

**Local Law #1 of 2011  
VILLAGE OF VOORHEESVILLE  
SEWER USE LAW  
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**ARTICLE 1**  
**SHORT TITLE AND PURPOSE**

**ARTICLE 1 – SHORT TITLE AND PURPOSE**

- Section 101 – Short Title
- Section 102 – General Purpose
- Section 103 – Specific Purposes

**SECTION 101 – SHORT TITLE**

For brevity and ease of communication, this Law shall be known as the Voorheesville Sewer Use Law.

**SECTION 102 – GENERAL PURPOSE**

The general purpose of this Law is the following:

To provide for efficient, economic, environmental and legal operation of the local Publicly Owned Treatment Works (POTW)

**SECTION 103 – SPECIFIC PURPOSE**

The specific purpose of this Law is the following:

- (1) To prevent the introduction of substances that will:
  - 1. Interfere with the POTW in any way.
  - 2. Pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES permit.
  - 3. Increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals.
  - 4. Endanger municipal employees.
  - 5. Cause air pollution or groundwater pollution, directly or indirectly.
- (2) Specifically to prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.
- (3) Specifically to assure that new sewers and connections are properly constructed.

## **ARTICLE 2 DEFINITIONS**

### Section 201 – Defined Terms

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

**Access Fee** – fee for new user joining current sewer, which is a proportionate share of the treatment plant, intercepting or trunk sewers, pumping stations, force mains, and all other district expenses incidental thereto, as determined by the Board of Trustees

**Applicant** – That person who makes application for any permit. The applicant may be an owner, new or old, or his agent.

**Approved Laboratory Procedure** – The procedures defined as “Standard Methods” in this Article, or other procedures approved by the Superintendent, for flow measurements or determination of the concentration of pollutants, or their surrogates, in water and/or wastewater.

**BOD, denoting Biochemical oxygen Demand** – The result obtained, using an approved laboratory procedure, to determine the quantity of oxygen utilized in the biochemical oxidation or organic matter or in satisfying the oxygen demand of other materials present, in a sample, expressed in milligrams per liter.

**Builder** – Any person who undertakes to construct a building or any part of a building, either under contract or for resale.

**Building Drain** – The part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the lateral, which begins five (5) feet outside the inner face of the building wall.

**Color** – The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

**Composite Sample** – The sample resulting from the combination of individual samples of wastewater taken at selected intervals, generally hourly, for a specified time period. The individual samples may have equal values of the individual volumes may be proportioned to the flow at the time of sampling.

**Connection Charge** – The one-time application fee to offset district expenses to process an application for a connection of a lateral to the public sewer. The fee also covers plan review, permit issuance, and inspection costs. The fee may be scaled to the amount of work involved, or to the size of the public sewer involved.

**Control Authority** – The term shall refer to the Superintendent when the Village has the approved pretreatment program under the provisions of 40 CFR 403.11.

**Conventional Pollutant** – A pollutant that the sewage treatment plant was designed to treat.

**County** – The County of Albany in the State of New York.

**Developer** – Any person who sub-divides lands as defined in the Village Zoning Law for the purpose of constructing, or causing to be constructed, buildings for which wastewater disposal facilities are required.

**Direct Discharge** – The discharge of treated or untreated wastewater directly to the Waters of the State of New York. (For reference, see Indirect Discharge)

**Floatable Oil** – Oil, grease or fat in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

**Flow Rate** – The quantity of liquid or waste that flows in a certain period of time.

**Future Service Area of Sewer District 2** – That area of the Village defined by the following boundaries, as defined in Sewer District One, whose residents shall be given the first opportunity to become users of the system in Sewer District 2 in the event of a determination that the system can accommodate additional users.

The boundaries of the future service area may be modified by action of the Village Board.

**Garbage** – The solid sample of wastewater from the preparation, cooking and dispensing of food, from the handling, storage and sale of produce, and from the packaging and canning of food.

**Grab Sample** – A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point of time.

**Indirect Discharge** – The introduction of wastewater into a POTW for treatment and ultimate discharge of the treated effluent to a surface water.

**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 is inadvertent, that is, not purposely designed or built into the sewer or drain.

**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 sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface run-off, street wash streets, or drainage. Inflow does not include and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

**Lateral** – The sewer extension from the house to the sewer collector pipe.

**Natural Outlet** – Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

**New Owner** – That individual or entity who purchased property within the Service Area of the Village after the effective date of this law.

