the building sewer pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the specifications for the installation of building sewers as adopted by the Town Board and all applicable provisions of any other rules and regulations of the Town of Clayton or the State of New York, whichever requirement is more strict. In the absence of any requirements, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Tesing and Materials (A.S.T.M), and Water Pollution Control Federation (W.P.C.F.), Manual of Practice No. 9, shall apply. All connections of building sewers to a public sewage system shall be gas-tight and water-tight. Any deviations from the prescribed materials and construction procedures must be approved by the Administrator prior to installation.

Section 5.7 - Service Requirements

Whenever possible, the building sewer shall be brought to the building at an elevaton below the basement floor. In all buildings in which any building drain shall be lifted, method shall be approved by the Administrator and discharged to a gravity flow building sewer.

Section 5.8 - Prohibited Connection

No person shall make a connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater, to a building sewer or building drain, which in turn is connected to a public sewer.

Section 5.9 - Inspection and Approval

The applicant for the connection of any building sewer to a public sewerage system owned or maintained shall notify the Administrator when the building sewer is ready for inspection and connection to the public sewer. In no case, shall any underground portions of the building sewer be covered, or connection to the public sewer made, without the approval and/or supervision of the Administrator,

or his representative. Permission to activate the building sewer will be given only after satisfactory final inspection has been made, and approval given by the Administrator.

Section 5.10 - Protection and Safety

All excavations for building sewer excavations shall comply with all Federal, State and local safety regulations, and 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 work shall be restored in a manner satisfactory to the Administrator and appropriate municipal authorities.

Section 5.11 - Maintenance and Repair

Building sewers shall be maintained, serviced, and repaired by the owner of the property served from the building drain to the point of intersection of the building drain and the septic tank. In the event that a property is unable to discharge sewage into the public sewer, it will be presumed that the fault is in the private building sewer unless contrary facts are in evidence. Evidence of willful damage to a building sewer being served by a public sewer shall be considered a violation of the Ordinance.

Section 5.12 - Disconnection

Before any building whose building sewer is connected to a public sewer is demolished, the owner thereof shall conform with the requirements established by the Administrator. The cutoff or plugging of the building sewer shall be done with the permission, and under the supervision of, the Administrator.

## ARTICLE VI

## USE OF PUBLIC SEWERS

### Section 6.1 - Drainage Discharges

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters.

### Section 6.2 - Prohibited Discharges

No person shall discharge or cause to be discharged any of the following described waters, or wastes:

1. gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas;

2. waters, or wastes, containing toxic or poisonous solids, liquids, or gases, in sufficient quantity, either singly or by interaction with other wastes, which injures or interferes with any sewage process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides. Without limiting the generality of the foregoing, no person shall discharge, or cause to be discharged, waters, or wastes, to any public sewer which contain substances having concentration limits in excess of those set forth below;

Limits of Toxic Substances in Sewage

| Substance | Concentration |
|---|---|
| Iron | 1.4 mg/l |
| Chromium (hexavalent) | 0.10 mg/l |
| Copper | 0.5 mg/l |
| Chlorine Requirements | 15.0 mg/l |
| Phenol | 0.8 mg/l |
| Cyanide | 0.3 mg/l |
| Cadmium | 0.02 mg/l |
| Zinc | 0.5 mg/l |
| Nickel | 1.0 mg/l |

## Limits of Toxic Substances in Sewage

| Substance | Concentration |
|---|---|
| Arsenic | 0.1 mg/l |
| Berium | 2.0 mg/l |
| Lead | 0.05 mg/l |
| Sellenium | 0.02 mg/l |
| Mercury | 0.01 mg/l |
| Persistent Pesticides | 0.00 mg/l |

3. waters, or wastes, having pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of sewerage works;

4. solid, or viscous, substance quantity, or of such size, capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage works, such as, but not limited to, ashes, cinders, sand, mud, straw, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair, fleshings, entrails, paper dishes, cups, and milk containers, either whole or ground by garbage grinders.

