

LOCAL LAW NO. 13-1979
CHAUTAUQUA COUNTY

North Chautauqua Lake Sewer District County of Chautauqua, New York

A Local Law Regulating the Use of Public and Private Sewers and Drains, Private Sewage Disposal, Installation and Connection of Building Laterals, and the Discharge of Waters and Wastes into the Public Sewer System; and Providing Penalties for Violation Thereof; in the North Chautauqua Lake Sewer District, County of Chautauqua, State of New York

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York as follows:

ARTICLE I
Definitions

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

SECTION 101. "A.S.T.M." Shall mean American Society for Testing and Materials.

SECTION 102 "BOD" (denoting Biochemical Oxygen Demand" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in (5) days at 20 ° C., expressed in milligrams per liter. The laboratory determinations shall be made in accordance with standard methods.

SECTION 103. "Board" shall mean the North Chautauqua Lake Sewer District Board of Directors or its authorized deputy, agent, or representative.

SECTION 104. "Builder" shall mean any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.

SECTION 105. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

SECTION 106. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

SECTION 107. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

SECTION 108. "Contractor" shall mean any person, firm, or corporation approved by the Board to do work in the District.

SECTION 109. "County" Shall mean the County of Chautauqua.

SECTION 110. "Developer" shall mean any person, persons, or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

SECTION 111. "District" shall mean the North Chautauqua Lake Sewer District, Chautauqua County, New York.

SECTION 112. "Engineer" shall mean the Professional Engineer retained by the North Chautauqua Lake Sewer District.

SECTION 113. "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

SECTION 114. "Industrial Wastes" shall mean liquids, gaseous or solid substance or a combination thereof resulting from any process of industry, manufacturing trade or business or from the development or recovery of any natural resources.

SECTION 115. "N.Y.S.D.E.C." shall mean New York State Department of Environmental Conservation.

SECTION 116. "Natural Outlet" shall mean any sewer outlet that would ultimately reach a watercourse, pond, ditch, lake or other body of surface or ground water.

SECTION 117. "Owner" shall mean any individual, firm, company, association, society, person, or group having title to real property.

SECTION 118. "Person" shall mean individual, firm, company, association, society, corporation, or group.

SECTION 119. "pH" shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

SECTION 120. POTW's shall mean Publicly Owned Treatment Works.

SECTION 121. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has 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 1/2 inch in any dimension.

SECTION 122. "Property Line" shall mean the boundary of the street if the building sewer is to connect with the public sewer in a public street. "Property Line" shall mean the edge of a permanent sewer right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.

SECTION 123. "Public Sewer" shall mean a sewer which all owners or abutting properties have equal rights, and is controlled by public authority.

SECTION 124. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SECTION 125. "Septic Tank Waste" shall mean a combination of the liquefied and water carried waste from residential, commercial, industrial, and institutional septic system, collected and transported by scavenger tank truck operators.

SECTION 126. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm water as may be present.

SECTION 127. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

SECTION 128. "Sewage Works" shall mean all facilities for collection, pumping, treating, and disposing of sewage.

SECTION 129. "Sewer" shall mean a pipe or conduit for carrying sewage.

SECTION 130. "Shall" is mandatory; "May" is permissive.

SECTION 131. *Significant Industrial User* – any user who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the municipality's wastewater system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or (iv) has been identified as one of the 21 industrial categories pursuant to Section 307 of the Act or (v) is found by the municipality to have significant impact, either singly or in combination with other contributing industries, or the treatment of collection system.

SECTION 132. "Slug" shall mean any discharge of water, wastewater or industrial waste which in connection of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of wastewater treatment systems.

SECTION 133. Standard Dimension Ratio (SDR) is the ratio of the nominal diameter to the wall thickness of a pipe.

SECTION 134. "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

SECTION 135. "State Plumbing Code" shall mean the New York State Building Construction Code applicable to plumbing, including all amendments.

SECTION 136. "Storm Sewer" or "Storm Drain" shall mean a pipe or conduit which carried storm and surface waters and drainage, but excludes sewage and industrial wastes.

SECTION 137. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering. The laboratory determination shall be made in accordance with "Standard Methods."