**New User** – A discharger to the POTW who commences discharge after the effective date of this law, also the agent of the new owner.

**Other Wastes** – Garbage (shredded or unshredded) refuse, wood, egg shells, lime, ashes, all other discarded matter not normally present in sewage or industrial waste.

**Old Owner** – That individual or entity who owns or owned a property within the Service Area of the Village purchased prior to the effective date of this law, or inherited the property at any time and who intends to sell the property, or has sold the property to a new owner, also the agent of the old owner.

**Permit** – A temporary revocable written document allowing use of the POTW for specified wastes over a limited period of time. Containing sampling locations and reporting frequencies, and requiring other actions as authorized by this law.

**pH** – The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in grams per liter of solution.

**Properly Shredded Garbage** – The wastes from preparation cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half (1/2") in any dimension.

**Septage** – The matter removed from the septic tanks, cesspools, or approved type of chemical toilets, serving private residences, commercial establishments, institutions, and industries. Also sludge from small sewage treatment plants. The sludge shall have not been contaminated with substances of concern of priority pollutants.

**Service Area of the POTW** – the legally defined bounds of real property (known as Sewer District One) from which wastewater may be discharged into the POTW. The bounds may be established, altered, changed, modified, reduced, enlarged, combined or consolidated by action of the Village Board.

**Sewage Domestic (Domestic Waste/Wastewater)** – Liquid wastes from non-commercial preparation cooking and handling of food, or liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings.

**Sewage** – A combination of the water-carried waste from residences, establishments, and such ground, surface, and storm water as may be inadvertently present.

**Sewer District One** – that Service Area defined by the boundaries set forth in Local Law 1 of 1985 of the Village of Voorheesville.

**Sewer District Two** – That Service Area defined by the boundaries set forth in Local Law 2 of 1987 of the Village of Voorheesville.

**Sewer, Public** – a system in which all abutting property owners have equal rights, and the use of which is controlled by the Village.

**Sewer, Sanitary** – A pipe or other conveyance which carries sewage to the treatment facility by means of gravity or low pressure, and to which storm, surface, and ground waters are not intentionally admitted.

**Sewer, Storm (Storm Drain)** – A pipe which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

**Sewage System (also POTW)** – All facilities for collecting regulating, pumping, and transporting to and away from the sewage treatment plant.

“**Shall**” is mandatory; “**May**” is permissive.

**Storm Water** – A flow occurring during or following any form of natural precipitation; also the flow resulting there from.

**Superintendent** – That individual nominated by the Village Mayor and confirmed by the Village Board as the Superintendent of Public Works. Such an individual shall be licensed in the State, and otherwise qualified to oversee water treatment and wastewater disposal operations. This definition shall also include his authorized deputy, agent or representative.

**Suspended Solids** – The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

**Village** – The Village of Voorheesville, Town of New Scotland, County of Albany in the State of New York.

**ARTICLE 3  
USE OF PUBLIC SEWERS REQUIRED**

Section 301 – Unlawful Disposition  
Section 302 – Unlawful Discharge  
Section 303 – Unlawful Private Wastewater Disposal  
Section 302 – Connection to Public Sewer Required  
Section 305 – Limitation on Use of Public Sewers  
Section 306 – Exception to Limitations  
Section 307 – Basis of Sewer Use Requirements  
Section 308 - Benefit Assessment Fee

**SECTION 301 – UNLAWFUL DISPOSITION**

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 district any human or animal excrement, garbage, or objectionable waste normally disposed of in a sanitary sewer.

**SECTION 302 - UNLAWFUL DISCHARGE**

It shall be unlawful to discharge to any natural outlet, within the service, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this law.

**SECTION 303 – UNLAWFUL PRIVATE WASTEWATER DISPOSAL**

1. Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank or other facility intended or used for disposal of wastewater within the service area.
2. Notwithstanding the above, the owners of house, buildings or properties, in Sewer District Two must have a minimum 1000 gallon septic tank, properly baffled and in good working condition, through which the wastewater from the building or property shall flow into the lateral of the POTW.

**SECTION 304 – CONNECTION TO PUBLIC SEWER REQUIRED**

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the service area, and abutting on any street, alley or right-of-way in which there is now located or may, in the future, be located a public sewer, is hereby required, at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provision of this law, within 90 days after official notice to do so.

