

## Chapter 88: SEWERS

### ARTICLE I INDIVIDUAL DISPOSAL SYSTEMS

#### § 88-01. Legislative intent.

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern the construction and maintenance of Individual Disposal Systems within the Village in order to insure that they are properly constructed and maintained as required by New York State Laws and Orange County Department of Health Standards.

#### § 88-02. Approval required.

No new or replacement septic tank, seepage pit, tile field, pipe or other means for the disposal or discharge of sewage or sink wastes shall be installed anywhere in the Village of South Blooming Grove except as herein provided, notwithstanding any discharge approval or plan approval which may have been granted by county, state or federal governments.

#### § 88-03. Application for approvals.

##### A. Construction plans.

- (1) No installation of any septic tank, seepage pit, tile field, pipe or other means for the disposal or discharge of trade wastes, industrial wastes, sewage, excreta, kitchen wastes, sink wastes or laundry wastes shall be begun, nor shall the construction or erection of any structure intended for human occupancy be commenced, until an application, on forms supplied by the Village Engineer, design plans, including plans for a reserve area permitting a 50% expansion of the system, and drawings showing the intended location of the sewage disposal system proposed to be used shall have been prepared and certified by a professional engineer licensed in the State of New York and filed with the Village Engineer. No work shall be begun until the Village Engineer, who shall note this approval on the applicant's copy, approves the drawings and application.
- (2) Minor repairs or replacement of components in an otherwise properly operating disposal system may be permitted by the Village Engineer without certified plans, provided that such repair or replacement may be accomplished without adversely affecting proper operation of the sewage disposal system.
- (3) An Application fee to be determined from time to time by resolution of the Village Board shall be paid to the Village Engineer at the time of the filing of the application. No building permit shall be issued until the Village Engineer has approved for construction an application and plans for the sewage disposal system.
- (4) An applicant may appeal an adverse determination of the Village Engineer by applying for a waiver from the County Department of Health.

**B. As-built plans.** Plans accurately depicting the construction of any and all sanitary sewer improvement shall be provided to the Village prior to the issuance of a Certificate of Compliance. The as-built plans shall accurately depict the actual constructed field conditions and provide sufficient dimensions and measurements to accurately locate each sewer system feature. As-built for multi-lot subdivisions with a central sewer collection system must be provided prior to dedication of the roadway and include measurements to the connection point with the main sewer line, along with measurements to accurately locate all sewer line cleanouts in the field. Each individual plot plan to be submitted for the house Certificate of Occupancy shall include the measurements from the house to the sewer line clean-outs and connection point to the sewer line. For homes with on-lot wastewater disposal systems, an accurate drawing of all the septic system components including the septic tank, distribution boxes and ends of the laterals shall be provided. For on-lot wastewater disposal systems, a

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certification letter from a licensed New York State Engineer shall also be provided indicating that the system has been reviewed by the engineer and found to be in substantial conformance with the approved plans and note any minor modifications and the reason for those modifications.

- C. **After a sewage disposal system** is completely installed, as-built plans prepared, certified and sealed by a professional engineer licensed in the State of New York shall be submitted to the Village Engineer for approval. No sewage disposal system shall be put into use until the Village Engineer has issued a certificate of compliance approving the as-built plans.
- D. **Definition: As-Built Plans** are, as the name implies, detailed drawings of improvements to a site, normally following new construction, structure improvement, or infrastructure completion. Plans are required by the Village to verify compliance with design engineering.

### § 88-04. General duties of the Village Engineer.

It shall be the general duty of the Village Engineer:

- A. To promptly investigate the proposed installation and approve or disapprove the application; and, if approved, to so note on the original and applicant's copy and issue said permit to applicant, which permit shall be prominently displayed on or near the work site.
- B. To see that the provisions of this article are observed.
- C. After final inspection of the site and approval of the as-built plans, to note approval on the original and on the applicant's copy of the permit.

### § 88-05. Distances.

- A. The minimum separation distances from wastewater sources shall be in accordance with the New York State Sanitary Code.
- B. In the case of an existing lot not adjoining any vacant lot in the same ownership, an applicant may apply to the Orange County Department of Health for a waiver of the above referenced separation distance requirements.

