

Chapter 77

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[HISTORY: Adopted by the Town Board of the Town of Watertown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 25.
Subdivision of land — See Ch. 91.

Water District rules — See Ch. A113.

ARTICLE I

On-Site Sewage Disposal

[Adopted 4-9-1987 by L.L. No. 3-1987]

§ 77-1. Title.

This Article shall be known as the "Town of Watertown On-Site Sewage Disposal Law."

§ 77-2. Purpose.

The purpose of this article is to promote the health, safety and general welfare of the community by ensuring, through the location, construction and use of properly designed facilities, that human sewage and other wastes are disposed of in a manner that will not create a health hazard or adversely affect the environment.

§ 77-3. Authority.

Enactment of this article is pursuant to § 10 of the Municipal Home Rule Law and Articles 2 and 3 of the Public Health Law of the State of New York.

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§ 77-4. Applicability.

- A. Permits required. It shall be unlawful to construct, replace or make major modifications, alterations or extensions to on-site sewage disposal systems without first obtaining a sewage disposal permit from the Town of Watertown.
- B. Certificates of compliance required. It shall be unlawful to use any such newly constructed, replaced, altered or extended facility for purposes of sewage disposal without first obtaining a certificate of compliance from the Town of Watertown.
- C. Activities not requiring a permit. A permit is not needed for minor modifications, alterations or extensions of, nor for repairs to, an existing on-site sewage disposal system. This Article shall have no application to a community or public sewage disposal system.

§ 77-5. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CODE ENFORCEMENT OFFICER — The person appointed by the Town Board whose duty and authority is to administer and enforce the provisions of this article. [Amended 10-6-1988 by L.L. No. 3-1988]

EXTENSION — Any increase in the size of a leaching facility.

LEACHING FACILITY — Any structure that is designed to distribute sewage into the soil, such as a seepage pit or tile field.

MAJOR MODIFICATION OR ALTERATION — Any replacement or reconstruction affecting the septic tank or at least 1/2 of the leaching facility of an on-site sewage disposal system.

MINOR REPAIR — Any remedial measure not defined as a major repair, major alteration or extension.

ON-SITE SEWAGE DISPOSAL SYSTEM — Any facility, other than a public sewerage system, intended or used for the discharge of sewage, septic tanks, leach fields, pipes, dry wells, soil absorption systems, self-composting or chemical-type toilets and privies.

PERSON — Any individual, group of individuals, partnership, firm, corporation, association or other legal entity.

SEWAGE — The combination of human and household waste with water which is discharged to the home plumbing system; the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine; or the water-carried waste from any other fixture or equipment or machine.

§ 77-6. Compliance with standards required.

- A. Incorporation by reference. On-site sewage disposal systems shall comply with the applicable specifications and standards set forth in the most recent editions of Waste Treatment Handbook Individual Household Systems, New York State Department of

Health, and Standards for Waste Treatment Works — Institutional and Commercial Sewerage Facilities, New York State Department of Environmental Conservation. Language such as "should" in these publications shall be considered mandatory ("shall") for the purposes of this article. Alternative systems (e.g., evaporation-absorption system, etc.), except fill systems which are permissible under provisions of this article, may be permitted by application to the State Department of Health or, if applicable, the Department of Environmental Conservation.

B. General standards.

- (1) Only sewage may be discharged into the on-site sewage disposal system. Surface and subsurface water, including roof, cellar, foundation and storm drainage, shall be excluded from such systems and shall be disposed of so they will in no way affect the system.
- (2) No leaching facility shall be located under driveways, roads, parking areas or areas subject to heavy loading unless approved by the Code Enforcement Officer. [Amended 10-6-1988 by L.L. No. 3-1988]
- (3) No leaching facility will be permitted within 200 feet of the shoreline of a lake, pond or stream if the percolation rate is three minutes per inch or less.

C. Alternate systems. Any alternative system must be designed in accordance with approved standards by a licensed professional engineer and a specific waiver obtained from the Town.

§ 77-7. Sewage disposal permit application.

- A. Applications for sewage disposal permits shall be made on forms supplied by the Town Clerk and shall be returned to the Town Clerk with the required fee for processing.
- B. The application shall include such information as the Town Board and Code Enforcement Officer may require, including the following: [Amended 10-6-1988 by L.L. No. 3-1988]
 - (1) The name and address of the applicant.
 - (2) Specific location of the property on which the construction, alteration or extension is proposed.
 - (3) A plan of the proposed system with substantiating data indicating that the minimum standards set forth in this article would be complied with.
 - (4) A sketch of the property showing the location of the proposed disposal system construction, alteration or extension and including delineation of the property lines and sources of water supply for the property and adjoining properties.
 - (5) A percolation test is required for the site of a proposed leaching facility. The Code Enforcement Officer or Sanitary Inspector shall verify the results of such tests and require supporting information from the applicant necessary for such review. The applicant shall have the option of presenting certification by a

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licensed professional engineer, licensed surveyor or a registered architect of the percolation test.

- (6) Site data which might affect or be affected by the proposed system, including but not limited to specifications regarding soil type, topography, depth to seasonal high groundwater, depth to impervious material, depth to bedrock and distance to surface bodies of water. A deep hole with a minimum depth of five feet shall be dug at the approximate site of the system. The determination of depth to seasonal high groundwater shall be made in the month of March, April, May or June, within six weeks of the time that the frost leaves the ground. If such determination is made at any other time, seasonal high groundwater shall be evaluated and certified by a qualified person approved by the Town Board. All determinations shall be accompanied by a detailed statement of the testing methods used as well as the basis for the determination.
- (7) No application for a sewage disposal permit shall be considered complete unless and until the applicant certifies that all real property taxes pertaining to the property on which the application is sought are fully paid. [Added 11-5-1992 by L.L. No. 1-1992]

C. The Code Enforcement Officer shall determine whether an application is complete. [Amended 10-6-1988 by L.L. No. 3-1988]

§ 77-8. Powers and duties of Code Enforcement Officer. [Amended 10-6-1988 by L.L. No. 3-1988]

The Code Enforcement Officer shall be appointed by the Town Board and shall have the duty to administer and enforce the provisions of this article.