SECTION 138. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II Use of Public Sewers Required

SECTION 201. The owner of any real property which generates sewage and which abuts on any street or right of way in which a public sanitary sewer is located is hereby required at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this local law, within six (6) months after the date of official notice to do so. The time within which such connection must be made may be extended by the Board for good cause shown, but in no event may such extension be more than an additional six (6) months. Nothing in this section shall be construed to prevent connection by properties not hereby required to become connected.

ARTICLE III Private Sewage Disposal

SECTION 301. Private Sewage Disposal within the District shall conform to the requirements of the Chautauqua County Health Department and the requirement of the New York State Department of Environmental Conservation, dealing with septic tank installations. Septic tank wastes may be discharged into the Districts Sewage Treatment Plant by obtaining a permit from the Board.

SECTION 302. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 201, a direct connection shall be made to the public sewer in compliance with this local law, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

SECTION 303. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the New York State Department of Environmental Conservation or Chautauqua County Health Department.

ARTICLE IV Building Sewer Connections and Fees

SECTION 401. 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 Board this permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new changed operation. Industrial users shall apply for a

permit modifications if production or process is changed so that the wastewater characteristics or flow is altered.

SECTION 402. The Owner or his agent shall make application for a building sewer connection on a special form furnished by the Board. The permit application shall be supplemented by any plans, specifications, as built plans, or other information considered pertinent in the judgement of the Board.

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 Board from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 403. A separate and independent building sewer shall be provided for every building; except private collection systems in place prior to September of 1979 can continue to be used if these systems meet all requirements of this ordinance and 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. Where building sewers are to serve multiple dwelling structures, there shall be provided at least one (1) separate building sewer for each group of four (4) living units.

SECTION 404. Existing building sewers may be used in connection with new building only when they are found, on examination and test by the Board, to meet all requirements of this Local Law.

SECTION 405. The building sewer shall be tar-coated, extra heavy cast iron soil pipe, conforming to ASTM Specification A74 or Polyvinyl Chloride (PVC) pipe conforming to ASTM D-3034 providing a minimum SDR Ratio of 35 and a minimum pipe stiffness of 46 to 5 percent deflection. (Schedule 40 P.V.C. Pipe) Joints shall be tight and waterproof.

SECTION 406. The size and slope of the building sewer shall be subject to the approval of the Board, but in no event shall the diameter be less than four (4) inches, nor shall the slope of the pipe be less than one-quarter (1/4) inch per foot unless permission is granted by the Board. In any case, the slope of the pipe shall not be less than one-eighth (1/8) inch per foot.

SECTION 407. Whenever possible, the building sewer shall be brought to the building at any elevation below the basement floor. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from fronts, but in no event shall be less than three (3) feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plus, or other approved means.

SECTION 408. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer.

SECTION 409. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Board. Pipe laying and backfill shall be performed in accordance with Sections 3 through 6 of ASTM Specification C12 except that no backfill shall be placed until the work has been inspected by the Board.

SECTION 410. All joins and connections shall be made gastight and watertight. No Portland Cement Motar joints will be permitted. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe material shall be made with special adaptors and joint materials approved by the Board.

Pre-molded gasket joints for hub and plain end cast iron pipe and P.V.C. pipe shall be used with a neoprene compression-type gasket which provides a positive double seal in the assembled joint. The gasket shall be a pre-molded, one-piece unit, designed for joining the pipe and plain end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub itself. Lubricant shall be a bland, flax-base, non-toxic material and shall not chemically attack the gasket material.

SECTION 411. The connection of the building sewer into a public sewer shall be made at the location of the lateral connection provided by the District or directly to the sanitary sewer as directed by the Board in individual circumstances. The Owner shall indemnify the Board from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the Board.

SECTION 412. The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Board, or its representatives.

When trenches are opened for the laying of building sewer pipes, such installations shall be inspected by the Board before the pipes are covered; and the person performing such work shall notify the Board when the installation of the building sewer is completed. The covering of a pipe before inspection is made will subject the person to whom a permit is issued to penalties under Article IX of this law and the installation will not be approved for use until it is uncovered and inspected by the Board.

SECTION 413. 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 Board.

SECTION 414. When any building sewer is to serve a school, hospital, or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Board, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building

sewer shall be connected to the public sewer through a manhole. The Board shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Board. IF required, a new manhole shall be installed in the public sewer pursuant to Section 504, and the building sewer connection made thereto as directed by the Board.