### § 88-06. Exposure of sewage.

No person, firm or corporation either as owner, lessee or tenant of any property, dwelling, building or place shall construct or maintain any seepage pit, septic tank, sewage disposal system, pipe or drain so as to expose or discharge the contents or other liquid or matter therefrom to the atmosphere or on the surface of the ground or so as to endanger any source of drinking water, nor shall any such person, firm or corporation discharge into any watercourse, storm drain or body of water any sewage or sewage effluent from a seepage pit, septic tank, sewage disposal system, pipe or drain, except as permitted under the provisions of the Public Health Law or Environmental Conservation Law.

### § 88-07. Sewage disposal by water carriage method.

- A. The water carriage system is a system of piping through which all sewage and domestic liquid wastes are conveyed by the flow of water from the point or origin in a place of human habitation to the point of disposal.
- B. All such sewage disposal systems shall be installed in accordance with the requirements of the Department of Health.

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- C. The plans will be examined on the basis of the sewage flows referenced in the New York State Department of Health Handbook for Individual Households, NYSDEC Design Standards for Wastewater Works and/or accepted engineering design standards to determine the estimated sewer flows for the intended use.
- D. No septic tank shall be installed unless it is sized in conformance with the appropriate NYSDOH Standards.
- E. Metal septic tanks are prohibited.
- F. Any materials used in septic tank construction other than concrete shall be of similar structural strength and working operation and shall require the approval of the Village Engineer.
- G. Where wastes contain oil, such wastes shall first pass through an approved oil separator and shall be properly sized and regularly maintained to prohibit fats, oils greases or similar materials from being discharged to the wastewater system and placed at an easily accessible location.
- H. All Sanitary plumbing shall be in conformance with the New York State Building and Plumbing Code, the New York State Department of Health and New York State Department of Environmental Conservation requirements.

### **§ 88-08. Soil tests.**

All soil testing shall be performed in compliance with the New York State and Orange County Department of Health requirements, whichever are more stringent, and certified by a New York State Professional Engineer.

### **§ 88-09. Subsurface tile field systems, Seepage pit, and Other types of water carriage disposal systems.**

All on-lot wastewater disposal systems shall be designed and certified by a New York State Professional Engineer in conformance with the applicable New York State and Orange County Department of Health, New York State Department of Environmental Conservation and NYS Uniform Fire prevention and Building Code requirements.

### **§ 88-10. Non-water carriage sewage disposal.**

- A. Nonwater carriage disposal is defined as a device for the disposal of human excreta in a pit of the earth where water carriage systems of disposal cannot be provided.
- B. Privies shall be permitted for temporary use in construction work; and, this article shall not affect all privies in existence at the time of the adoption of this article so long as they do not constitute a public or private nuisance or any form of health menace.
- C. Other types of nonwater carriage sewage disposal systems may be permitted, subject to the provisions of § 88-2, and provided that a waiver is obtained from the State or County Department of Health.

### **§ 88-11. Construal.**

Nothing contained in this article shall be construed to permit the installation or maintenance of disposal facilities, which are or may become a nuisance. Upon completion of a sewage disposal system, an as-built drawing shall be prepared and submitted to the Village Engineer.

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### **§ 88-12. Repairs and Maintenance of Existing facilities.**

The repair, maintenance, inspection, connection, disconnection, hook up, cleaning of an individual sewerage disposal system or any other work is the responsibility of the property owner. In the event of the property owner's failure to repair, maintain, connect, disconnect, hook up or clean, the Village may undertake the necessary work and charge all expenses to the property owner. The Village Board shall establish by resolution fees for Village repair, maintenance, connection, disconnection, hook up, cleaning or other work on said individual sewerage disposal system to be paid by the property owner.

### **§ 88-13. Existing facilities.**

The Village Engineer may at any time by inspection determine that existing sewage disposal facilities on a property are inadequate or do not function properly, or that there is not available an adequate supply of water for use in connection therewith. In such cases, the Village Engineer shall notify the owner of said premises, in writing, of such fact, and a copy of such notice shall be sent to the Village Clerk. Upon receipt of such notice, it shall be the duty of the owner to make application within 10 days, to the Village Engineer for a permit for reconstruction or alteration to be completed within 30 days after receipt of said notice. Unless such required reconstruction or alteration shall have been completed within the 30 days, it shall be unlawful and improper to use said premises for human occupancy until such required reconstruction or alterations shall have been completed, inspected and approved, as for new installations. The fee for reconstruction or alteration permits shall be the same as that for new installations.