- A. Authority to verify information. The Code Enforcement Officer shall have the authority to require certification or retesting to verify information submitted as part of the application. The Code Enforcement Officer may conduct such investigations, examinations, tests and site evaluations as he deems necessary to verify information contained in an application for a sewage disposal permit, and the applicant or owner of land on which the system is proposed shall grant the Code Enforcement Officer or his agents permission to enter on his land for these purposes.
- B. Issuance of sewage disposal permit. The Code Enforcement Officer shall issue a sewage disposal permit if:
 - (1) All pertinent site data has been submitted, verified and certified as required by this article; all permit fees have been paid; and the Code Enforcement Officer has determined that the construction, alteration or extension as proposed in the application complies with all specifications contained in this article; or
 - (2) The Code Enforcement Officer is specifically ordered to issue a sewage disposal permit by the Town Board pursuant to § 77-11 of this article and all permit fees have been paid.
- C. Disapproval of permit application shall occur when the Code Enforcement Officer determines that:

- (1) The on-site sewage disposal system, as proposed, will not conform to the requirements or specifications of this article or a waiver by the Town Board.
 - (2) The applicant has failed to supply all data necessary to make a determination as to whether or not such on-site sewage disposal system conforms to the requirements or specifications of this article and has failed to supply such information for 10 days after a written request for such additional information has been mailed.
 - (3) The applicant has failed to pay all necessary fees and has failed to make such payment for 10 days after notice of such nonpayment has been mailed.
- D. Order to stop work. The Code Enforcement Officer may, by written notice, order all further work stopped on any on-site sewage disposal system which is being constructed, altered or extended in violation of this article.

§ 77-9. Inspections; certificate of compliance. [Amended 10-6-1988 by L.L. No. 3-1988]

- A. It shall be unlawful for any unauthorized person to cover with soil or other material or utilize any new on-site sewage disposal system unless a certificate of compliance has been issued.
- (1) Inspection. It shall be the duty of the holder of the sewage disposal permit to notify the Code Enforcement Officer when the installation of the disposal system is ready for inspection. The inspection shall be made as soon thereafter as practicable by the Code Enforcement Officer. The Code Enforcement Officer may also make inspections during construction to ensure that the system is being installed in accordance with the terms of the sewage disposal permit. Any part of any installation which has been covered prior to final approval shall be uncovered upon order of the Code Enforcement Officer.
 - (2) Compliance. A certificate of compliance shall not be granted until the Code Enforcement Officer has determined that the individual sewage disposal system has been installed in compliance with this article. The Code Enforcement Officer may make such a determination only after he has made an on-site investigation of the system or received a certification from the individual designing and installing the system that the system conforms to the specifications as set forth in the application and this article or an order of the Town Board pursuant to this article. The Code Enforcement Officer may withhold a determination until after an on-site investigation has been completed notwithstanding that the system has been certified as properly installed and designed.
- B. In filing an application for a sewage disposal permit, an applicant shall be deemed to have consented to site inspections by the Code Enforcement Officer and/or other person designated by the Town Board, conducting examinations, tests and other inspections of the disposal system site. Entrance upon the applicant's property shall be made only at reasonable times and with advance notice to the applicant where possible.

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§ 77-10. Expiration of permits.

Unless otherwise provided for in the permit, all permits shall expire within one year of issuance. A six months' extension may be granted by the Town Board upon demonstration of hardship by the applicant. Once a permit expires and the disposal system is not completed, a new permit application is required.

§ 77-11. Appeals; variances.

- A. Appeals from any actions, decisions or rulings of the Code Enforcement Officer or from the strict application of the standards stated in § 77-6 herein may be made to the Town Board. Requests for all appeals shall be made in writing to the Town Board not later than 30 days from the act, decision or ruling from which relief is sought. **[Amended 10-6-1988 by L.L. No. 3-1988]**
- B. Public hearing.
- (1) The Town Board shall hold a public hearing on the appeal, with prior publication and notice as required by law, within 30 days of receipt of the written request. The cost of publication shall be paid by the applicant. Notice of the public hearing shall be mailed to all neighboring property owners within 200 feet of the applicant's property.
 - (2) Any hearing may be recessed by the Town Board in order to obtain additional information or to serve further notice upon other property owners or to persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.
 - (3) Within 30 days of the final adjournment of a public hearing, the Town Board shall affirm, modify or deny the action, decision or ruling of the Code Enforcement Officer or correct any omission by him or approve, approve with conditions or disapprove the application. **[Amended 10-6-1988 by L.L. No. 3-1988]**
 - (4) The decision of the Town Board shall be in writing and shall contain findings and the factual basis for each finding from the record of the hearing, which shall support the decision of the Town Board.
 - (5) As part of any decision, the Town Board shall direct the Code Enforcement Officer to issue any appropriate permit in conformity with its ruling and shall state a time by which such permit shall be issued. **[Amended 10-6-1988 by L.L. No. 3-1988]**
- C. Appeal to vary standards. The discretion of the Town Board in considering an appeal shall not extend to granting variances from the standards stated in § 77-6 herein unless such variance has received prior approval of the New York State Department of Health and is consistent with the spirit and purpose of this article.
- D. Judicial appeal. An action, omission, decision or ruling of the Town Board pursuant to this article may be reviewed at the instance of any aggrieved person in accordance with

Article 78 of the Civil Practice Law and Rules, but application for such review must be made not later than four months from the effective date of the decision or ruling or the date when the action or omission occurred.

