

Chapter 86

UTILITIES*

Article I. In General

Secs. 86-1—86-30. Reserved.

Article II. Sewers; Sewage Disposal

Division 1. Generally

Sec. 86-31. Deferral of principal payments on sanitary sewer assessments.
Secs. 86-32—86-50. Reserved.

Division 2. Water Pollution Control Authority

Sec. 86-51. Established; designated.
Sec. 86-52. Powers and duties.
Sec. 86-53. Authority to take land.
Sec. 86-54. Authority to take over other systems.
Sec. 86-55. Opening public grounds for construction.
Sec. 86-56. Authority to enter property served.
Sec. 86-57. Malicious damage to property.
Secs. 86-58—86-80. Reserved.

Division 3. Installation, Maintenance and Use of Sanitary Sewers

Subdivision I. In General

Sec. 86-81. Definitions.
Sec. 86-82. Discharge of untreated wastes, etc., into natural outlets.
Sec. 86-83. Construction or maintenance of privies, cesspools, etc.
Sec. 86-84. Deposition excrement, etc., upon property.
Sec. 86-85. Abutting owners required to connect with sewer.
Sec. 86-86. Private sewage disposal.
Sec. 86-87. Maintenance of sanitary sewers.
Sec. 86-88. Protection from accidental discharge.
Sec. 86-89. Powers and authority of inspectors.
Sec. 86-90. Penalties.
Secs. 86-91—86-110. Reserved.

Subdivision II. Building Sewers and Connections

Sec. 86-111. Generally.
Sec. 86-112. Standards of work and specifications of material.
Sec. 86-113. Notice to inspect; supervision of work.
Sec. 86-114. Excavations to be guarded.
Secs. 86-115—86-130. Reserved.

Subdivision III. Use of Public Sewers

Sec. 86-131. Discharges into sanitary sewers generally.
Sec. 86-132. Specific waters and wastes.
Sec. 86-133. Certain discharges subject to review; treatment.
Sec. 86-134. Measurements and tests.

***Charter reference**—Supervision and control of sewers, sewage disposal, public and private drains, ch. V, § 9.
State law reference—Sewers in municipalities generally, G.S. §§ 7-148(c)(6)(B), 7-245 et seq.

ENFIELD TOWN CODE

- Sec. 86-135. Special agreement for treatment of industrial wastes.
- Sec. 86-136. Grease, oil and sand interceptors.
- Sec. 86-137. Control manhole.
- Secs. 86-138—86-160. Reserved.

Division 4. Charges

Subdivision I. In General

- Secs. 86-161—86-180. Reserved.

Subdivision II. Connections

- Sec. 86-181. Established.
- Sec. 86-182. Amount of charge.
- Sec. 86-183. Developer's credit.
- Sec. 86-184. Enforcement and lien.
- Secs. 86-185—86-200. Reserved.

Subdivision III. Sewer Use

- Sec. 86-201. Fair and reasonable charge for operation and maintenance of system.
- Sec. 86-202. User classifications.
- Sec. 86-203. Levying of sewer use charge.
- Sec. 86-204. Collection and payment.

ARTICLE I. IN GENERAL**Secs. 86-1—86-30. Reserved.****ARTICLE II. SEWERS; SEWAGE DISPOSAL****DIVISION 1. GENERALLY****Sec. 86-31. Deferral of principal payments on sanitary sewer assessments.**

(a) *Eligibility.* Any property owner who is receiving relief for elderly taxpayers as provided under the provisions of G.S. §§ 12-129b and 12-170aa, is eligible to defer principal payments on sanitary sewer assessments.

(b) *Deferral of principal payments.* Those eligible property owners as described in subsection (a) of this section may choose to defer the principal payments of their sanitary sewer assessment, and only be required to pay annually the appropriate interest charge after applying to the water pollution control authority of the town for approval of a plan of payment. The outstanding balance of principal deferred under such optional method of payment shall become due upon any transfer of title to the property subject to such assessment or upon the death of such property owner. Any such optional method of payment shall be subject to annual review by the authority.

(c) *Date of application for deferral.* The water pollution control authority of the municipality shall accept applications for principal payment deferrals between the dates of January 1 and May 15 of each year.