### **§ 88-14. Penalties for offenses.**

- A.** Any violation of this article either by the occupancy of a structure without a duly authorized certificate of approval or by the installation or use of a septic tank, seepage pit or discharge pipe, without compliance with the terms and provisions aforesaid or failure to comply with any notice, directive or order of the Village Engineer, or any other violation of any terms and provisions of this article is hereby declared to be a misdemeanor and shall render the owner of the land whereon the same was installed, the occupant of said land, the person so installing the same or any other person who performs work thereon in violation of this article punishable by imprisonment not exceeding 15 days and/or a fine not to exceed the sum of \$1,000
- B.** Each week's continued violation after notice thereof shall constitute a separate additional violation.

### **§ 88-15. Remedies.**

In the event of any violation of this article, the Village Board shall have the right to maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction, the violation of this article, notwithstanding that this article provides for penalties and other punishment for such violation.

### **§ 88-16. Enforcement by Village Board.**

The Village Board or its representatives including the Village Engineer, Building Inspector and Code Enforcement Officer shall be responsible for enforcing the provisions of this article and such rules, regulations, specifications and requirements as are promulgated pursuant to this article.

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### **§ 88-17. Judicial review.**

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

### **§ 88-18. Application.**

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local health authority having jurisdiction.

### **§ 88-19. Supersession of other laws.**

This chapter supersedes, and is in derogation of, Chapter 188 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange to regulate or control county sewer district facilities, or equipment located within the Village of South Blooming Grove.

### **§ 88-20. Authority.**

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

### **§ 88-21. Repeal.**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

### **§ 88-22. Effective Date.**

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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## **ARTICLE II SEWER RENTS**

### **§ 88-23. Legislative intent.**

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern the sewer district that was conveyed to the village from the Town of Blooming Grove, as a function of New York State Village Law, on January 1, 2008. The Town of Blooming Grove created and governed this district under Town Law Section 209-f for many years prior to the incorporation of the Village and the Village Board wishes to continue these vital services to the residents of this district. It is the intent of the Village Board of the Village of South Blooming Grove to establish and impose sewer rents to pay for the cost of operation and maintenance of the sewage treatment facilities utilized by the Village Sewer District (also known as Consolidated Sewer District No. 1) in the Village of South Blooming Grove based upon the user's actual use of those facilities.

### **§ 88-24. Definitions.**

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

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**OPERATION AND MAINTENANCE** — Activities required to assure the dependable and economical function of the sewage treatment facilities. The term "operation and maintenance" includes replacement. Operation maintenance costs include annual charges imposed by Orange County Sewer District No. 1 pursuant to the Moodna Intermunicipal Agreement of 1978 or any superseding agreement.

**REPLACEMENT** — Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed.

**SEWAGE TREATMENT FACILITIES** — Those capital improvements for the collection, transport, treatment and discharge of sewage which have been constructed for or whose use has been contracted for the benefit of properties within the Village Sewer District (also known as Consolidated Sewer District No. 1).

**SEWER RENTS** — A scale of annual charges established and imposed by the Village Board for the use of sewage treatment facilities.

**UNITS OF USE** — The quantity of usage of the sewage treatment facilities determined by the Village Board to be attributable to different classifications of property within the Village Sewer District (also known as Consolidated Sewer District No. 1).

**USER** — Any owner of real property within the district who is depositing or is required to deposit sewage into the district's facilities.

### § 88-25. Sewer rents established and imposed.

There are hereby-established sewer rents for the use of the sewage treatment facilities of Village Sewer District (also known as Consolidated Sewer District No. 1). No person possessing, owning, occupying, leasing or using any property within the district shall discharge any sewage, water or anything whatsoever into the sewage treatment facilities of the district unless the sewer rents attributable to that property have been paid. Violation of this provision shall be a misdemeanor.

### § 88-26. Basis of the charges.

The basis of the charges for sewer rents shall be the following schedule of units of use:

| <b>Schedule of Units of Use</b>  |                            |
|--|----------------------------|
|  | <b>Number of<br/>Units</b> |
| <b>Single-family dwelling</b>  | 1                          |
| <b>Two-family dwelling</b>   | 2                          |
| <b>Dwelling with office/home occupation</b>  | 2                          |
| <b>Commercial establishments— five or fewer occupants (occupant means owner, manager or employees)</b> | 1                          |
| <b>For each additional 5 occupants or part thereof</b>   | 1                          |
| <b>Apartment / Condo / Townhouse unit</b>  | 1                          |
| <b>Restaurant:</b>   |                            |
| <b>20 seats or less</b>  | 3                          |
| <b>21 seats to 75 seats</b>  | 6                          |
| <b>75 seats to 100 seats</b>   | 8                          |

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### (More than 100 seats will be determined by the Village Board with the guidance of the Village Engineer)

Note: if the intended use is not defined, the Village Board may amend the Schedule of Units of Use from time to time. The Village Board may request the Village Engineer to provide a recommendation as to the number of sewer units after completing a survey and that a future use may be assessed.