§ 77-12. Penalties for offenses. [Amended 10-6-1988 by L.L. No. 3-1988]

Any person owning, controlling or managing any buildings, structure, land or premises wherein or whereon there shall be placed or there exists a structure or system in violation of this article and any person who shall commit or assist in the commission of any violation of this article or who shall build, erect or construct any structure, or attempt the same, contrary to the plans or specifications submitted to the Code Enforcement Officer and by him certified as complying with this article, and any person who shall omit, neglect or refuse to do any act required by this order shall be subject to a fine of not more than \$250 or to imprisonment for a term not to exceed 15 days, or both. Every such person shall be deemed guilty of a separate offense for each day that such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the "person" for the purposes of this article.

§ 77-13. Additional remedies.

In case of any violation or threatened violation of any of the provisions of this article, in addition to the remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent unlawful construction, structural alteration, repair, reconstruction, moving and/or use, to restrain, correct or abate such violation, to prevent the use of the individual sewage disposal system or to prevent any illegal act, conduct, business or use regarding such disposal system.

§ 77-14. Effect of misrepresentation.

Any permit or approval granted under this article which is based upon or is granted in reliance upon any material misrepresentation or failure to make a material fact or circumstance known by or on behalf of an applicant shall be void. This section shall not be construed to affect the other remedies available to the Town Board under this article.

§ 77-15. Interpretation; effect on other laws.

- A. Interpretation. Where the conditions imposed by any provision of this article are less restrictive than comparable conditions imposed by any other provisions of this article or of any other statute, ordinance, local law, order, rule or regulation, the provisions which are more restrictive shall govern.
- B. Saving clause. The adoption of this article shall not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred, prior to the time this article takes effect.

ARTICLE II

Sewer District No. 1 Regulations
[Adopted 1-12-1984 by L.L. No. 1-1984]**§ 77-16. Definitions and word usage.**

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

BOD (denoting "biochemical oxygen demand") — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

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

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

DOMESTIC SEWAGE — The water-carried wastes from residences, emanating from the plumbing facilities therein.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

OWNER — Any individual, firm, company, association, corporation, society, person or group having title to real property.

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

pH — The logarithm of the reciprocal of the hydrogen-ion concentration, indicating the intensity scale of acidity and alkalinity expressed in terms of a pH scale running from 0.0 to 14.0 with a "pH" value of 7.0 as the midpoint of the scale, representing exact neutrality, and with values above 7.0 indicating alkalinity and those below 7.0, acidity.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

SANITARY SEWER — A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SEWER DISTRICT or DISTRICT — Sewer District No. 1, Town of Watertown.

STORM DRAIN (sometimes termed "storm sewer") — A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes.

SUPERINTENDENT — The Sewer District Administrator of the Town of Watertown or his authorized deputy, agent or representative.

SUSPENDED SOLIDS — 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.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

- B. "Shall" is mandatory; "may" is permissive.

§ 77-17. Prohibited actions; connection to public sewer.

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Sewer District or in any area under the jurisdiction of said Sewer District any human excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Sewer District or in any area under the jurisdiction of said Sewer District any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- D. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Sewer District 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 sanitary sewer of the Sewer District, are hereby required at their expense to connect the building sewer directly with the proper public sewer in accordance with the provisions of this article within 90 days after the date of official notice to do so, provided that said public sewer is accessible and available.

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§ 77-18. Private sewage disposal systems.

- A. Where a public sanitary sewer is not available under the provisions of § 77-17D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Sewer District, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit inspection fee of \$5 shall be paid to the Sewer District at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Jefferson County Department of Health and the New York State Department of Public Health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 77-17D a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Sewer District.
- G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- H. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be discontinued and properly sealed off.

§ 77-19. Building sewers and connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. The owner or his agent shall make application on a special permit form furnished by the Sewer District. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Sewer District for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building.
- E. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code¹ or other applicable rules and regulations of the Sewer District, Jefferson County and the State of New York. The building sewer shall be constructed of a minimum of four-inch-diameter PVC (polyvinyl chloride) pipe or other material or size approved by the Superintendent. In the event there are bends or angles exceeding 45°, a cleanout shall be provided with a suitably capped opening extending to four inches within finished grade level. In amplification of this section, materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- F. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- G. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement floor sumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- H. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code² or other applicable rules and regulations of the Sewer District or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9.
- I. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- J. All excavation for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Sewer District.

1. Editor's Note: The New York State Uniform Fire Prevention and Building Code is the controlling building and plumbing standard in the Town of Watertown.

2. Editor's Note: The New York State Uniform Fire Prevention and Building Code is the controlling building and plumbing standard in the Town of Watertown.

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§ 77-20. Prohibited discharges.

- A. Requirements regarding deleterious waste. Sewage delivered into the sewer system shall not:
- (1) Be of such a nature and delivered at such a rate as to impair the hydraulic capacity of the sewer system, normal and reasonable wear and usage excepted.
 - (2) Be of such a quantity, quality or other nature as to impair the strength or the durability of the sewer structures, equipment or treatment works which are a part of the sewer system, either by chemical or by mechanical action.
 - (3) Be of such a quantity, quality or other nature as to create flammable or explosive conditions in the sewer system.
 - (4) Have a flash point lower than 187° F., as determined by the Tagliabue (Tag.) close-cup method.
 - (5) Have a pH value lower than 6.0 or greater than 9.5 or otherwise contain chemical properties which are hazardous or capable of causing damage to any part of the sewer system or to personnel.
 - (6) Include any radioactive substance, except as otherwise hereinafter set forth, unless the Superintendent shall have given written consent to its inclusion.
 - (7) Include any garbage other than that received directly into the Sewer District's sewer system from domestic garbage grinders in dwellings, by which such garbage has been shredded into such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.
 - (8) Include night soil or septic tank pumping, except by special permission in writing from the Superintendent at such points and under such conditions as the Superintendent may stipulate in each permit.
- B. Prohibited sewage. None of the following-described sewage shall be discharged into the sewer system; and also the governing body of the Sewer District shall prohibit and shall prevent any of such discharges from any outlet into the district's sewer system if such prohibited discharges occur at the point of its connection with the sewer system:
- (1) Any solid or viscous material which could cause an obstruction to flow in the sewers or in any way could interfere with the treatment process, including, as examples of such materials but without limiting the generality of the foregoing, significant proportions of ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, feathers, tars, plastics, wood and sawdust, paunch manure, hair and fleshings, entrails, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds, acetylene generation sludge, chemical residues, acid residues, food processing bulk solids, snow, ice and all other solid objects, material, refuse and debris not normally contained in sanitary sewage.
 - (2) Sludge or other material from sewage or industrial waste treatment plants or from water treatment plants.