(d) *Authority.* Authority for the establishment of this section is G.S. § 7-253a.
(Code 1967, § 8-16)

Secs. 86-32—86-50. Reserved.**DIVISION 2. WATER POLLUTION CONTROL AUTHORITY****Sec. 86-51. Established; designated.**

(a) The town hereby establishes a water pollution control authority in accordance with the provisions of G.S. ch. 103.

(b) The water pollution control authority shall be the town council.
(Code 1967, § 8-16.1)

Sec. 86-52. Powers and duties.

(a) *Generally.* The water pollution control authority shall have all those powers conferred by law, including those powers enumerated in G.S. ch. 103, on sewer authorities, including the power to establish and revise rules and regulations for the supervision, management, control, operation and use of a sewerage system, including rules and regulations prohibiting or regulating the discharge into a sewerage system of any sewage or any storm water runoff which, in the opinion of the water pollution control authority, will adversely affect any part or any process of the sewerage system.

(b) *Department of public works.* The department of public works shall, in accordance with the Charter and the General Statutes, and subject to the limitations of this section, have the control, management and supervision of the sanitary sewerage system, or portions of appurtenances thereof, now or hereafter owned or operated by the town and the water pollution control authority.

(c) *Personnel.* The water pollution control authority shall have the power to engage the services of engineers, bond counsel, other legal and fiscal advisors and such other qualified technical personnel as may be necessary to plan and construct the sewerage system.

(d) *Annual budget.* The water pollution control authority shall annually have prepared a budget setting forth estimated revenues and proposed expenditures at the same time, in the same form, and in the same manner for inclusion in the manager's budget as all other town offices, boards and commissions now or may hereafter be required to submit their budgets to such manager.

(e) *Accounting.* All accounting books and records for the water pollution control authority shall be kept and maintained by the same personnel who are responsible for keeping and maintaining the

accounting records of the town, and such records shall be subject to the annual audit of the town as required by law.

(Code 1967, § 8-16.2)

Sec. 86-53. Authority to take land.

The water pollution control authority or its agents may enter upon and take and hold by purchase, condemnation or otherwise the whole or any part of any real property or interest therein which it determines is necessary or desirable for use in connection with any sewerage system.

(Code 1967, § 8-16.3)

Sec. 86-54. Authority to take over other systems.

The water pollution control authority is authorized to take over and operate, upon approval of both parties, and make part of any sewerage system of the town the whole or part of any existing private sewerage system and to contract with the owner thereof for proper compensation or allowance therefor in money or otherwise.

(Code 1967, § 8-16.4)

Sec. 86-55. Opening public grounds for construction.

The water pollution control authority is authorized to open the ground and to excavate in any streets, highways and public grounds, for the purpose of building, laying down, sinking and repairing such pipes, conduits, drains or sewers as may be required in connection with the sewerage system with the town.

(Code 1967, § 8-16.5)

Sec. 86-56. Authority to enter property served.

The water pollution control authority or its agents may, at all reasonable times, and upon written notice, enter all premises connected with such sewerage system, to examine the pipes, drains and fixtures thereon and order repair of the same to prevent waste.

(Code 1967, § 8-16.6)

Sec. 86-57. Malicious damage to property.

Any person who willfully, wantonly or maliciously destroys or injures any pipe, conduit, machinery, embankment, masonry, building or structure, or other property held, owned or used by the town or for the purposes of this article in connection with such sewerage system, or commits any nuisance therein, shall be liable to the town in treble damages therefor, and shall be fined not more than \$100.00 or imprisoned not more than 30 days, or both.

(Code 1967, § 8-16.7)

Secs. 86-58—86-80. Reserved.

DIVISION 3. INSTALLATION,
MAINTENANCE AND USE OF SANITARY
SEWERS

Subdivision I. In General

Sec. 86-81. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in parts per million by weight.

Building drain means the 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 means the extension from the building drain to the public sewer or other place of disposal.

Combined sewer means a sewer receiving both surface runoff and sewage.

Easement means a right held by one person to make use of the land of another.

Facilities means physical structures; to include (but not be limited to) sewers, manholes, pumping stations and treatment works.

Floatable oil means any vegetable, mineral or synthetic liquid substance having a specific gravity less than water.

Garbage means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial wastes means the liquid wastes for industrial processes, as distinct from sanitary sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Person means a human being, body of persons, corporation, partnership or other legal entity recognized by law as the subject of rights and duties.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter solution.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

Sanitary sewer means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Shall is mandatory; may is permissive.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Solution solids means 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.