#### § 88-27. Extraneous flows.

The cost of all flows not directly attributable to users shall be distributed among all users in the sewer district in the same manner that the costs of operation and maintenance are distributed among all users in the sewer district for their actual use. Any increased costs associated with the management of effluent and/or sludge and any treatment works caused by the discharge of toxic pollutants shall be paid for by those users discharging the toxic pollutants.

#### § 88-28. Sewer rents; annual charges.

The annual charge for sewer rents for a user shall be the total annual operation and maintenance budget (O&M) divided by the total number of units of use (TU) multiplied by the numbers of units of use (UU) attributable to the user; i.e.:

$$\text{Annual charge} = \frac{O + M}{TU} \times UU$$

#### § 88-29. Review of sewer rent charges.

The Village shall review the sewer rent charges for the calendar year 2008 and not less often than once every year thereafter. The review shall consist of an analysis of the total cost of operation and maintenance of the sewage treatment facilities and the wastewater contribution of the users and user classes. Based on that review, the Village Board shall revise, if necessary, the sewer rent charges to accomplish the following:

- A. Generate sufficient revenue to pay the total operation and maintenance costs necessary to effect the proper operation and maintenance of the treatment facilities;
- B. Maintain the proportionate distribution of operation and maintenance costs among users and user classes as attributable to actual use; and
- C. Determine the application of any excess revenue collected to either the reductions of the next year's charges or the establishment of the capital reserve fund to be used for contingencies, replacement or necessary improvement.

#### § 88-30. Payment date.

- A. Sewer rents shall be payable and collected in equal quarterly payments in advance, on the first day of each and every January, April, July and October.
- B. Each user shall be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges, which are attributable to wastewater treatment services.

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### **§ 88-31. Payment of sewer rents; penalties for late payment.**

Sewer rents may be paid at any time within 30 days from the date they become due without penalty. In the event that the sewer rents are not paid within 30 days, a penalty of 10% shall be added. An additional penalty of 10% shall be added to any sewer rents remaining unpaid 30 days after the date when the next quarterly payment is due. Such penalties shall constitute additional sewer rents.

### **§ 88-32. Penalties for offenses.**

Any violation of this article is punishable pursuant to the provisions of § 88-86 and § 88-87 of Article III, Use Regulations, of this chapter.

### **§ 88-33. Sewer rents to be a lien.**

Sewer rents shall constitute a lien upon the real property to which they are attributable. The lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof.

### **§ 88-34. Collection of unpaid sewer rents.**

The Village Board shall annually cause a statement to be prepared setting forth the amount of each lien for sewer rents in arrears, the real property affected thereby and the name of the person in whose name such real property is assessed. Such statement shall be presented to the board or body empowered to levy Village taxes, on or before a date to be specified by such board or body. Such board or body shall levy the amounts contained in such statement against the real property liable at the same time and in the same manner as Village taxes, and such amounts shall be set forth in a separate column in the annual tax rolls. The amounts so levied shall be collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of Village taxes.

### **§ 88-35. Inconsistent agreement.**

This sewer rent article shall take precedence over any terms or conditions of agreements or contracts between the Village and users (including industrial users, special districts, other municipalities or federal agencies or installations), which are inconsistent with the requirements of federal regulations now pertaining.

### **§ 88-36. Enforcement by Village Board.**

The Village Board or its representatives including the Village Engineer, Building Inspector and Code Enforcement Officer shall be responsible for enforcing the provisions of this article and such rules, regulations, specifications and requirements as are promulgated pursuant to this article.

### **§ 88-37. Judicial review.**

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

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### **§ 88-38. Application.**

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local health authority having jurisdiction.

### **§ 88-39. Supersession of other laws.**

This chapter supersedes, and is in derogation of, Chapter 188 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange to regulate or control county sewer district facilities, or equipment located within the Village of South Blooming Grove.