SECTION 415. Where it is determined by the District that the leakage rate for a building sewer in the areas served by sewers prior to 1979 is in excess of 38 gallons per inch of diameter per 100 feet of sewer per 24 hours, the owner of the building sewer shall bear all expense for the repair of said sewer from the public sewer property line to the building.

ARTICLE V Sewer Extensions

SECTION 501. All extensions to the sanitary sewer system owned and maintained by the Board shall be properly designed in accordance with and in strict conformance with all requirements of the New York State Department of Environmental Conservation, Plans and specifications for sewer extensions shall be submitted to, and approval obtained from the new York State Department of Environmental Conservation or County Health Department before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

SECTION 502. Sewer extensions shall be governed by the procedures set forth in Article 5-A of the County Law. Sewer extensions, including individual public sewers to connect to building owners at the property line, maybe constructed by the Board under public contract if, in the opinion of the Board, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for an install the building sewer from the property line to his residence or place of business in accordance with the requirements of Article IC. Property owners may propose sewer extensions within the District by drafting a written petition, signed by a majority of the benefiting property owners and filing it with the Board. The cost of such extension may be assessed to the benefited property owners pursuant to applicable law.

SECTION 503. If the Board does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved in accordance with the requirements of Section 501. Application for approval of the extension must be by the Board, not the private developers. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Section 504. The installation f the sewer extension must be subject to periodic inspection by the Engineer and the expenses for this inspection shall be paid for by the owner, builder, or developer. The Engineer's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in Section 505 before it is to be used.

SECTION 504. Main line sewer design shall be in accordance with the following provisions. Pipe material shall be asbestos-cement conforming to ASTM Sepcifications C-428, Type II; or extra strength vitrified clay conforming to ASTM Specification C-425 and C-700; or

polyvinyl chloride pipe conforming to ASTM Specification D-3034. Minimum internal pipe diameter shall be eight (8) inches. Joints for each type of pipe, shall be designed and manufactured such that "O" rings gaskets of the "snap on" type are employed. Gaskets shall be continuous, solid neoprene and shall provide a positive compression seal in the assembled joint such that the requirements of Section 505 are met. Wye branch fittings shall be installed for connection to building sewers in accordance with Section 403.

Pipe thicknesses and field strengths shall be calculated using the following criteria:

Safety factor	1.5
Load factor	1.5
Weight of Soil	120 lbs. per cu. ft.
Wheel loading	16,000 lbs.

The transition width shall be used in conjunction with the above to compute pipe class for asbestos cement and vitrified clay. PVC pipe shall have wall thicknesses equal to or greater than those provided by an SDR ratio of .35.

Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers".

Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet. The manholes shall have a precast minimum 4 foot diameter concrete manhole barrel section with an eccentric tapered top section and a base section as specified by ASTM C-478. The manhole frame and cover shall be the standard design of the District and shall be set with no less than two courses of brick underneath to allow for later adjustment in elevation. All joints shall be sealed with "O" rings against infiltration.

SECTION 505. All sewer extensions shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the Board. This test consists of filling the pipe with water to provide a head of at least five (5) feet above the top of the pipe or five (5) feet above groundwater, whichever is higher, at the highest point of the pipe line under test, and then measuring the loss of water from the line by the amount of which must be added to maintain the original level. In this test, the line must remain filled with water for at least twenty-four (24) hours prior to the taking of measurements. Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end, or in one of the sewer manholes available for convenient measuring.

When a standpipe and plug arrangement is used in the upper manhole of the line under test, there must be some positive method of releasing entrapped air in the sewer prior to taking measurements. The test length intervals for either type of test shall be as ordered or approved but in no event shall they exceed 1,000 feet. In the case of sewer laid on steep grades, the length of line to be tested by exfiltration at any one time may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the line. The test period, wherein the measurements are taken, shall not be less than two (2) hours in either type of test.

The total leakage of any section tested shall not exceed the rate of 100 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. For purposes of determining the maximum allowable leakage, manholes shall be considered as sections of 48-inch diameter pipe, five (5) feet long. The equivalent leakage allowance shall be 4.5 gallons per manhole per 24 hours, for 48-inch diameter manholes. If leakage exceeds the specified amount, the necessary repairs or replacements required shall be made to permanently reduce the leakage to within the specified limit, and the test shall be repeated until the leakage requirement is met.