Storm sewer or storm drain means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Superintendent means the director of public works of the town or his designated agent.

Suspended solids means a measure of the material present in suspension in the sewage. Suspended solids are determined by filtering a sample and weighing the material filtered from the sample.

Unpolluted water means water which, after chemical analysis, is determined to be acceptable for direct discharge to any river, stream or ground water application without violating state water quality standards.

Wastewater means a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

Wastewater facilities means all physical structures relating to sewage collection and treatment.

Watercourse means a channel in which a flow of water occurs continuously or intermittently. (Code 1967, § 8-17)

Sec. 86-82. Discharge of untreated wastes, etc., into natural outlets.

(a) It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this article.

(b) The discharge of any waters to storm sewers or natural outlets requires an NPDES permit from the state commissioner of environmental protection.

(c) Any dischargers of industrial or commercial wastewater other than domestic sewage that have not first obtained the necessary permit from the state commissioner of environmental protection pursuant to G.S. 22a-430, are restricted from discharging to the sewer.

(Code 1967, § 8-18)

Sec. 86-83. Construction or maintenance of privies, cesspools, etc.

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.

(Code 1967, § 8-19)

Sec. 86-84. Deposition excrement, etc., upon property.

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.

(Code 1967, § 8-20)

Sec. 86-85. Abutting owners required to connect with sewer.

The owner of all new construction houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the town and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the town 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 provisions of this article within 90 days after the date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

(Code 1967, § 8-21)

Sec. 86-86. Private sewage disposal.

Where a public sanitary sewer is not available under the provisions of section 86-85, the building sewer shall be connected to a private sewage disposal system complying with the provisions of the Public Health Code of the State of Connecticut and the Sanitary Code of the North Central District Health Department.

(Code 1967, § 8-22)

Sec. 86-87. Maintenance of sanitary sewers.

(a) *Public sewers.* Public sewers will be maintained by the department of public works and said maintenance shall include cleaning, flushing and rodding as required and such necessary reconstruction as deemed necessary by the director.

(b) *Building sewers.* Building sewers will be owned and maintained by the property owner. Said maintenance shall include cleaning, flushing and rodding as required to ensure proper flow through the building sewer and such reconstruction as needed. Should reconstruction or repair of the building sewer necessitate excavation, the following procedure shall be followed:

- (1) The property owner shall notify the department of public works of the blockage and arrangements will be made to inspect the problem in conjunction with the property owner's plumber.
- (2) If during the investigation it is determined that the blockage is on private property and requires excavation, the property owner shall be so informed and shall be responsible for completion of the repairs.
- (3) If during the investigation it is determined that the blockage is within the town's right-of-way, the department of pub-

lic work shall accomplish the necessary work to ensure that proper safeguards are provided in roadway construction.

(Code 1967, § 8-26.1)

Sec. 86-88. Protection from accidental discharge.

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. The department of public works may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities.

(b) Within five days following an accidental discharge, the user shall submit to the department of public works, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the water pollution control facilities, fish kills, aquatic plants, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees are advised of the emergency notification procedure.

(Code 1967, § 8-33.1)

Sec. 86-89. Powers and authority of inspectors.

(a) The department of public works and other duly authorized employees of the town bearing proper authorization and identification shall be permitted to enter upon all properties at any reasonable time for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

(b) The superintendent shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewer or waterways or facilities for wastes treatment.

(c) The superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company.

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

(Code 1967, § 8-34)

Sec. 86-90. Penalties.

(a) Any person found to be violating any provision of this division shall be served by the town with written notice stating the nature of the violation and providing a 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 therein shall be guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in section 1-13.

(c) Any person violating any of the provisions of this article shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation.

(d) Each day in which any such violation shall continue shall be deemed a separate offense.

(Code 1967, § 8-35)

Secs. 86-91—86-110. Reserved.*Subdivision II. Building Sewers and Connections***Sec. 86-111. Generally.**

(a) *Permit required to connect with public sewers, change character of discharge, etc.* No 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 department of public works. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the department of public works at least 45 days prior to the proposed change or connection.

(b) *Classes of permits; applications for permits; fees.* There shall be two classes of building sewer permits: (i) For residential and commercial service, and (ii) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a form furnished by the town. The permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the department of public works. A permit and inspection fee of \$25.00 for a residential building sewer permit and \$100.00 for an industrial building sewer permit or commercial building sewer permit shall be paid to the town at the time the application is filed.