**SECTION 305 – LIMITATION ON USE OF PUBLIC SEWERS**

The use of the public sewers shall be strictly limited and restricted, except as provided by SECTION 306, to receive and accept the discharge of sewage and other wastes, excluding industrial wastes, generated on, or discharged from, real property within the bounds of the Service Area of the POTW.

## SECTION 306 – EXCEPTION TO LIMITATIONS

The discharge of sewage generated on, or discharged from, real property outside the Service Area of the POTW, shall be made only with the expressed consent of the Village Board, and upon the issuance of a permit setting forth terms and conditions for such discharge.

## SECTION 307 – BASIS OF SEWER USE REQUIREMENTS

All requirements, directives, and orders calling for mandatory use of sewers, within the SERVICE AREA of the POTW, for the property discharge of sewer and other shall be established and given by the Village Board.

## SECTION 308 - BENEFIT ASSESSMENT FEE

All such dwellings as defined above in Article 3, Section 304, in a designated Village Sewer District, also known as a Benefit Assessment property, but not currently fully connected to such sewer, shall be charged an annual Benefit Assessment Fee (“Fee”). This Fee may vary, according to the Village budget needs and actual sewer maintenance costs. This Fee shall be billed to property owners in the Permissive Service Areas of the Village sewer districts in June, annually. In the event a property owner does not pay the Fee, it shall be re-levied to the following year’s Village tax bill.

**ARTICLE 4  
NEW SEWERS OR SEWER EXTENSIONS**

Section 401 – New Sewers

Section 402 – Building Permit Allowed When Approved Wastewater Disposal Available

Section 403- New Construction in a Permissive Use Area of the Village Sewer Districts

**SECTION 401 – NEW SEWER SUBJECT TO APPROVAL, FEES, INSPECTIONS, TESTING AND REPORTING**

When property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for sub-division, the plans, specifications, and method of installation shall be subject to the approval of the Superintendent, and the County Health Department. Said property owner, builder or developer shall pay for the entire installation, as well as an access fee, the amount of which will be determined by the Village Board. All products used, including grinder pump, must be approved by the Superintendent who will set the guidelines. Laterals shall be installed and inspected pursuant to ARTICLE 5, and inspection fees shall be paid by the applicant prior to initiating construction. The installation of the sewer shall be subject to periodic inspection by the Superintendent. The Superintendent shall determine whether the work is proceeding in accordance with the approved plans and specifications. The Superintendent shall be notified 30 days in advance of the start of any construction action so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Village Board until such construction inspections have been made so as to assure the Village Board of compliance with this Law and any amendments or additions thereto. The Superintendent shall report all findings of inspections and tests to the Village Board.

**SECTION 402 – BUILDING PERMIT ALLOWED ONLY WHEN APPROVED WASTEWATER DISPOSAL AVAILABLE**

No property owner, builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this Law, is available. All housing construction or building development which takes place after this Law is enacted shall provide for an approved system of sanitary sewers.

**SECTION 403 - NEW CONSTRUCTION IN A PERMISSIVE USE AREA OF THE VILLAGE SEWER DISTRICTS:**

The access to Village sewers for newly approved construction shall be assessed at an amount to be determined by the Village Board of Trustees, per toilet. This access fee is for new construction only, and shall be due upon application for a building permit at the rate of one half the assessment fee. The remainder half shall be due at the time of the issuance of a Certificate of Occupancy by the Village Code Enforcement Officer. This cited Fee may change from time to time, at the direction of the Village Board of Trustees upon the determination that such fee is inadequate to meet the needs of the Village budget, or upon the costs of actual sewer maintenance costs.

## **ARTICLE 5**

### **LATERALS, CONNECTIONS, AND FEES**

Section 501 – Permit Required For New Sewer Connections

Section 502 – Sewer Lateral Permits

Section 502-a - Low Pressure Sewer System Grinder Pump and Service Lateral Design and Construction Standards

Section 503 – Interior Clean-Out

Section 504 – Costs Borne By Owner

#### **SECTION 501 – PERMIT REQUIRED FOR NEW SEWER CONNECTIONS**

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

#### **SECTION 502 – SEWER LATERAL PERMITS**

1. There shall be one class of sewer lateral permit for residential service. A permit application shall be submitted to the Superintendent. The building permit application shall be supplemented by any plans, specifications or other information considered pertinent, in the judgment of the Superintendent. A fee established by the Village Board shall accompany the application. In addition, an access fee will be charged, to be paid prior to construction.
2. A separate and independent lateral shall be provided for every building requiring sanitary facilities. When, however, there is a building behind a front building, the second building may use the front building's lateral, if there is no other way to provide sanitary service to the back building.
3. When laterals are to serve multiple dwelling structures, the lateral shall be sized in accordance with the metered water use and with sound professional engineering judgment.
4. All hookups that require a grinder pump (specifications approved by DPW) will be the sole responsibility of the homeowner, including the cost of the pump.