Section 6.3 - Controlled Discharges

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, to the District Sewer System without the prior approval of the Town Board:

1. liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 degrees F.)/sixty-five degrees Centigrade (65 degrees C.); or in such quantities that the temperature at influent to the treatment works exceeds forty degrees Centigrade (40 degrees C.) or one hundred and four degrees Fahrenheit (104 degrees F.);

2. water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter, or containing substances which may solidify, or become viscuous, at temperatures between thirty- two degrees (32 degrees) and one hundred fifty degrees Fahrenheit (150 degrees F.) (0 degrees and 65 degrees Centigrade);

3. garbage that has not been properly shredded;

4. waters or wastes containing strong acids, iron pickling wastes, or concentrated plating solutions, whether neutralized or not;

5. waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Town Board for such materials;

6. waters or wastes containing phenols or other waste, or odor-producing substances, in such concentration exceeding limits which may be established by the Town Board after treatment of the composite sewage to meet the requirements of the State, Federal, or public agencies having jurisdiction for the discharge to the receiving waters;

7. any radioactive wastes or isotopes;

8. any waters or wastes having a pH in excess of 9.5;

9. materials which exert or cause:

   a. unusual concentration of inert suspended solids (such as, but not limited to, Fuller's earth lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

   b. excessive coloration (such as, but not limited to, dyewastes and vegetable tanning solutions);

   c. (i) a B.O.D. in excess of 300 milligrams per liter.
      (ii) a chlorine demand in excess of 25 milligrams per liter.
      (iii) a chemical oxygen demand in excess of 600 milligrams per liter.
      (iv) suspended solids in excess of 300 milligrams per liter;

   d. unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;

10. waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed by the Town of Clayton or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

Section 6.4 - Requirements for Accepting Controlled Discharges

If any waters or wastes are discharged, or are proposed to be discharged to the Depauville Sewer System, which waters contain the substances or possess the characteristics enumerated in Section 6.3 of this Article, and which in the judgement to the Town Board may have a deleterious effect upon the sewage works, processes, equipment, or other receiving waters, or which otherwise create a hazard to life, or constitutes a public nuisance, the Town Board may:

1. reject the waters or waste;

2. require pretreatment to an acceptable condition for discharge to the Town Sewer System;

3. require control over the quantities and rates of discharge and/or

4. require that periodic reports be filed with them at intervals not exceeding six (6) months each, containing the following material:

   a. the specific action, if taken, to achieve compliance with Section 307 of the United States Public Law No. 92-500, and any pretreatment requirements mandated by any statute, rule or regulation of New York State, or any of its departments, agencies, or bureaus;

   b. results of a comprehensive sampling and laboratory testing program indicating the characteristics of the wastewater so discharged in terms of parameters that will adequately identify the waste. The types of testing and frequency of testing for each such person so discharging such wastewater shall be specified by the Administrator. All sampling and laboratory testing, required by the Administrator, shall be performed by each such person, and all costs and expenses incident to the testing, sampling, monitoring and reporting with respect to providing data to the Administrator, the New York State Department of Environmental Conservation, the United States Environmental Protection Agency, or any other agency having jurisdiction, shall be borne by such person.

5. require payment in excess of the existing taxes or sewer charges or rents to cover the added cost of handling and treating the wastes pursuant to the provisions of Section 6.6 of this Article and any applicable law.

If the Town Board 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 Town Board, and subject to the requirements of all applicable codes, ordinances, and laws.

Section 6.5 - Grease Interceptors

Grease, oil and sand interceptors shall be provided when, in the opinion of the Town Board or the Administrator, such interceptors are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Administrator and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 6.6 - Maintenace of Pretreatment Facilities

Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 6.7 - Control and Inspection Manhole

When required by the Town Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such a manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Administrator. The manhole 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.

Section 6.8 - Measurement and Tests

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance 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, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been

required, the control manhole shall be considered to be the nearest downstream manhole in the Depauville Sewer System to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works, and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from twenty four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

Section 6.9 - Review of Determination

Any persons aggrieved by any decision or determination made by the Town Board or Administrator of the Sewer District pursuant to Section 6.4 hereof may bring a Proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Sewer District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Sewer District for treatment, subject to payment therefore, by the industrial concern, in accordance with applicable provisions of law.

## ARTICLE VII

## MAINTENANCE OF SEPTIC TANKS

### Section 7.1 - Notification

The Administrator shall notify, by written communication, each property owner whose septic tank requires monitoring to determine sludge accumulations in the septic tanks, and/or removal of accumulated septic tank sludges. Such notice shall be provided to the affected property owner no less than two (2) weeks prior to the date of monitoring and/or removal of sludge and shall indicate the date and associated reasoning (monitoring and/or removal of sludge) for such entrance onto the affected property easement area.