(c) *Opening streets to make connections.* Only authorized persons shall open any highway or public ground for the purpose of making any sewer connection, or make or cause to be made any connections, except through the connection branches provided for that purpose.

(d) *Costs of installation; town indemnified.* All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(e) *Separate for each building required; exception.* A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(f) *Sources of surface runoff or groundwater.* No person shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
(Code 1967, § 8-23)

Sec. 86-112. Standards of work and specifications of material.

(a) *Old sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the department of public works, to meet all the requirements of this article.

(b) *Pipes.* The building sewer shall be cast-iron soil pipe, ASTM specifications (A74-12) or equal; polyvinyl chloride (PVC) pipe, ASTM specification (D-3034-SDR35); or other suitable material approved by the department of public works. Joints shall be tight and waterproof. If installed in fill or unstable ground, the building sewer shall be of cast-iron soil pipe, except that PVC pipe may be accepted if laid on a concrete bed or cradled, as approved by the department of public works.

(c) *Size and slope of sewer.* The size and slope of the building sewer shall be subject to the approval of the department of public works, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall not be less than one-eighth inch per foot.

(d) *Elevation of sewer into building; low drains.* The sanitary sewer will be brought into the building at an elevation of the floor line not less than two inches above the basement floor. Any deviations from this shall be subject to the approval of

the department of public works. In all building in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(e) *Excavations; backfill.* All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the department of public works. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-58T), except that no backfill shall be placed until the work has been inspected.

(f) *Joints generally.* All joints and connections shall be made gastight and watertight. Premolded gasket joints shall utilize materials having resilient properties. Joints using materials having resilient properties shall conform to ASTM specification (C425-60T) and shall be Type I or III.

(g) *Connections generally.* The connection of the building sewer into the public sewer shall be made at the "Y" branch if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the department of public works. Where the public sewer is greater than 12 inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A 45-degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at least eight inches below the crown of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by complete encasement in concrete. Special fittings may be used for the connection only when approved by the department of public works.
(Code 1967, § 8-24; Ord. No. 02-2, § 8-24, 9-3-2002)

Sec. 86-113. Notice to inspect; supervision of work.

The applicant for the building sewer permit shall notify the department of public works when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the department of public works or its representative.
(Code 1967, § 8-25)

Sec. 86-114. Excavations to be guarded.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. Temporary bridges shall be installed over trenches when deemed necessary, in the judgment of the department of public works, to provide convenient public travel.
(Code 1967, § 8-26)

Secs. 86-115—86-130. Reserved.

Subdivision III. Use of Public Sewers

Sec. 86-131. Discharges into sanitary sewers generally.

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or unpolluted industrial process waters to any sanitary sewers.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the department of public works. Industrial unpolluted process water may be discharged, upon approval of the department of public works, to a storm sewer or natural outlet.

(c) The discharge of any waters to storm sewers or natural outlets requires an NPDES permit from the state commissioner of environmental protection.
(Code 1967, § 8-27; Ord. No. 02-2, § 8-27, 9-3-2002)

Sec. 86-132. Specific waters and wastes.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
- (2) Any water or waste which may contain more than 100 parts per million by weight of fat, oil or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (4) Any garbage that has not been properly shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (7) Any waters or wastes containing a toxic or poisonous substance 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 sewage treatment plant; such toxic or poisonous substances shall include but are not limited to cyanides, copper, zinc, nickel, iron, chromium, lead, tin, silver, mercury or salts thereof in concentration of pollutants in excess of the following limits:

| <i>Pollutant</i> | <i>Concentration Parts per Million (mg/l)</i> |
|------------------|---|
| Arsenic as As | 0.05 |
| Barium as Ba | 5.0 |
| Boron as B | 5.0 |

| <i>Pollutant</i> | <i>Concentration Parts per Million (mg/l)</i> |
|------------------------------|---|
| Cyanides as CN (amenable) | 0.1 |
| Fluoride as F | 20.0 |
| Chromium (total) | 1.0 |
| Chromium (Cr +6) | 0.1 |
| Magnesium as Mg | 100.0 |
| Manganese as Mn | 5.0 |
| Copper as Cu | 1.0 |
| Zinc as Zn | 1.0 |
| Cadmium | 0.1 |
| Lead | 0.1 |
| Tin | 2.0 |
| Silver | 0.1 |
| Mercury | 0.01 |
| Nickel | 1.0 |

Note: All metals are to be measured as total metals.