#### **SECTION 502-A – LOW PRESSURE SEWER SYSTEM GRINDER PUMP AND SERVICE LATERAL DESIGN AND CONSTRUCTION STANDARDS**

1. General:
  - 1.1. Any property requiring connection to the municipal sanitary sewer system using a pump shall have installed, at the property owner's sole expense, a properly sized grinder pump and service lateral system as specified herein.
  - 1.2. The service shall not be activated until approved by the Superintendent of Public Works (Superintendent), the Village Code Enforcement Officer, and the approved Electrical Underwriter. The property owner shall provide access to the Superintendent or Superintendent's designated representative for inspection of the completed pump and service lateral installation prior to burial.
  - 1.3. The connection to the sewer main shall be made under the inspection of the Superintendent or Superintendents designated representative.

- 1.4. Property owners are advised that grinder pump systems have limited storage capacity for sanitary wastes. Therefore, property owners should consider making accommodations for an appropriately sized electrical generator to allow pump operation during extended power outages.
- 1.5. Commercial, Institutional and multi-family residential buildings with flows greater than a typical one or two family home must have calculations prepared and submitted to the Superintendent defining the sewage flow rate and demonstrating appropriate sizing of the grinder pump station and service lateral. Such calculations shall be made by a professional engineer licensed to practice in the State of New York, and shall bear the seal and signature of the licensed engineer.
2. Grinder Pumps:
  - 2.1. Equipment and Materials
    - 2.1.1. All grinder pump stations connected to the municipal sanitary sewer system shall be the semi-positive displacement pump manufactured by Environment One Corporation (hereinafter, E/One).
    - 2.1.2. Grinder pump stations shall be E/One D-Series unless otherwise approved by the Superintendent.
  - 2.2. Installation
    - 2.2.1. Grinder pumps and service laterals shall be installed in accordance with E/One's instructions.
    - 2.2.2. Each single family home, multi-family home, institutional building and commercial building shall be serviced by a separate grinder pump station unless otherwise approved by the Board of Trustees and the Superintendent.
2. Service Laterals
  - 3.1. Equipment and Materials
    - 3.1.1. The service lateral from the grinder pump station to the sewer main shall be minimum 1 ¼-inch diameter DR-11 High Density Polyethylene pipe. Larger diameter pipe shall be installed as appropriate for installations with flow rates greater than that of a typical single family home.
    - 3.1.2. Connection of the lateral to the sewer main shall be made with an E/One SDR-11 HDPE Forced Sewer Main Service Lateral Kit that includes a curb box and check valve.
  - 3.2. Installation
    - 3.2.1. Install service lateral and connection to the sewer main in accordance with E/One manufacturer's instructions.
    - 3.2.2. All service lateral piping shall be installed at a minimum depth of 5'-0" below finished grade.
    - 3.2.3. All service lateral piping shall be bedded and backfilled with 8-inches of clean sand or pea gravel around bottom, top and sides of pipe.
    - 3.2.4. Service lateral piping shall be identified with a magnetic warning tape located 24-inches below finished grade.
3. Ownership and maintenance
  - 4.1. Grinder pumps and service laterals shall be owned by the property owner and shall be maintained by the property owner at the property owner's sole expense.
  - 4.2. When service and maintenance is required, the property owner shall cause the service and maintenance to be completed by an Environment One factory authorized service provider.

## SECTION 503 – INTERIOR CLEAN-OUT

An interior clean-out fitting shall be provided for each lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a removable plug or test tee, and be so positioned that the sewer cleaning equipment can be inserted therein to clean the lateral.

## SECTION 504 – COSTS BORNE BY OWNER

All costs associated with the provisions of the ARTICLE shall be borne by the property owner. The property owner shall indemnify the Village and the district from any loss or damage that may directly or indirectly occasioned by the installation of the laterals, and the connections and appurtenances. In addition, all costs associated with the repair, maintenance, or clean-out of a lateral shall be borne by the property owner.