### Section 7.2 - Monitoring Frequency

The Administrator shall conduct a sludge monitoring inspection of each property owner's septic tank at least once a year for the purpose of identifying inordinate sludge accumulations and physical conditions within the septic tank. Such an inspection will, in all cases, be preceded by notification as presented in Section 7.1.

### Section 7.3 - Sludge Removal Frequency

The Administrator shall develop a program to complete the sludge removal within one-third (1/3) of the total number of septic tanks contained within the Sewer District each year. Such a sludge removal program will be completed within a three (3) week period each year.

If the Administrator determines from monitoring inspections as described in Section 7.2 that a septic tank requires sludge removals more frequently than previously mentioned, the Administrator shall complete sludge removals at those septic tanks at such time frames as shall be necessary for continued satisfactory septic tank operation.

All sludge removals shall be preceded by notification as presented in Section 7.1.

## ARTICLE VIII

## DISPOSITION OF SCAVENGER WASTES

### Section 8.1 - Scavenger Discharges Prohibited

The discharge of private scavenger wastes into the sewer system and public sewers tributary thereto shall not be permitted.

## ARTICLE IX

## SIGNIFICANT INDUSTRIAL USERS

Section 9.1 - Significant Industrial Users

The connection on any Significant Industrial Users as defined within Section 2.1 into the sewer system and sewers tributary thereto shall not be permitted.

## ARTICLE X

## PROTECTION FROM DAMAGE

### Section 10.1 - Protection from Damage

Any person who willfully or negligently breaks, damages, destrcys, uncovers, defaces, or tampers with any structure appurtenances, or equipment which is a part of the Sewer District, sewage system, or public sewer tributary thereto, will be in violation of this Ordinance, and subject to the penalties provided herein.

### Section 10.2 - Notification of Discharge

Any user who accidentally discharges wastes in violation of this Ordinance shall immediately notify the Administrator of the Sewer District. Notification shall be followed within fifteen (15) days by a detailed, written statement describing the causes of the accidental discharge, and the measures taken to prevent future occurrence. Such notification will not serve to relieve the user of liability for any expense, loss, or damage to the system, or for any fines imposed by the Town of Clayton under applicable State and Federal regulations.

### Section 10.3 - Submission of Plans

Any user who discharges industrial wastes, as distinct from sanitary sewage, shall be required to submit to the Town of Clayton detailed plans to show facilities, and operating procedures to provide protection from accidental direct or indirect discharge of deleterious materials or wastes to the District Sewer System.

## ARTICLE XI

## USER CHARGE SYSTEM

Sec. 1. Purpose: The purpose of the User Charge System is to distribute the cost of operation and maintenance (including replacement) of the District Owned Wastewater Treatment Works to the pollutant source, i.e. user(s), and to promote self-sufficiency of the treatment works with respect to operation and maintenance costs.

Within the District, each user receiving wastewater treatment services shall be levied a charge in proportion to user's domestic sewage contribution to the total wastewater loading.

Sec. 2. Definitions:

2a. User Charge: A charge levied on users of wastewater treatment works to offset the costs of operation and maintenance of suchworks.

2b. User(s): Recipients (property owners) of wastewater treatment services within the District contributing domestic sewage to the total wastewater loading of the treatment works.

2c. Replacement: Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works.

2d. Sewage: (As defined in Article II, Section 23 of Ordinance No. 1 Governing Sewer Use)

Sec. 3. Requirements:

3a. Biennial Review: The District shall review not less than every two (2) years the user contribution, the total costs incurred by operation and maintenance of the treatment, and the user charge system. User charges shall be revised to accomplish the following:

1) Maintain the proportionate distribution of operation and maintenance costs among users.

2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works.

3) Apply excess revenues collected from the users to the costs of operation and maintenance attributable to the user for the next year and adjust the rate accordingly.

3b. Toxic Pollutants: No toxic pollutants shall be discharged to the wastewater treatment works by a user as addressed in Article VI, Section 6.2, of the District Ordinance.

3c. Charges for Operation and Maintenance of Extraneous Flows: The costs of operation and maintenance for all flows not directly attributable to District users (i.e., infiltration/inflow) shall be distributed among all users of the District's treatment works and shall be charged to each user on a pro-rata basis to the flow volume of the user.

3d. Notification: Each user shall be notified every six (6) months in conjunction with a regular bill, of the rate and that portion of the user's charges attributable to wastewater treatment services.