- (3) Any stormwater, roof drains, springwater, cistern or tank overflow, footing drain or water motor, or the contents of any privy vault or the discharge or effluent from any airconditioning machine or refrigeration unit.
- (4) Water accumulated in excavation or accumulated as the result of grading, water taken from the ground by well points or any other drainage associated with construction.
- (5) Any liquid or vapor having a temperature higher than 150° F. or exceeding any lower limit fixed by the Sewer District to prevent odor nuisance where the volume of discharge represents a significant portion of the flow through a particular sewer.
- (6) Any water or wastes containing grease or oil or other substances that will solidify or become discernibly viscous at temperatures between 32° and 150° F.
- (7) Any water or wastes containing emulsified oil or grease exceeding 75 parts per million or other soluble matter.
- (8) Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas.
- (9) Any wastes that contain a corrosive, noxious or malodorous material or substance which, either singly or by reaction with other wastes, is capable of causing damage to the sewer system or to any part thereof, of creating a public nuisance or hazard or preventing entry into the sewers for maintenance and repair.
- (10) Any wastes that contain concentrated dye wastes or other wastes that are either highly colored or could become highly colored reacting with any other wastes.
- (11) Any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the effluent of the Sewer District's sewage treatment plant.
- (12) Any materials or substance not specifically mentioned in this section which is in itself corrosive, irritating to human beings and animals, toxic, noxious or which by interaction with other wastes could produce undesirable effects, including deleterious action on the sewer system or on any part thereof, could constitute a hazard to humans or to animals or could have an adverse effect upon the receiving stream.

§ 77-21. Tampering with sewer system. [Amended 10-6-1988 by L.L. No. 3-1988]

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be subject to the penalties set forth in the Penal Law.

§ 77-22. Powers and authority of inspectors.

- A. The Superintendent and any other duly authorized employees of the Sewer District bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.
- B. The Superintendent and other duly authorized employees of the Sewer District bearing proper credentials and identification shall be permitted to enter all private properties through which the Sewer District holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- C. Employees of the New York State Department of Environmental Conservation and the United States Environmental Protection Agency bearing proper credentials and identification shall be permitted to enter all property through which the sewer district holds a duly negotiated easement for the purposes of inspection, observation, monitoring, sampling or testing the sewage works in accordance with provisions of this article.

§ 77-23. Penalties for offenses.

- A. Any person found to be violating any provision of this article, except § 77-21, shall be served by the Sewer District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A, upon conviction thereof, shall be fined in the amount of not exceeding \$250 or be subject to imprisonment for a term not to exceed 15 days, or both, for each violation. Each day in which any violation shall continue shall be deemed a separate offense. **[Amended 10-6-1988 by L.L. No. 3-1988]**
- C. Any person violating any of the provisions of this article shall become liable to the Sewer District for any expense, loss or damage occasioned the Town by reason of such violation. In the event that maintenance, repair or other activities are necessitated by the discharge from the building drain of any material item prohibited by § 77-20 of this article, the Sewer District may charge the owner an amount not to exceed the costs and expense of the Sewer District to make such repair or maintenance plus \$200.

§ 77-24. User charge system.

- A. Purpose. **[Amended 2-14-1985 by L.L. No. 2-1985; 6-13-1985 by L.L. No. 6-1985]**
 - (1) 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.

- (2) 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.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

DOMESTIC SEWAGE — As defined in § 77-16A of this article.

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.

USER CHARGE — A charge levied on users of wastewater treatment works to offset the costs of operation and maintenance of such works.

USER(S) — Recipients (property owners) of wastewater treatment services within the district contributing domestic sewage to the total wastewater loading of the treatment works.

C. Requirements.

- (1) Biennial review. The district shall review, not less than every two 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:
 - (a) To maintain the proportionate distribution of operation and maintenance costs among users.
 - (b) To generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance, including replacement, of the treatment works.
 - (c) To apply excess revenues collected from the users to the costs of operation and maintenance attributable to the user for the next year and to adjust the rate accordingly.
- (2) Toxic pollutants. No toxic pollutants shall be discharged to the wastewater treatment works by a user, as addressed in § 77-20B(11) of this article.
- (3) 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.
- (4) Notification. Each user shall be notified every six months, in conjunction with a regular bill, of the rate and that portion of the user's charges attributable to wastewater treatment services.

D. User charge system assessment formulation. The following annual user charge assessment formula shall be used: [Amended 2-14-1985 by L.L. No. 2-1985; 6-13-1985 by L.L. No. 6-1985]

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$$Cu = \frac{(Ct)}{Vt} Vs$$

Where

- Cu = User's charge for operation and maintenance costs of the wastewater treatment works per year
- Ct = The district's total operation and maintenance costs per year
- Vt = The district's total volume contribution for all users per year
- Vs = Volume contribution per user per year

§ 77-25. Sewer rents.

The cost of the public sanitary sewer system, together with the maintenance thereof and repairs thereto, shall be by a scale of rents to be called "sewer rents," to be paid at such times and in such manner as the Town Board by resolution may prescribe.