Other forms of sewer testing may be permitted subject to the approval of the Engineer and NYSDEC Standards.

SECTION 506. All sewer extensions constructed at the property owner's, builder's or developer's expense, after final approval and acceptance by the Engineer, shall become the property of the District and shall thereafter be maintained by the District. Said sewers, after their acceptance by the district shall be guaranteed against defects in materials or workmanship for eighteen (18) months. The guarantee shall be in a form provided for by the District. At the sole discretion of the District a completion bond or other security may be demanded as part of the guarantee.

SECTION 507. No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the District unless a suitable and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers. Approval shall be by the Chautauqua County Health Department.

ARTICLE VI Use of the Public Sewers

SECTION 601. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

SECTION 602. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a watercourse approved by the Board. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Board, to a storm sewer, or nature outlet. Subject to DEC and the United States Environmental Protection agencies (E.P.A.) approval.

SECTION 603. Except as hereinafter provided, no person shall discharge or cause to be discharged, any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the clean water act, any criteria, guidelines, or regulations affecting sludge use of disposal development pursuant to the Soil Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used or any of the following described waters or wastes to any public sewer:

(a) Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C) or in such quantities that the temperature at the treatment plan exceeds 40° C (104° F).

(b) Any waters or wastes which contain grease or oil or other substance that will solidify or becomes discernibly viscous at temperatures between 32 and 150 degrees.

(c) Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, exceeding an average of 100 Mg/liter or other soluble matter.

(d) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(e) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide, nitrous oxide or other substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repairs.

(f) Any garage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Board.

(g) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.

(h) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalis must be neutralized, at all times, within a permissible pH range of 5.5 to 9.5.

(i) Any cyanides, in excess of 2 mg/1 by weight as CN

(j) Any radioactive wastes or isotopes of such half-life or concentration was may exceed limits established by the Board in compliance with State or Federal Regulations.

(k) Any waters or wastes that for a duration of 15 minutes have a concentration greater than 5 times that of "normal" sewage as measured by suspended solids and B.O.D. and/or which is discharged continuously at a rate exceeding 1,0000 gallons per minute except by special permit. Normal sewage shall be construed to fall within the following ranges:

<i>Constituents</i>	<i>Permissible Range (mg/1)</i>
Suspended Solids	180 to 350
B.O.D.	140 to 300
Chlorine Requirements	5 to 20

(l) Any storm water, roof drains, spring water, cistern or tank overflow, footing drain, discharge from any water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge or effluent from any air conditioning machine or refrigeration unit.

(m) No person shall discharge or cause to be discharged 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 or the effluent of any sewage treatment facility to which the District's sewage collection system is tributary. Such toxic substance shall be limited to the average concentrations listed hereinafter in the sewage as it arrives at the treatment plant and at no times shall the hourly concentration at the sewage treatment plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control by the Board in volume and concentration of wastes discharged.

*Effluent
Concentration Limit mg/L*

<i>Parameter</i>	
Cadium	0.4
Hex. Chromium	0.2
Total Chromium	4.0
Copper	0.8
Lead	0.2
Mercury	0.2
Nickel	4.0
Zinc	1.2
Arsenic	0.2
Available Chlorine	50.0
Cyanide-free	0.4
Cyanide-complex	1.6
Selenium	0.2
Sulfide	6.0
Barium	4.0
Manganese	4.0
Gold	0.2
Silver	0.2
Fluorides –	
To Fresh Water	4.0*
To Saline Water	36.0
Phenol	4.0

*May be multiplied by a factor of 1.5, if the potable water supply is *not* fluoridated.

The above limits shall be superceded by the New York State Department of Environmental Conservation and United States Environmental Protection Agencies Standards when these limits are established.

(n) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

SECTION 604. Grease, oil and sand interceptors shall be provided when the above set limits for those substances are exceeded or when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

SECTION 605. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times and shall be readily and accessible and open to inspection by the board at any time.