In addition, the costs of repairing or replacing the required 1000 gallon septic tank, which each user in Sewer District 2 must have in place in order to be connected to the POTW, shall be borne by the property owner.

Other charges and costs to property owners, related to the Benefit Assessment Areas, are outlined in Section 308 of this Law.

Charges related to new construction, related to the payment of fees upon application for a building permit and the number of toilets to be included in any such new construction are outlined in Section 403 of this Law.

**ARTICLE 6**  
**INFLOW**

Section 601 – New Inflow Sources Prohibited

Section 602 – Existing Inflow Source Disconnected

Section 603 – Charges for Inflow

**SECTION 601 – NEW INFLOW SOURCES PROHIBITED**

No connection may be made to a sanitary sewer which connections are intended to discharge inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, cellar drains, catch basins, cooling water discharges, or other sources of inflow.

**SECTION 602 – EXISTING INFLOW SOURCES DISCONNECTED**

The sewer district shall take reasonable steps to eliminate existing sources of inflow.

**SECTION 603 – CHARGES FOR INFLOW**

The Superintendent is enabled to take whatever action is necessary to determine the amount of inflow. The property from which the inflow originated may be billed for inflow at a rate established by the Village Board. However, the rate shall not exceed five (5) times that for normal sewage volume charge.

**ARTICLE 7  
DISCHARGE RESTRICTION**

Section 701 – General Prohibitions

**SECTION 701 – GENERAL PROHIBITIONS**

No user shall contribute or cause to be contributed in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards, or any other National, State or Local Pretreatment Standards or Requirements.

A user may not contribute the following substances to the POTW:

1) Any solids, liquids, or gases, which by reason or their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25% nor any single reading be more than 40% of the lower explosive limit (LEL) of the meter.

Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene ethers, alcohols, carbides, hydrides, and sulfides and any other substances which the Village, State or the EPA has determined to be a fire hazard, or a hazard to the POTW.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Such substances include, but are not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt, residues, residues from refining or processing fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 5.0 or greater than 10.0 unless the POTW was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or POTW personnel.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW.

(5) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.

(6) Oils and Grease – Any commercial, institutional, or industrial wastes containing floatable fats, waxes, grease or oils, or which become floatable when the wastes cool to the temperature prevailing, in the wastewater at the POTW treatment plant, during the winter season; also any commercial, institutional, or industrial wastes containing more than 100mg/l of

emulsified oil or grease; also any substances which will cause the sewage to become substantially more viscous, at any seasonal sewage temperature in the POTW.

(7) Any wastewater with objectional color not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.

(8) Any solid, liquid vapor, or gas having a temperature higher than sixty-five degrees C (150 degrees F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than forty degrees C (104 degrees F). The Superintendent reserves the right, in certain instances, to prohibit wastes at the temperature lower than 65 degrees C.

(9) Any wastewater, which causes a hazard to human life or which creates a public nuisance, either by its self or in combination, in any way, with other wastes.

**ARTICLE 8  
DISCHARGE PERMITS AND ACCESS TO PROPERTY**

- Section 801 – Industrial and Commercial Users Prohibited
- Section 802 – Access to Property
- Section 803 – Access to Easements
- Section 804 – Liability of Property Owner
- Section 805 – Vandalism, Tampering With Measuring Devices
- Section 806 – Special Agreements

**SECTION 801 – INDUSTRIAL AND COMMERCIAL USERS PROHIBITED**

No industrial users shall be permitted to discharge into the POTW. No business user shall be permitted to discharge non-conventional pollutants into the POTW.

**SECTION 802 – ACCESS TO PROPERTY**

Inspections of properties shall be performed in proper observance of the residents civil rights. District representatives may set up, on the user’s property, such devices as are necessary to conduct sampling of flow measurement.

**SECTION 803 – ACCESS TO EASEMENTS**

The Superintendent, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Village or districts holds an easement for the purpose of inspections, observation, measurement, sampling, repair and maintenance of any portion of the public sewer system lying within the easement. All entry and any subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premise involved.

**SECTION 804 – LIABILITY OF PROPERTY OWNER**

During the performance, on private premises, of inspections sampling, or other similar operations referred to in SECTION 802 and 803, the inspector shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of/or damage to the inspectors supplies and/or equipment; and the inspector shall indemnify of the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of/or damage to the inspectors supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

**SECTION 805 – VANDALISM, TAMPERING WITH MEASURING DEVICES**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Village POTW. No person shall tamper with or knowingly render inaccurate any measuring device or mechanism installed pursuant to any requirement under this law.