§ 77-26. Enforcement.

- A. For the purpose of establishing violations and penalties hereunder, it shall be necessary that the property owner affected shall be first served with a written notice, personally or by mail, of the existence of the prohibited condition of his premises, as prescribed by law.
- B. For the purpose of this article, the violation of any resolution relating to the regulation of use of the public sanitary sewer system, when duly adopted, shall be deemed a violation of this article.

§ 77-27. Billing. [Amended 2-14-1985 by L.L. No. 2-1985; 6-13-1985 by L.L. No. 6-1985; 5-10-1990 by L.L. No. 3-1990; 10-1-1991 by L.L. No. 1-1991; 6-8-1995 by L.L. No. 1-1995; 8-11-2011 by L.L. No. 6-2011]

- A. Billing shall be in the following manner: The Sewer District will bill semiannually.
- B. All bills are to be deemed due when rendered. All bills for services not paid by the 15th day of the billing month shall be subject to a penalty in the amount of 10% of the unpaid bill.
- C. All bills that remain unpaid 30 days following the due date will be collected in the following manner: The Sewer District, at the discretion of the Town Board as the Commissioners of the Sewer District, may order unpaid amounts added to the next tax levy against the subject parcel.
- D. A minimum charge of 20 units (unit equals 100 CF) shall be billed on each sewer rent bill whenever the usage is less than 20 units for the billing period.

§ 77-28. Applicability of article.

All sections of this article are applicable only within the boundaries of the Town of Watertown Sewer District No. 1 and shall not govern or regulate any property outside of said district.

ARTICLE III
Sewer District No. 2 Regulations
[Adopted 10-6-1988]

§ 77-29. Purpose.

These regulations are enacted to ensure the safe and proper operation of the district's facilities; to enforce the strict compliance with the conditions of the agreement for wastewater treatment services between the City of Watertown and the Town of Watertown, more specifically Chapter 198, Part 4, of the Municipal Code of the City of Watertown, and to establish sewer rates to properly administer, operate and maintain the district.

§ 77-30. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DISTRICT — Sewer District No. 2.

§ 77-31. Operation.

- A. All users of the district's facilities shall comply with all City of Watertown regulations governing sanitary discharges into the City of Watertown's wastewater treatment plant. Each user of the district's facilities shall be provided a copy of said regulations and shall acknowledge receipt of the same and acknowledge willful compliance by signature.
- B. All duly authorized employees of the Town of Watertown and the City of Watertown bearing proper credentials and identification shall be permitted to enter all premises that discharge sanitary waste into district facilities. They shall be permitted access to perform inspections, observations, measuring, monitoring, sampling or testing to ensure compliance with these regulations or to effect necessary repairs to district facilities.

§ 77-32. Sewer rents.

Sewer rents shall be established to provide the district with sufficient revenues to pay all operation and maintenance costs and to provide adequate funds for future repair costs.

- A. Establishing sewer rents. Basic sewer rates are established by adding a markup of 25% to the charges levied by the City of Watertown for treatment services. This total cost shall be divided by the total of all water units [100 cubic feet] consumed by the district customers to establish a sewer rent per unit of water consumed. Multiplying sewer rate

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by the units of water consumed by each customer shall be the sewer rent bill for the billing period for each customer.

- B. Rate changes. The markup rate shall be monitored on an ongoing basis to determine if the rate is sufficient or excessive to the financial requirements for the operation and maintenance of the district. The Town Board may decrease the rate by Town Board resolution. A public hearing is required prior to increasing the markup rate.
- C. Annual review. The Town Board shall review the finances, operation, rate structure and regulations of the district at least once annually.

§ 77-33. Billing. [Amended 8-11-2011 by L.L. No. 6-2011]

- A. Billing cycle. The billing of sewer rents shall be either monthly, bimonthly, quarterly, or semiannually, as determined by the Town Supervisor as the financial administrator of the District. The considerations for the determinations include, but are not limited to, the frequency of billings from the City of Watertown and the cash flow requirements to pay all financial obligations of the District when due.
- B. Billing administration.
 - (1) The Town Clerk's office shall establish and maintain account records for each customer.
 - (2) A bill for sewer rents shall be mailed to each customer at the end of the billing cycle. Bills are due when rendered. Customers may pay their bills, without penalty, up to and including the 15th day of the following month. After the 15th day of such month, a late charge of 10% of the bill amount shall automatically be added to each delinquent bill. Any account that is 30 days in arrears shall be brought to the attention of the Town Board for corrective action.
 - (3) Payments may be made by mail or in person to the Town Clerk's office.
- C. A minimum charge of three units (unit equals 100 CF) shall be billed on each monthly sewer rent bill whenever the usage is less than three units for the billing period.

§ 77-34. Modifications.

These regulations may be changed by Town Board resolution at any time, except the requirements of compliance with the agreement with the City of Watertown.

ARTICLE IV

Sewer District No. 3 Regulations
[Adopted 6-8-1995 by L.L. No. 1-1995]

§ 77-35. Applicable regulations.

The provisions of Article III, containing regulations for Sewer District No. 2, are hereby adjusted to apply in their entirety to Sewer District No. 3. Said regulations shall be effective

to regulate the operation, establishment of sewer rents, billing and administration of Sewer District No. 3 as if the text thereof were fully set forth herein.

ARTICLE V

Sewer District No. 4 Regulations [Adopted 10-2-1997 by L.L. No. 5-1997]

§ 77-36. Purpose.

These regulations are enacted to ensure the safe and proper operation of the facility servicing Sewer District No. 4; to ensure the strict compliance with the conditions of the Agreement For Wastewater Treatment Services between the City of Watertown and the Town of Watertown as approved by the Town Board of the Town of Watertown on June 13, 1996; to establish sewer rates to properly administer, operate and maintain Sewer District No. 4; and to provide for the equitable assessment of charges to retire the debt service in connection with the construction of the facilities within Sewer District No. 4.