- (8) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- (9) Any waters or wastes containing phenols or other odor-producing or taste-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

- (10) Discharge or cause to be discharged into the public sanitary sewer, either directly or indirectly, any overflow by draining from manure pits, cesspools or other receptacles storing organic wastes.
 - (11) Connect with the public sanitary sewers either directly or indirectly, any steam, exhausts, boiler blowoffs, sediment traps or pipes carrying hot circulating water.
 - (12) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with acceptable state or federal regulations.
 - (13) Materials creating an unusual volume of flow or concentration of wastes constituting slugs.
 - (14) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharges to the receiving waters.
- (Code 1967, § 8-28)

Sec. 86-133. Certain discharges subject to review; treatment.

(a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 86-132 and which, in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge;
- (3) Require control over the quantities and rates of discharge; and/or

- (4) Require payment to cover the added cost of handling and treating the wastes.

(b) If the superintendent permits the pretreatment or equalization of wastes flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances and laws.

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

(Code 1967, § 8-29)

Sec. 86-134. Measurements and tests.

(a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in section 86-89 and section 86-132 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for in section 86-137 or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(b) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

(c) All industries discharging into a public sewer shall perform such monitoring of their discharge as the department of public works and/or other duly authorized employees of the town may reasonably require, including the installation, use and maintenance of monitoring

equipment, keeping records, and reporting the results of such monitoring to the department of public works. Such records shall be made available upon request by the department of public works to other agencies having jurisdiction over discharges to the receiving waters.

(Code 1967, § 8-30)

Sec. 86-135. Special agreement for treatment of industrial wastes.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the department of public works and any industrial concern whereby an industrial waste of unusual strength or character may be inspected by the town for treatment, subject to payment therefore by the industrial concern, provided that such agreements do not contravene any requirements of federal laws and are compatible with any user charge and industrial cost recovery system in effect.

(Code 1967, § 8-31)

Sec. 86-136. Grease, oil and sand interceptors.

(a) Grease, oil and sand interceptors shall be provided in all drains from garages, filling stations, restaurants, car washes, and cleaning establishments. All interceptors shall be of a type and capacity approved by the department of public works and the director of health and shall be located as to be readily and easily accessible for cleaning and inspection. External interceptors (grease traps) shall be provided at all locations of new building construction. Interceptors (grease traps) shall be provided on all kitchen waste lines serving restaurants and food service establishments. The capacity of grease traps shall be determined by a professional engineer licensed to practice by the state, complying with the requirements of section 86-132, utilizing best available control technology (BACT). They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Effluent discharged from the grease trap shall be directed to the building sewer serving the establishment. The building sewer effluent shall not exceed the requirements of section 86-132. Per-

sons who propose systems within the scope of this subsection shall submit plans prepared by a professional engineer licensed to practice by the state, for such systems to the public works department and local director of health for review and approval. All approved systems shall be inspected during construction by the public works department. Persons constructing approved systems will provide a record drawing of the system, as built, to the public works department and the local director of health prior to receiving a certificate of occupancy from the town.

(b) The requirement for an external interceptor (grease trap) may be waived by the Water Pollution Control Authority (WPCA) for existing buildings where there is a proposed change of use or alternation to accommodate a restaurant or food service establishment, provided that the person proposing the change demonstrates to the satisfaction of the WPCA that the installation of an external grease trap would be unfeasible and/or would cause an undo hardship in the utilization of the building as a restaurant or food service establishment. The person seeking the waiver shall submit a written request to the director of the department of public works and the director of the health district for authorization to use an internal component utilizing BACT. The written request shall include sufficient technical data provided operation, and maintenance. The director of the public works department and the director of the health district shall jointly present to the WPCA a report of their review of the requested waiver. In the event such a waiver is granted, the provisions of section 86-132 shall be complied with, either by usage of an internal grease trap system, modification of food preparation procedures, service modifications or other means as approved by the WPCA. Granted waivers shall be valid only for the use proposed by the applicant and the waiver shall be nontransferable. The waiver be rendered null and void in the event of the transfer of ownership of the restaurant or food service establishment or any change in the methods of operation. Where installed, all grease, oil, and sand interceptors shall be maintained by, and at the expense of, the owner. The interceptor shall be in continuously efficient operation at all times. The owner shall maintain a service contract for the

interceptor and a copy of the contract shall be submitted annually to the director of the department of health. Failure to comply with any provisions of this ordinance shall result in the revocation of any permit for operation of a restaurant or food service establishment, or any waiver of the external grease trap requirement.