### **§ 88-40. Authority.**

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

### **§ 88-41. Repeal.**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

### **§ 88-42. Effective Date.**

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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## **ARTICLE III SEWER USE REGULATIONS**

### **§ 88-43. Legislative Intent.**

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern the sewer district that was conveyed to the village from the Town of Blooming Grove, as a function of New York State Village Law, on January 1, 2008. The Town of Blooming Grove created and governed these districts under Town Law Section 209-f for many years prior to the incorporation of the Village and the Village Board wishes to continue these vital services to the residents of these districts. This article shall be known as the Village of South Blooming Grove "Sewer Local Law Regulating the Use of Public and Private Sewers in the Village of South Blooming Grove, Orange County, New York."

### **§ 88-44. Short title.**

The short title of the article shall be known as the "Sewer Use Local Law."

### **§ 88-45. Purpose.**

The purpose of this article is to protect the public health and environment and prevent nuisances by:

- A.** Providing for maximum efficiency and effectiveness in the construction, operation and

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maintenance of the Village's sewer system.

- B. Regulating all connections to, discharges to and usage of the Village's sewer system.
- C. Requiring treatment, prior to introduction into the sewer system and other sewers tributary thereto of such wastes as may be harmful to the physical structure of the system or disruptive of the normal treatment process.
- D. Requiring connection to and use of the sewer system;
- E. Prohibiting the introduction into the sewer system and other sewers tributary thereto of such wastes who's flammable, poisonous or hazardous volume or inordinate rate of flow may be harmful or disruptive to the system, its operation and maintenance or its operation and maintenance personnel.
- F. Providing for the efficient and effective use of disposal systems not owned by the Village by regulating their construction, operation and maintenance.

### § 88-46. Definitions.

#### A. As used in this article:

- (1) Words in the masculine gender also include the feminine and neuter genders;
- (2) Words in the singular also include the plural; and
- (3) Words in the plural include the singular.

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

**ASTM** — The American Society for Testing and Materials.

**BOD (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. (68°F.) expressed in parts per million (ppm) or milligrams per liter (mg/l).

**BUILDING DRAIN** — That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of any building and conveys such discharge to the building sewers beginning three feet outside of the outer face of the building wall.

**BUILDING SEWER** — That part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a sewer. The materials used to connect the building sewer to the Village's sewer shall be deemed part of the building sewer.

**COOLING WATER** — The water discharge from any system of condensation, air conditioning, cooling or refrigeration and carrying no contamination other than abnormal heat.

**DEPARTMENT OF HEALTH** — The Orange County Department of Health.

**DISPOSAL SYSTEM** — The entire system of sewers, treatment facilities and their appurtenances for collecting and treating sewage, industrial waste and other wastes.

**DRAINAGE DISCHARGES** — Stormwater surface runoff, groundwater, roof runoff and the like.

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

**INDUSTRIAL PROCESS WATERS OR PROCESS WATERS** — The waters which are ordinarily a constituent part of and are polluted by industrial wastes.

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**INDUSTRIAL WASTES** — Any liquid, gaseous, solid or other waste 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.

**INTERCEPTOR** — A device designated and installed so as to separate and retain deleterious, hazardous or undesirable matter such as grease, oil or sand from wastes.

**MUNICIPALITY** — The Village of South Blooming Grove, New York.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD** — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(B) and (C) of the Act (22 U.S.C. 1347), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

**NYSDEC** — The New York State Department of Environmental Conservation.

**OTHER WASTES** — Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals and all other discarded matter not sewage or industrial waste.

**pH** — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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

**POLLUTED** — The alteration of the biological, chemical, radiological or aesthetic integrity of water from the presence of sewage, industrial waste or other waste.

**PRIVATE** — When used as a modifier, shall mean those facilities not owned by the municipality or a public entity.

**PROPERLY SHREDDED GARBAGE** — Garbage that has been processed and treated according to Village regulations and standards and been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in Village sewers, with no particle greater than 1/2 inch in any dimension.

**PUBLIC** — Those facilities owned or operated by a sewage works corporation under the Transportation Corporation Law or by a governmental entity other than the municipality.

**RECEIVING WATERS** — A natural watercourse or any other body of surface or ground water into which treated or untreated sewage is discharged.