§ 77-37. Definitions.

As used in this article, the following terms shall have the meanings indicated.

DEBT SERVICE — The cost to the district on an annual basis to retire the debt to the district associated with the financing for the construction of the district facilities, to include any future financing that may be required to maintain the district facilities.

DISTRICT — Sewer District No. 4.

DISTRICT FACILITIES — That infrastructure servicing the properties located within Sewer District No. 4, to include all wastewater piping, pump stations, manholes, manhole covers and service laterals.

USER CHARGE — A charge levied on users of the wastewater treatment works within the district to offset the cost of operation and maintenance of such works.

USER(S) — Recipients (property owners) of wastewater treatment services within the district contributing domestic sewage to the total wastewater loading of the district facilities.

§ 77-38. Operation.

- A. All users of the district's facilities shall comply with all City of Watertown regulations governing sanitary discharges into the City of Watertown's wastewater treatment plant. Each user of the district's facilities shall be provided a copy of said regulations and shall acknowledge receipt of the same and acknowledge willful compliance by signature on said receipt.
- B. All duly authorized employees of the Town of Watertown and the city of Watertown bearing proper credentials and identification shall be permitted to enter all premises that discharge sanitary waste into district facilities. They shall be permitted access to

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perform inspections, observations, measuring, monitoring, sampling or testing to ensure compliance with these regulations or to effect necessary repairs to district facilities.

§ 77-39. User connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any portion of the district facilities or appurtenances without first obtaining a written permit from the Superintendent of Public Works of the Town of Watertown or his duly authorized agent.
- B. The owner wishing to connect to the district facilities, or his agent, shall make application on a special permit form furnished by the district. The permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Superintendent of Public Works.
- C. All costs and expenses incident to the connection shall be borne by the user. The user shall indemnify the district for any loss or damage that may be directly or indirectly occasioned by the installation of the connection.
- D. A separate and independent connection shall be provided for every building connected to the district facilities.
- E. The size, slope, alignment, materials of construction of a connection and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the district, Jefferson County and the State of New York.
- F. In all buildings in which any building drain is too low to permit gravity flow to the district facilities, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the facilities.
- G. The applicant for a connection shall notify the Superintendent of Public Works when the proposed connection is ready for inspection. The connection shall be made under the supervision of the Superintendent of Public Works or his representative.
- H. On and after December 31, 1997, there shall be a hookup fee in the amount of \$250 for all residential buildings connected to the district facilities, and a hookup fee of \$500 for all nonresidential buildings connected to the district facilities.
- I. All users connected to the district facilities shall also be required to connect to the facilities servicing Water District No. 4 pursuant to the provisions of Chapter A113 of the Code of the Town of Watertown.
- J. No connection shall be made or maintained to the district facilities to permit discharge into the district facilities from footing drains, roof leaders, roof drains, cellar drains, catch basins, sump pumps or uncontaminated cooling water discharges.

§ 77-40. Tampering with sewer system.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the district facilities. Any person violating this provision shall be subject to the penalties set forth in the Penal Law.

§ 77-41. Powers and authority of inspectors.

- A. The Superintendent of Public Works and any other duly authorized employee of the district bearing proper credentials and identification shall be permitted to enter all properties within the district for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.
- B. The Superintendent of Public Works and any other duly authorized employee of the district bearing proper credentials and identification shall be permitted to enter all private properties within the district through which the district holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 77-42. Penalties for offenses.

- A. Any person found to be violating any provision of this article except § 77-40, shall be served by the district with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A, upon conviction thereof, shall be fined in the amount not exceeding \$250 or be subject to imprisonment for a term not to exceed 15 days or both for each violation. Each day in which any violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this article shall become liable to the district for any expense, loss or damage occasioned by the Town by reason of such violation.

§ 77-43. Debt service retirement.

All properties within the district shall be assessed on an annual basis in the form of a benefit assessment an amount attributed to the property's proportionate share for debt service reduction. The assessment shall be in the form of an ad valorem tax based on the assessed value of the property. The ad valorem tax for debt reduction shall be assessed and levied on an annual basis with the Town general tax levy.

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§ 77-44. User charges.

User charges shall be established to provide the district with sufficient revenues to pay all operation and maintenance costs and to provide adequate funds for future repair costs.

- A. Establishing user charges. Basic user charges are established by adding a markup of 25% to the charges levied by the City of Watertown for treatment services. This total cost shall be divided by the total of all water units (unit equals 100 cubic feet) consumed by the district customer to establish a sewer rent per unit of water consumed. Multiplying the sewer rate by the units of water consumed by each customer shall be the sewer rent bill for the billing period for each customer.
- B. Rate changes. The markup rate shall be monitored on an ongoing basis to determine if the rate is sufficient or excessive to the financial requirements for the operation and maintenance of the district. The Town Board may decrease the rate by Town Board resolution. A public hearing is required prior to increasing the markup rate.
- C. Annual review. The Town Board shall review the finances, operation, rate structure and regulations of the district at least once annually.

§ 77-45. Billing. [Amended 12-30-1997 by L.L. No. 7-1997; 8-11-2011 by L.L. No. 6-2011]

- A. Billing shall be in the following manner: The District shall bill either monthly, bimonthly, quarterly, or semiannually, as determined by the Town Supervisor as the financial administrator of the District.
- B. All bills are due when rendered. All bills for services not paid by the 15th day of the billing month shall be subject to a penalty in the amount of 10% of the amount billed.
- C. All bills that remain unpaid 30 days following the due date shall be collected in the following manner: The Town Board, as the Commissioners of the District, at its discretion, may order unpaid amounts added to the next tax levy against the subject parcel.
- D. A minimum charge of three units (unit equals 100 CF) shall be billed on each sewer rent bill whenever the usage is less than three units for the billing period.