Sec. 4. User Charge System Assessment Formulation:

The following annual user charge assessment formula shall be used to determine the user unit cost to any user establishment (residential/commercial/institutional):

$$Cu = \frac{Ct}{Vt} \times U$$

Where Cu = User's charge for operation and maintenance/replacement and debt retirement costs of the wastewater treatment works per year.

Ct = The District's total operation & maintenance costs and sewage facilities construction debt retirement costs per year.

Vt = The District's total number of units for combined residential/commercial/institutional establishments per year.

U = User's number of units, derived from table below. One (1) unit shall represent one (1) single family dwelling.

* = Based on estimated or metered volume contribution per user per day.

## Units Table

| Range, Gallons Per Day | Assigned Units* |
|---|---|
| 0 - 300 | 1.0 |
| 301 - 500 | 1.5 |
| 501 - 1,000 | 2.0 |
| 1,001 - 1,500 | 2.5 |
| 1,501 - 2,000 | 3.0 |
| 2,001 - 2,500 | 3.5 |
| 2,501 - 3,000 | 4.0 |
| 3,001 - 4,000 | 5.0 |

*In the absence of metered water usage all user (residential, commercial, institutional, etc.) flows shall be estimated based on D.E.C. "Standards For Waste Treatment Works" or other reasonable criteria.

### Calculation of Volume Contribution Per User

$V_t = V_{SRT} + V_{SI}$ District's Total Units Contribution/Yr.

$V_{SRT}$ (Total Residential yearly units contribution) =

$$\frac{\text{Total number of single family dwellings}}{U \text{ (or 1 unit)}}$$

$V_{SI}$ (Institutional/Commercial Yearly Units Contribution) =

$$U_1 + U_2 + U_3 + \ldots\ldots\ldots + U_n$$

### Sample Calculation For Fictitious "John Doe Residence" (Typical Single Family Dwelling):

Given: $V_{SI}$ 49.0 units

$V_{SRT}$ 191.0 units

$V_{SDOE}$ 250 gpd

Ct = $ 57,287*

U = 1.0 unit (From Table, Sec. 4, Article XI)

$V_t$ = VSRT + VSI = 191 + 49 = 240 units

$$CU_{DOE} = \frac{Ct}{Vt} \times U = \frac{\$\ 57,287}{240} \times 1.0 \text{ unit}$$

= $ 239.00 (Typical Single Family Dwelling)

Sample Calculation For Fictitious "ACME Restaurant":

Given: $V_{SI}$ = 49.0 units

$V_{SRT}$ = 191.0 units

$V_{SACME}$ = 3,000 gpd (estimated value based on available seating capacity)

$C_t$ = $ 57,287*

U = 4.0 units (From Table, Sec. 4, Article XI)

$V_t$ = $V_{SRT} + V_{SI}$ = 191 + 49 = 240 units

$$CU_{ACME} = \frac{Ct}{Vt} \times U = \frac{\$\ 57,287}{240} \times \underline{4.0\ \text{units}}$$

= $ 956.00

* Estimated Value: $17,600, Operation & Maintenance plus $39,687, Debt Retirement of Serial Bonds = $57,287/year (based on as-bid 1988 construction and associated administrative costs.)

## ARTICLE XII

## PRIVATE SEWAGE DISPOSAL AND SEWERAGE SYSTEMS

### Section 12.1 - Public Sewers Not Available

Whenever a public sanitary sewer is not available as described under the provisions of Article IV, Section 4.2, the building sewer shall be connected, either directly or through a private sewage system, to a private sewage disposal system complying with the requirements of the Department of Health and the provisions of this Article.

### Section 12.2 - Standards

The type, capacities, location, and layout of a private sewage disposal system, and the pipe sizes, slopes, and design criteria of private sewerage system within shall comply with all requirements of the Department of Health, and no statement in this Article shall be construed to interfere with these or any other additional requirements or recommendations that may be imposed by the Department of Health. Any additional requirements imposed by this Ordinance are for the purpose of implementing the intent of this Ordinance, and providing for the proper development.

### Section 12.3 - Review of Requirements

Before approval of a project by a Federal, State or County agency, the Administrator shall have the right to require a submittal of a review application, plans, and specifications of the proposed private sewage disposal and/or sewerage system to determine its conformity to the comprehensive plan of the Town of Clayton. The Administrator shall have the right to require additional information as deemed necessary, for the purpose of insuring compliance with the provisions of this Ordinance. All information required shall become a part of the application. Construction shall not commence until approved by the Administrator. Any revisions to the approved application without the written approval of the Administrator is prohibited.