## SECTION 806 – SPECIAL AGREEMENTS

Nothing in this ARTICLE shall be construed as preventing any special agreement or arrangement between the Village and any user of the POTW whereby wastewater of the unusual strength or character is accepted into the POTW and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreements, the Village Board shall consider whether the wastewater will:

- (1) pass-through or cause interference
- (2) endanger the public municipal employees
- (3) cause violation of the SPDES Permit
- (4) interfere with any Purpose stated in SECTION 102
- (5) prevent the equitable compensation to the district for wastewater conveyance and treatment, and sludge management and disposal.

**ARTICLE 9**  
**ENFORCEMENT AND PENALTIES**

Section 901 – Notification of Violation  
Section 902 – Show Cause Hearing  
Section 903 – Civil Rights  
Section 904 – Damages  
Section 905 – Injunctive Relief  
Section 906 – Summary Abatement  
Section 907 – Delinquent Payments

**SECTION 901 – NOTIFICATION OF VIOLATION**

Whenever the Superintendent finds that any User has violated or is violating this Law, Wastewater Discharge Permit, or any prohibition, limitation, or requirements contained in this Law, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Superintendent by the User.

**SECTION 902 – SHOW CAUSE HEARING**

- (1) The Superintendent may order any User who causes or allows an authorized discharge to show cause, before the Village Board why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of the hearing to be held by the Village Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Village Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) The Village Board may itself conduct the hearing and take evidence or may designate any of its members or any officer or employee of the Department of Public Works to:
  - (a) Issue, in the name of the Village Board, notices of hearing requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings.
  - (b) Take the evidence
  - (c) Transmit a report of the evidence and hearings, including transcripts and other evidence, together with recommendations to the Village Board for action thereon.
- (3) After the Village Board has reviewed the evidence, it may issue an order to the User, Responsible for the discharge, directing that, following a specific time period, the sewer service be disconnected unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing pretreatment facilities, and devices or other related appurtenances are properly operated. Further orders and directives, as are necessary and appropriate, may be issued. The directions in this order shall not violate Section 805.

## SECTION 903 – CIVIL PENALTIES

(1) Any person who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any order or determination of the Superintendent promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the Village for a civil penalty not to exceed five hundred (\$500) dollars for each such violation, to be assessed after a hearing, held in conformance with the procedures set forth in this Article. Each violation shall be a separate and distinct violation, each days continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Village Attorney at the request of the Superintendent in the name of the sewer district in any court of competent jurisdiction. Such civil penalty may be released or compromised by the Superintendent with the consent of the Village Board before the matter has been referred to the Village Attorney, and where such matter has been referred to the Village Attorney, and such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Attorney, with the consent of the Village Board.

(2) In addition to the power to assess penalties as set forth in Section 903(1), the Superintendent shall have the power, following hearing held in conformance with the persuaders set forth in Article 10 of the Law, to issue an order:

- (a) suspending, revoking or modifying the violators Wastewater Discharge Permit.
- (b) enjoining the violator from continuing the violation.

Any such order of the Superintendent shall be enforceable in an action brought by the Village Attorney at the request of the Superintendent in the name of the sewer district, in any court of competent jurisdiction.

(3) Any civil penalty or order issued by the Superintendent pursuant to Section 903 shall be reviewable in a proceeding pursuant to Article 78 of the CPLR. Application for such review must be made within sixty (60) days after service in person or by mail of a copy of the determination or order upon the Attorney of record of the applicant and of each person who has filed a notice of appearance or the applicant in person if not directly represented by an attorney.

## SECTION 904 – DAMAGES

Any person violating any of the provisions of this Law shall, in addition, be civilly liable to the sewer district for any expenses, loss, or damage occasioned to the sewer district by reason of such violation.

## SECTION 905 – INJUNCTIVE

The Village Attorney, on his own initiative or at the request of the Superintendent, shall have the right to seek equitable relief, in the name of the sewer district to restrain the violation of, or to compel compliance with any order or determination issued thereunder by the Superintendent.

## SECTION 906 – SUMMARY ABATEMENT

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

(2) The Superintendent, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or preserve the POTW.