ARTICLE VI

Sewer District No. 5 Regulations
[Adopted 7-9-1998 by L.L. No. 2-1998]

§ 77-46. Purpose.

These regulations are enacted to ensure the safe and proper operation of the facility servicing Sewer District No. 5; to ensure the strict compliance with the conditions of the agreement for wastewater treatment services between the City of Watertown and the Town of Watertown as approved by the Town Board of the Town of Watertown on June 13, 1956; and to establish sewer rates to properly administer, operate and maintain Sewer District No. 5.

§ 77-47. Definitions.

As used in this article, the following terms shall have the meanings indicated.

DISTRICT — Sewer District No. 5.

DISTRICT FACILITIES — That infrastructure servicing the properties located within Sewer District No. 5 to include all wastewater piping, pump stations, manholes, manhole covers and service laterals.

USER CHARGE — A charge levied on users of the wastewater treatment works within the district to offset the cost of operation and maintenance of such works.

USER(S) — Recipients (property owners) of wastewater treatment services within the district contributing domestic sewage to the total wastewater loading of the district facilities.

§ 77-48. Operation.

- A. All users of the district's facilities shall comply with all City of Watertown regulations governing sanitary discharges into the City of Watertown's wastewater treatment plant. Each user of the district's facilities shall be provided a copy of said regulations and shall acknowledge receipt of the same and acknowledge willful compliance by signature on said receipt.
- B. All duly authorized employees of the Town of Watertown and the city of Watertown bearing proper credentials and identification shall be permitted to enter all premises that discharge sanitary waste into district facilities. They shall be permitted access to perform inspections, observations, measuring, monitoring, sampling or testing to ensure compliance with these regulations or to effect necessary repairs to district facilities.

§ 77-49. User connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any portion of the district facilities or appurtenances without first obtaining a written permit from the Superintendent of Public Works of the Town of Watertown, or his duly authorized agent.
- B. The owner wishing to connect to the district facilities or his agent shall make application on a special permit form furnished by the District. The permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Superintendent of Public Works.
- C. All costs and expenses incident to the connection shall be borne by the user. The user shall indemnify the District for any loss or damage that may be directly or indirectly occasioned by the installation of the connection.
- D. A separate and independent connection shall be provided for every building connected to the district facilities.
- E. The size, slope, alignment, materials of construction of a connection and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other

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applicable rules and regulations of the District, Jefferson County and the State of New York.

- F. In all buildings in which any building drain is too low to permit gravity flow to the district facilities, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the facilities.
- G. The applicant for a connection shall notify the Superintendent of Public Works when the proposed connection is ready for inspection. The connection shall be made under the supervision of the Superintendent of Public Works or his representative.
- H. There shall be a hookup fee in the amount of \$250 for all residential buildings connected to the district facilities, and a hookup fee of \$500 for all nonresidential buildings connected to the district facilities.
- I. All users connected to the district facilities shall also be required to connect to the facilities servicing Water District No. 5 pursuant to the provisions of Chapter A113 of the Code of the Town of Watertown.
- J. No connection shall be made or maintained to the district facilities to permit discharge into the district facilities from footing drains, roof leaders, roof drains, cellar drains, catch basins, sump pumps, or uncontaminated cooling water discharges.

§ 77-50. Tampering with sewer system.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the district facilities. Any person violating this provision shall be subject to the penalties set forth in the Penal Law.

§ 77-51. Powers and authority of inspectors.

- A. The Superintendent of Public Works and any other duly authorized employee of the District bearing proper credentials and identification shall be permitted to enter all properties within the District for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.
- B. The Superintendent of Public Works and any other duly authorized employee of the District bearing proper credentials and identification shall be permitted to enter all private properties within the District through which the District holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 77-52. Penalties for offenses.

- A. Any person found to be violating any provision of this article except § 77-50, shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A, upon conviction thereof, shall be fined in the amount not exceeding \$250 or be subject to imprisonment for a term not to exceed 15 days, or both, for each violation. Each day in which any violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this article shall become liable to the District for any expense, loss or damage occasioned by the Town by reason of such violation.

§ 77-53. User charges.

User charges shall be established to provide the District with sufficient revenues to pay all operation and maintenance costs and to provide adequate funds for future repair costs.

- A. Establishing user charges. Basic user charges are established by adding a markup of 25% to the charges levied by the City of Watertown for treatment services. This total cost shall be divided by the total of all water units (unit equals 100 cubic feet) consumed by the District customer to establish a sewer rent per unit of water consumed. Multiplying sewer rate by the units of water consumed by each customer shall be the sewer rent bill for the billing period for each customer.
- B. Rate changes. The markup rate shall be monitored on an ongoing basis to determine if the rate is sufficient or excessive to the financial requirements for the operation and maintenance of the District. The Town Board may decrease the rate by Town Board resolution. A public hearing is required prior to increasing the markup rate.
- C. Annual review. The Town Board shall review the finances, operation, rate structure and regulations of the District at least once annually.

§ 77-54. Billing. [Amended 8-11-2011 by L.L. No. 6-2011]

- A. Billing shall be in the following manner: The District shall bill either monthly, bimonthly, quarterly, or semiannually as determined by the Town Supervisor as the financial administrator of the District.
- B. All bills are due when rendered. All bills for services not paid by the 15th day of the billing month shall be subject to a penalty in the amount of 10% of the amount billed.
- C. All bills that remain unpaid 30 days following the due date shall be collected in the following manner: The Town Board, as the Commissioners of the District, at its discretion, may order unpaid amounts added to the next tax levy against the subject parcel.

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- D. A minimum charge of three units (unit equals 100 CF) shall be billed on each sewer rent bill whenever the usage is less than three units for the billing period.

ARTICLE VII

Sewer District No. 6 Regulations
[Adopted 12-17-2009 by L.L. No. 2-2009]

§ 77-55. Purpose.