### Section 12.4 - Construction Requirements

The methods, practices, and materials used in the construction of a private sewerage system shall be in accordance with the provisions of the approved application and any specifications and requirements adopted by the Town Board in fulfilling the Administrator's duties and the provisions of this Ordinance as provided herein. In the absence of any particular provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing and Materials (A.S.T.M.), and

the Water Pollution Control Federation (W.P.C:F.), Manual of Practice No. 9, shall apply.

Section 12.5 - Inspection and Certification Required

The Administrator shall be allowed to inspect the work at any stage of construction, and in any event, the applicant shall notify the Administrator when the work, or separate portions of it, is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of receipt of notice by the Administrator. Prior to final approval, the applicant shall provide the Administrator with two (2) complete sets of as-built drawings of the system, and in the case of sewage infiltration test, results (certified by a professional engineer licensed in the State of New York). The maximum allowable rate of infiltration into any section of a sewerage system shall not exceed two hundred (200) gallons per inch of pipe diameter per mile of sewer per day.

Section 12.6 - Owner to Maintain

The owner of a private sewage disposal or sewerage system shall operate and maintain such facilities in a satisfactory manner at all times, at no expense.

Section 12.7 - Connection Required to Public Sewers When Available

At such time as a public sewer becomes available to a property served by a private sewerage disposal and/or sewerage system, as provided for in Article IV, Section 4.2, a direct connection shall be made to the public sewer in compliance with this Ordinance. Any person obtaining a permit to connect to the public sewer shall be required to allow the existing septic tank or cesspool or other private sewerage disposal facilities as hereinafter prescribed in Article V to be cleaned or replaced as determined by the Administrator prior to connection to the Depauville Sewer System.

Section 12.8 - Connecting of Private Sewerage Systems

Where service through a public sewer becomes available to an existing private sewerage system, whether or not such system was constructed prior to the adoption of this Ordinance, the Administrator shall,before issuing a permit for connection to the public sewer, have the right to perform such tests and inspections as may be required to ascertain the completeness and integrity of the private sewerage system, and to require all necessary repairs to be made by the owner to make the private sewerage system acceptable for connection to the public sewer as required by this Ordinance, or such additional rules, regulations and specifications as may be adopted by the Town Board.

## ARTICLE XIII

## ENFORCEMENT AND PENALTIES

### Section 13.1 - Enforcement

The Administrator shall have the responsibility of enforcing the provisions of this Ordinance. Where a violation of said provisions is found, the Administrator shall notify the alleged offender by certified mail of the nature of the violation, and prescribe a period of time not to exceed thirty (30) days within which the specified violation must be corrected. Such period of time may be extended by the Town Board.

If the violation is not corrected within the period specified in said notice, the Administrator may take such action as provided in Article XIII, Section 13.2 of this Ordinance.

### Section 13.2 - Penalties and Civil Remedies

A violation of the provision of this Ordinance is an offense, and upon conviction each such violation may be punished by a fine not exceeding one thousand ($1,00.00) dollars, or by imprisonment not exceeding thirty (30) days, or by such fine and imprisonment. In lieu of, or in addition to, such fine or imprisonment, each such violation shall be subject to a civil penalty, not exceeding one thousand ($1,000.00) dollars for any one case, to be recovered in an Action or Proceeding brought by the Town Attorney in the name of the Sewer District in a Court of competent jurisdiction to compel compliance with, or restrain by injunction, any violation of this Ordinance, notwithstanding the provision hereof for a penalty or other punishment.

Where any violation of this Ordinance causes additional expense to the Sewer District, the Sewer District shall have a cause of action against the violator to recover such additional cost. The cause of action may be asserted at the discretion of the Administrator, and shall be in addition to the fine, imprisonment, penalty, and injunction hereinabove provided, and shall be brought by the Town Attorney in the name of the Sewer District in a Court of competent jurisdiction.

Any person who knowingly makes any false statements, representation, record, report, plan, or other documentation filed with the municipality or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction, be punished by a fine of not more than $1,000 dollars or by imprisonment for not more than thirty (30) days or by both.