SECTION 606. The admission into the public sewers of any waters of wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300 mg/1 by weight, or (b) containing more than 350 mg/1 of suspended solids, or (c) containing more than 20 mg/1 of chlorine demand, or (d) containing any quantity of substances having the characteristics described in Section 603, or (e) having an average daily flow greater than 2% of the average daily sewage flow of the District shall be subject to the review and approval of the Engineer. Where necessary, in the opinion of the Engineer, the Owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the Biochemical Oxygen Demand to 300 mg/1 and the suspended solids to 350 mg/1 by weight or (2) reduce the chlorine demand to 20 mg/1 or (3) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 603, or (4) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer and of the Department of Environmental Conservation of the State of New York, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Engineer will constitute a violation of this local law.

SECTION 607. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

SECTION 608. When required by the District or if identified as a significant industrial user, the Owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole 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 District. The manhole shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. All discharges are prohibited which are in excess of the allowed limits as

determined by the National Pretreatment standards developed by E.P.A. 40 CFR 405 including all amendments.

SECTION 609. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made the Section 603 and 606, shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", or National Pretreatment standards developed by E.P.A., 40 CFR 403 including all amendments upon suitable samples taken at control manhole provided for in Section 608. 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.

SECTION 610. All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary sewage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Sewage", published by the American Public Health Association. However, alternative methods for analysis of industrial wastes may be used subject to mutual agreement between the Board and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a 24 hour period. However, more frequent and longer periods may be required at the discretion of the Board. All procedures described in this paragraph shall be at the expense of the producer of the wastes.

ARTICLE VII Protection from Damage

SECTION 701. No 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's sewerage works.

SECTION 702. A Contractor must present a certificate of insurance showing suitable liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or private sewage disposal.

ARTICLE VIII

SECTION 801. The Board, the Engineer, and their agents shall be permitted to enter upon all properties for the purpose of inspection, measurement, sampling and testing. The failure of the owner of real property or the person in possession of real property to admit the Board, the Engineer or their agents, at appropriate times and upon appropriate notice – considering the gravity and immediacy of the circumstances for which entry is required, shall constitute presumptive evidence of a violation of the local law.

ARTICLE IX
Penalties and Recovery of Damages

SECTION 901. The continued violation of any provision of any section or concurrent violation of different sections of this local law shall constitute separate offenses for each and every day such violation of any provisions hereof shall continue and for each and every section violated.

SECTION 902. Any person or owner who willfully, knowingly or recklessly fails to comply with the provisions of this local law shall be guilty of a misdemeanor and shall be subject to a sentence of imprisonment for up to one year and to a fine of up to One Thousand Dollars (\$1,000.00) for each violation.

SECTION 903. The board may assess a civil penalty of up to Two Hundred Fifty Dollars (\$250.00) for each violation against any person or owner who fails to comply with the provisions of this local law and may bring suit in the name of the district in a court of competent jurisdiction to enforce said penalty.

SECTION 904. The board may bring suit in the name of the district in a court of competent jurisdiction against any person or owner who fails to comply with the provisions of this local law for any legal or equitable relief including an injunction and a suit for actual money damages.

SECTION 905. In any suit brought by the board under Sections 903 and 904 hereof, the district shall be entitled to recover attorney fees, engineers fees and other costs to the district of ascertaining violations of this local law and enforcing the rights of the district and penalties hereunder.

SECTION 906. The board may disconnect a building sewer at its connection with the sanitary sewer and plug in the building sewer when the discharge from the building sewer threatens district personnel or the facilities, or processes of the sewage works.

SECTION 907. The remedies under this article may be used singly, concurrently and sequentially in any combination and the use of one remedy shall not exclude the exercise of any other remedy hereunder.

ARTICLE X
Conflict with Local Laws

SECTION 10.01 All local laws or parts of local laws in conflict herewith are hereby repealed.

SECTION 10.02 If any clause, sentence, paragraph, subdivision, section or other part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement, decree or order shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgement, decree or order shall have

been rendered, and to this end the provisions of each section of this local law are hereby declared to be severable.

ARTICLE XI
Local Law in Force

SECTION 11.01 This law shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

SECTION 11.02 Passed and adopted by the Chautauqua County Legislature, Mayville, State of New York on the 24th day of October, 1979.

Adopted by Legislature: 10/24/79
Adopted as Local Law: 13-79

R/C Vote: 25 Yes