(Code 1967, § 8-32; Ord. No. 02-2, § 8-32, 9-3-2002)

Sec. 86-137. Control manhole.

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

(Code 1967, § 8-33)

Secs. 86-138—86-160. Reserved.

DIVISION 4. CHARGES

Subdivision I. In General

Secs. 86-161—86-180. Reserved.

Subdivision II. Connections

Sec. 86-181. Established.

The water pollution control authority shall establish a one-time connection charge for recovering a portion of the cost of the sanitary sewer system constructed since 1965 including trunk sewers, lateral sewers, pump stations and force mains. Persons seeking sewer service shall be liable for such charge which shall be payable in full upon the issuance of a building permit for the property to be served. That portion of properties already assessed shall not be liable for a connection charge. This charge is intended to recover the portion of capital costs not recovered from benefit

assessments. The revenues from this charge shall be used for system-wide expansion, rehabilitation and replacement. No benefit assessment shall be levied for sewers constructed prior to September 27, 1983. In no event shall the total of benefit assessments and connection charges exceed the total net cost of constructing said sewers.

(Code 1967, § 8-40)

Sec. 86-182. Amount of charge.

The amount of the connection charge shall be determined as follows:

- (1) *Residential property:*
 - a. On residential property serviced by sanitary sewers installed by the town after 1965, \$13.50 per front foot, subject to adjustments for irregular, corner and rear lots and other allowances reflected in the rules of assessment adopted as part of Resolution No. 545, approved February 13, 1969.
 - b. On residential property serviced by sanitary sewers installed by a developer after 1965, \$3.50 per front foot, subject to adjustments for irregular, corner and rear lots and other allowances reflected in the rules of assessment adopted as part of Resolution No. 545, approved February 13, 1969.
 - c. In addition to the foregoing charge, \$350.00 per unit for apartment or condominium complexes.
- (2) *Commercial property:*
 - a. On commercial property serviced by sanitary sewers installed by the town after 1965, the greater of \$500.00 per acre or \$13.50 per front foot, subject to adjustments for irregular, corner and rear lots and other allowances reflected in the rules of assessment adopted as part of Resolution No. 545, approved February 13, 1969.
 - b. On commercial property serviced by sanitary sewers installed by a developer after 1965, the greater of \$500.00 per acre or \$3.50 per front foot, subject to adjustments for irregular, cor-

ner and rear lots and other allowances reflected in the rules of assessment adopted as part of Resolution No. 545, approved February 13, 1969.

- c. In addition to the foregoing charge, \$200.00 per unit for hotels or motels.

(3) *Industrial property:*

- a. On industrial property serviced by sanitary sewers installed by the town after 1965, the greater of \$700.00 per acre or \$13.50 per front foot, subject to adjustments for irregular, corner and rear lots and other allowances reflected in the rules of assessment adopted as part of Resolution No. 545, approved February 13, 1969.
- b. On industrial property serviced by sanitary sewers installed by a developer after 1965, the greater of \$700.00 per acre or \$3.50 per front foot, subject to adjustments for irregular, corner and rear lots and other allowances reflected in the rules of assessment adopted as part of Resolution No. 545, approved February 13, 1969.

(Code 1967, § 8-41)

Sec. 86-183. Developer's credit.

To the extent a developer is required by the water pollution control authority to install trunk or other sewer pipe to or through such developer's property of a size exceeding the size needed to service such property, the excess cost resulting from such requirement, as determined by the water pollution control authority, may be deducted from the connection charge.

(Code 1967, § 8-42)

Sec. 86-184. Enforcement and lien.

Any charge for connection with a sewerage system, not paid within 30 days of the due date, shall thereupon be delinquent and shall bear interest from the due date at the rate and in the manner provided by the General Statutes for delinquent property taxes. Each addition of interest shall be collectible as a part of such connection

or use charge. Any such unpaid connection charge shall constitute a lien upon the real estate against which such charge was levied from the date it became delinquent. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as a lien for property taxes.

(Code 1967, § 8-43)

State law reference—Similar provisions, G.S. § 7-258.