These regulations are enacted to insure the safe and proper operation of the facility servicing Sewer District No. 6; to insure the strict compliance with the conditions of the Agreement For Wastewater Treatment Services between the City of Watertown and the Town of Watertown as approved by the Town Board of the Town of Watertown as the same may be amended from time to time; to establish sewer rates to properly administer, operate and maintain Sewer District No. 6; and to provide for the equitable assessment of charges to retire the debt service in connection with the construction of the facilities within Sewer District No. 6.

§ 77-56. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DEBT SERVICE — The cost to the district on an annual basis to retire the debt to the district associated with the financing for the construction of the district facilities, to include any future financing that may be required to maintain the district facilities.

DISTRICT — Sewer District No. 6.

DISTRICT FACILITIES — That infrastructure servicing the properties located within Sewer District No. 6 to include all wastewater piping, pump stations, manholes, manhole covers, and service laterals.

USER CHARGE — A charge levied on users of the wastewater treatment works within the district to offset the cost of operation and maintenance of such works.

USER(S) — Recipients (property owners) of wastewater treatment services within the district contributing domestic sewage to the total wastewater loading of the district facilities.

§ 77-57. Operation.

A. All users of the district's facilities shall comply with all City of Watertown regulations governing sanitary discharges into the City of Watertown's wastewater treatment plant. Each user of the district's facilities shall be provided a copy of said regulations and shall acknowledge receipt of the same and acknowledge willful compliance by signature on said receipt.

B. All duly authorized employees of the Town of Watertown and the City of Watertown bearing proper credentials and identification shall be permitted to enter all premises that discharge sanitary waste into district facilities. They shall be permitted access to

perform inspections, observations, measuring, monitoring, sampling or testing to insure compliance with these regulations or to effect necessary repairs to district facilities.

§ 77-58. User connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any portion of the district facilities or appurtenances without first obtaining a written permit from the Superintendent of Public Works of the Town of Watertown, or his or her duly authorized agent.
- B. The owner wishing to connect to the district facilities or his or her agent shall make application on a special permit form furnished by the district. The permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Superintendent of Public Works.
- C. All costs and expenses incident to the connection shall be borne by the user. The user shall indemnify the district for any loss or damage that may be directly or indirectly occasioned by the installation of the connection.
- D. A separate and independent connection shall be provided for every building connected to the district facilities.
- E. The size, slope, alignment, materials of construction of a connection and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the district, Jefferson County and the State of New York.
- F. In all buildings in which any building drain is too low to permit gravity flow to the district facilities, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the facilities.
- G. The applicant for a connection shall notify the Superintendent of Public Works when the proposed connection is ready for inspection. The connection shall be made under the supervision of the Superintendent of Public Works or his or her representative.
- H. There shall be a hookup fee in the amount of \$250, for all residential buildings connected to the district facilities, and a hookup fee of \$500 for all nonresidential buildings connected to the district facilities.
- I. All users connected to the district facilities shall also be required to connect to the facilities servicing Water District No. 6 pursuant to the provisions of Chapter A113 of the Code of the Town of Watertown.
- J. No connection shall be made or maintained to the district facilities to permit discharge into the district facilities from footing drains, roof leaders, roof drains, cellar drains, catch basins, sump pumps, or uncontaminated cooling water discharges.

§ 77-59. Tampering with sewer system.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the district facilities. Any person violating this provision shall be subject to the penalties set forth in the Penal Law.

§ 77-60. Powers and authority of inspectors.

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

§ 77-61. Penalties for offenses.

- A. Any person found to be violating any provision of this article except § 77-59 shall be served by the district with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A, upon conviction thereof, shall be fined in the amount not exceeding \$250 or be subject to imprisonment for a term not to exceed 15 days or both for each violation. Each day in which any violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this article shall become liable to the district for any expense, loss or damage occasioned by the Town by reason of such violation.

§ 77-62. Debt service retirement.

All properties within the District shall be assessed on an annual basis in the form of a benefit assessment an amount attributed to the property's proportionate share for debt service reduction. The assessment shall be in the form of an ad valorem tax based on the assessed value of the property. The ad valorem tax for debt reduction shall be assessed and levied on an annual basis with the Town general tax levy.

§ 77-63. User charges.

User charges shall be established to provide the district with sufficient revenues to pay all operation and maintenance costs and to provide adequate funds for future repair costs.

- A. Establishing user charges. Basic user charges are established by adding a markup of 25% to the charges levied by the City of Watertown for treatment services. This total cost shall be divided by the total of all water units (100 cubic feet) consumed by the district customer to establish a sewer rent per unit of water consumed. Multiplying sewer rate by the units of water consumed by each customer shall be the sewer rent bill for the billing period for each customer.
- B. Rate changes. The markup rate shall be monitored on an ongoing basis to determine if the rate is sufficient or excessive to the financial requirements for the operation and maintenance of the district. The Town Board may decrease the rate by Town Board resolution. A public hearing is required prior to increasing the markup rate. The public hearing may be held as part of the annual public hearing on the Town budget.
- C. Annual review. The Town Board shall review the finances, operation, rate structure and regulations of the district at least once annually.

§ 77-64. Billing. [Amended 8-11-2011 by L.L. No. 6-2011]

- A. Billing shall be in the following manner: The District shall bill either monthly, bimonthly, quarterly, or semiannually as determined by the Town Supervisor as the financial administrator of the District.
- B. All bills are due when rendered. All bills for services not paid by the 15th day of the billing month shall be subject to a penalty in the amount of 10% of the amount billed.
- C. All bills that remain unpaid 30 days following the due date shall be collected in the following manner: The Town Board, as the Commissioners of the District, at its discretion, may order unpaid amounts added to the next tax levy against the subject parcel.
- D. A minimum charge of three units (unit equals 100 CF) shall be billed on each sewer rent bill whenever the usage is less than three units for the billing period.