## SECTION 907 – DELINQUENT PAYMENTS

(1) If there shall be any payment which are due to the sewer district, or any Department thereof, pursuant to any Article or Section of this Law, which shall remain due and unpaid, in whole or in part, after the due date of each quarter as billed by the Village, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to \$5 for Sewer District No. 1 and 5 (5%) percent of the original bill for Sewer District No. 2, and interest shall accrue, at the rate of \$5 per month for Sewer District No. 1 and 5 (5%) percent of the original bill for Sewer District No. 2, retroactive to the date of the original billing.

(2) In the event that there are any sewer taxes, assessment, or other service charges which shall have been delinquent as of May 1<sup>st</sup> of any year, the Village Treasurer shall report the names of the defaulting persons to the Village Clerk and Chief Assessor on or before May 2<sup>nd</sup> of the same year. The Chief Assessor is hereby directed to add the entire amount of the sewer tax, assessment, or other service charges 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 Village in the next succeeding year, and the Village Tax Collector is directed to collect same in the same manner as real property taxes due and owing to the Village are collected.

(3) Where charges are delinquent and the violator is not a resident of the Village, then the Village Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction.

(4) It shall be the responsibility of each property owner within the Sewer District to insure that his name, billing address and property are properly registered in the Voorheesville Sewer District No. 1 or Sewer District No. 2 records.

## **ARTICLE 10 CHARGES**

Section 1001 – Normal Sewage Service Charges  
Section 1002 – Capital Recovery  
Section 1003 – Collection of Charges  
Section 1004 – Fiscal Year for System  
Section 1005 – Records and Accounts

### **SECTION 1001 – NORMAL SEWAGE SERVICE CHARGES**

All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge which charge shall be collected as a sewer rent. Charges shall be set after hearings and after recommendations by the Village Sewer Advisory Commission whose members will be nominated by the Village Board and appointed by the Mayor of the Village. The sewer rent collected from users of the POTW in Sewer District 2 shall include a fee to cover the cost of periodic pumping of sludge from septic tanks and the transport and disposal of same.

### **SECTION 1002 – CAPITAL RECOVERY**

The sewer district may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat and dispose of industrial wastewaters from those persons discharging such wastewaters into the POTW.

### **SECTION 1003 – COLLECTION OF CHARGES**

Provisions of Article 9 of this Ordinance relating to the collection of penalties shall apply to the collection of sewer service charges.

### **SECTION 1004 – FISCAL YEAR FOR SYSTEM**

The POTW shall be operated on the basis of a fiscal year commencing on the first day of June and ending on the thirty-first day of May.

### **SECTION 1005 – RECORDS AND ACCOUNTS**

The Village shall maintain and keep proper books of records and accounts for the POTW, separate from all other records and account, in which shall be made full and correct entries of all transactions relating to the POTW and such records and accounts will be made available to authorized officials, and the public, upon five (5) days notice.

There shall be an annual review of the sewer charge system for adequacies meeting expenditures for all programs for the following year.

The district shall maintain and carry insurance on all physical properties of the POTW, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

**ARTICLE 11**  
**PUBLIC DISCLOSURE OF POTW OPERATIONS**

Section 1101 – POTW Operations Open to the Public

Section 1102 – Procedural Requirements Available

Section 1103 – Validity Through Public Inspection

**SECTIONS 1101 – POTW OPERATIONS OPEN TO THE PUBLIC**

It shall be the policy of the Village Board to conduct all business with full disclosure to the Public.

**SECTION 1102 – PROCEDURAL REQUIREMENTS AVAILABLE**

The nature and requirements of all formal procedures for applying for a permit and for requesting a permit under this Law and for requesting a hearing shall be formulated by the Village and be made available to any resident of the Village upon request.

**ARTICLE 12  
CONFLICTS AND APPLICABILITY**

Section 1201 – Conflicts  
Section 1202 – Separability  
Section 1203 – Effective Date  
Section 1204 – Applicability

**SECTION 1201 – CONFLICTS**

The provisions of any Local Law governing the use of sewers in conflict with any provisions of this Law are hereby repealed.

**SECTION 1202 – SEPARABILITY**

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

**SECTION 1203 – EFFECTIVE DATE**

This law shall take effect immediately after its filing with the Office of the Secretary of State.

**SECTION 1204 – APPLICABILITY**

The ARTICLES of this LAW will apply to those Service Areas of the Village known as Sewer District 1 and Sewer District 2 unless otherwise stated.

END OF LAW

Amended March 9, 2011