Secs. 86-185—86-200. Reserved.

Subdivision III. Sewer Use

Sec. 86-201. Fair and reasonable charge for operation and maintenance of system.

The water pollution control authority shall establish and regulate a sewer use charge, which will be a fair and reasonable charge for the operation and maintenance of the town sewerage system and comply with the established federal guidelines for such.

(Code 1967, § 8-36)

Sec. 86-202. User classifications.

There will be three basic classifications of user for purpose of this regulation.

- (1) *Industrial and commercial users.* Industrial and commercial users are any user of the sewerage system that discharges more than 25,000 gallons per day (gpd) of sanitary waste, or a volume of process waste or combined process and sanitary waste equivalent to 25,000 gpd of sanitary waste.
- (2) *Nontaxed users.* Nontaxed users are users which pay no ad valorem taxes or receive substantial credits in paying such taxes, such as tax-exempt institutions, but excluding publicly owned facilities performing local governmental functions (e.g., city office buildings, police stations, schools), which discharge solely domestic wastes.

- (3) *Residential and small nonresidential users.* Residential users, including single-family and multifamily dwellings, and small nonresidential users, including nonresidential commercial and industrial users which introduce no more than the equivalent of 25,000 gallons per day of domestic sanitary wastes to the treatment works.

(Code 1967, § 8-37)

Sec. 86-203. Levying of sewer use charge.

The water pollution control authority shall levy yearly a use charge for operation and maintenance of the town sewerage system by user classification in the manner described below, and the revenues from this levy shall be used to offset said operation and maintenance costs. The authority shall follow the procedures for establishing and revising this charge as outlined in G.S. ch. 103.

- (1) *Industrial users.* Each year prior to April 1 the water pollution control authority will determine the annual use charge rate (R) in dollars-per-thousand-gallons of sewage treated by the following formula:

$$R = \frac{CB}{WT}$$

where CB equals the current budget cost of operation and maintenance of the water pollution control department in dollars, and WT equals the number of gallons of wastewater treated over the past one-year period as recorded at the water pollution control plant in thousands of gallons.

Having established, by use of water records, flow monitoring and testing or other accepted procedures, that a specific user falls within the industrial classification, the use charge billing for that user will be computed by multiplying the yearly volume of sewage from the user by the established use charge rate (R).

For purposes of these regulations, when the yearly volume of sewage is to be computed from water consumption records,

a factor of 80 percent of the water consumed yearly will be allocated to sewage discharge.

- (2) *Nontax users.* In a similar manner to the industrial users above, the annual use charge rate (R) will be computed yearly and bills developed by multiplying this rate times the yearly volume of sewage from the individual user. In the event that water consumption records are not available, and a flow monitoring is not possible, an estimate of the user's yearly discharge will be developed for the initial billing. This billing can then be modified by the user's presenting water company records reflecting the actual yearly consumption.

- (3) *Residential and small nonresidential users.* An ad valorem tax will be used to recover sufficient revenues from the residential and small nonresidential class in the following manner. On the date, as outlined by the Charter, that the town council adopts the town budget and fixes the tax rate in mills to support that budget, the operation and maintenance budget for the water pollution control facilities will also be approved. Income from user charges against industrial and nontaxed users will be deducted from the budgeted total, and the remaining funds will be raised by an ad valorem mill rate against an adjusted grand list of taxable property, that list being adjusted by the subtraction of the industrial users' assessed valuations. Each ad valorem tax bill will thus reflect both a general mill rate and dollar value and a use charge mill rate and dollar value for water pollution control operation and maintenance.

(Code 1967, § 8-38)

Sec. 86-204. Collection and payment.

- (a) Sewer user charges shall be billed annually through the department of finance and shall be paid in full within a period of 30 days after same is declared due and payable, unless otherwise stated on the billing form.

(b) Any charge for the use of a sewerage system, not paid within 30 days of the due date, shall thereupon be delinquent and shall bear interest from the due date at the rate and in the manner provided by the General Statutes for delinquent property taxes. Each addition of interest shall be collectible as a part of such connection or use charge. Any such unpaid use charge shall constitute a lien upon the real estate against which such charge was levied from the date it became delinquent. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as a lien for property taxes.

(Code 1967, § 8-39)

State law references—Similar provisions, G.S. § 7-258; delinquent taxes, interest, G.S. §§ 12-145, 12-146.