Section 13.3 - Delinquent Payments

If there shall be any payments which are due to the Town, or any Department thereof, pursuant to any Article or Section of this Law, which shall remain due and unpaid, in whole or in part, for a period of thirty (30) calendar days from the date of billing by the Town, the same shall constitute a default, and there shall be added to the entire amount due of the original bill, a penalty equal to five percent (5%) of the overdue amount. An additional penalty of five percent (5%) shall be added for each successive period of thirty (30) days from initial unpaid billing.

In the event that there are any sewer taxes, assessments, or other service charges which shall have been delinquent for a period of at least sixty (60) calendar days as of December 15 of any year, the Sewer and Water Commissioner shall report the names of the defaulting persons to the Town Supervisor, the Town Clerk and the Chief Assessor on or before December 15 of the same year. The Town is hereby directed to add the entire amount of the sewer tax, assessment, or other service charge which shall be in default, plus penalty and interest, as provided for in this Law, to the real property taxes due and owing to the Town in the next succeeding year, and the Town is directed to collect same in the same manner as real property taxes due and owing to the Town are collected.

Where charges are delinquent and the violator is not a resident of the Town, then the Town attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction.

## ARTICLE XIV

## APPLICATION AND SEPARABILITY

Section 14.1

If any Article, Section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such judgement shall apply only to such Article, Section, paragraph, subdivision, clause or provision so adjudged, and shall not affect, impair, or invalidate any other part or portion of this Ordinance.

Section 14.2

All Ordinances, Local Laws, or parts of Ordinances or Local Lawss in conflict herewith are hereby repealed.

## ARTICLE XV

## EFFECTIVE DATE

Section 15.1 - Effective Date

This Ordinance shall take effect ten (10) days after publication.

Town of Clayton
1000 Islands
405 Riverside Drive
Clayton, NY 13624
Phone - 315-686-3512
Fax - 315-686-2651

Robert W. Cantwell, Jr., Supervisor
Bonnie L. Rose, Town Clerk

Town Council: Vivian F. Black Justin A. Taylor George E. Kittle Donald I. Turcotte

May 16, 2003

COPY

Mrs. Cornelia Schnauber
P.O. Box 16
Depauville, New York 13632

Dear Corny:

At the Town Board meeting held on Wednesday, May 14, 2003, the Board approved a new rate for Commercial and Multiple housing units for the Depauville Sewer billing.

Starting November 1, 2003, the primary user will be billed at the full rate and the additional users will be billed at ½ the rate for each.

If I can be of any further help, please call me.

Sincerely,

TOWN OF CLAYTON

Bonnie

Bonnie L. Rose, RMC
Town Clerk

cc: Charles Lyman
Town Board

Amendment to Depauville Sewer District ordinance for Commercial and Multiple housing units rates.

Amended: 5/14/03

In effect: 11/1/03

Councilman Kittle also stated; that all projects on Park property need to go through Keith Wood.

- Tree program at Rec. Park and also at Depauville Community Center, if get the trees Councilman Kittle will plant them.
- The Town sending a letter of congratulations to Leonard O'Brien on his being picked citizen of the year.
- The Joint meeting with the Town and Village on May 7th, 2003.

Justin Taylor discussed:

- GIS, not heard from the County in response to Town's letter. Work for the Town has already been done. Councilman Taylor stated he wants to meet with the Dept. heads for their potential use of GIS.
- The Fireboat will be here within a couple of weeks and it will go through customs first.

Donald Turcotte discussed:

- Depauville water, Supervisor Cantwell stated that the Town has received almost all of the mailings to Heritage Heights and Danewald Road on the interest to hook up to the water line and it was predominately no's. Supervisor Cantwell stated that there should be an informational meeting with the Depauville residents.
- Changing the Depauville sewer rate for multi-use properties in Depauville.
- **Motion** by Donald Turcotte, 2nd by Vivian Black to amend the rate schedule for multi-use properties at full rate for main user and ½ rate for any additional users. Motion carried.
- Supervisor Cantwell discussed the refinancing on the Depauville Sewer District. The Town has not heard anything over the last two weeks. He will check on it if he doesn't hear soon.

**New Business:**

**Items for workshop meeting:**

- Decision on when to have next Joint Meeting with the Village
- Decision on what to put on the Agenda for the Joint Meeting.

Legislator LaClair stated she had discussed with John Korcz, from Customs, why the Village of Clayton and/or Town of Clayton has never requested a Customs building for Immigration. Alan Benas has looked into it recently.

**Motion** by George Kittle, 2nd by Vivian Black to adjourn meeting at 7:00 p.m. Motion carried.

_____

**Town Clerk**