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

**SCAVENGER WASTES** — The human fecal matter collected from privies, septic tanks, cesspools, recreational vehicles and chemical toilets.

**SEWAGE** — The water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be inadvertently present.

**SEWER** — A pipe or conduit for carrying water-carried wastes.

**SEWAGE DISPOSAL SYSTEM** — The entire system of sewers, treatment facilities and their appurtenances for collecting and treating sewage.

**SEWER SYSTEM OR SEWER DISTRICT** — The entire system of sewers and their appurtenances for collecting sewage, industrial waste and other wastes.

**SLOPE** — The grade or pitch of a line of pipe in reference to a horizontal plane. In a drainage context it shall express the fall on a fraction of an inch per foot length of pipe.

**SLUG** — Any discharge of water, sewage or industrial waste which in concentration of any

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given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flow during normal operation.

**SPDES (STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM)** — The system established pursuant to Article 17 of the Environmental Conservation Law for the issuance of permits authorizing discharges to the waters of New York State.

**STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER** — The procedures published by the American Public Health Association, procedures established by the Administrator, pursuant to § 304(G) of the Act and contained in 40 CFR Part 136, and amendments thereto (if 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, then procedures set forth in EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, shall be used); any other procedure approved by the Administrator; or any other procedure approved by the Superintendent, whichever is the most conservative.

**STORM SEWER or STORM DRAIN** — A sewer, which is intended to carry only drainage discharges, not sewage, industrial wastes or other wastes.

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

**VILLAGE** — The Village of South Blooming Grove or the municipality. When used as a modifier "Village" or "municipality" shall mean those facilities and their appurtenances, which are owned and/or operated by the Village of South Blooming Grove.

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

**TREATMENT PLANT or SEWAGE TREATMENT PLANT** — Any arrangement of devices, structures and facilities used to treat or pump sewage, industrial wastes and/or other wastes.

**UNREASONABLE ADVERSE EFFECTS** — Any unreasonable risk of harm.

**USEPA** — The United States Environmental Protection Agency.

**WASTE** — Any discarded substance.

**WPCF** — The Water Pollution Control Federation.

C. When used herein this article, "shall" is mandatory; "may" is permissive.

### § 88-47. Deposit of wastes on public or private property prohibited.

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

### § 88-48. Discharge in storm sewers and outlets prohibited.

It shall be unlawful to discharge to any natural outlet or storm sewer under the jurisdiction of the Village any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

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### § 88-49. Connection to sewers required.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Village and abutting on any street, alley or right-of-way and are within 300 feet in which there is now located or may in the future be located a public sanitary sewer are hereby required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly to the proper public sewer, in accordance with the provisions of this article, within 90 days after date of official notice to do so.

### § 88-50. Types of discharge restricted.

No person shall discharge into the sewer system any waste, substance or waters other than such kinds or types of waters or water-carried wastes for the conveyance of which the particular public sewer is intended, designed or provided.

### § 88-51. Storm and related waters prohibited in sewers.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, air-conditioning and refrigerating waste waters or untreated industrial process waters to any sanitary sewer.

### § 88-52. Regulation of storm water drainage.

Storm water and all other unpolluted drainage or uncontaminated process water in excessive quantities shall be discharged to storm sewers or to a natural outlet. Such waters shall be discharged only after approval of any local, county or state regulatory agency having jurisdiction.

### § 88-53. Prohibited discharges into sewers.

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:

- A. Any liquid or vapor having a temperature higher than 150°F.
- B. Any water or waste which may contain more than 100 mg/l by weight of fat, oil, wax or grease or containing other substances which may solidify or become viscous at temperatures between 32°F. to 150°F.
- C. Any solids, liquids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the Village's sewage disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides and sulfides and any substance New York State or the EPA has determined to be a fire hazard or a hazard to sewage disposal systems.
- D. Any garbage, except properly shredded garbage. The installation and operation of garbage grinders shall be subject to the review and approval of the Village Board.
- E. Any ashes, cinders, stones, sand, mud, straw, shavings or sawdust, metal, sticks, coarse rubbish, glass, rags, tar, feathers, plastics, waste rubber, animal guts or tissues, entrails, blood, hair, hides, wood, paunch manure, or any other substance likely to damage, destroy or cause an obstruction to the flow in any sewer or which may interfere with the proper operation of the sewage works.
- F. Any waters, sewage or wastes having a pH lower than 6.0 or higher than 9.5, or having any

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other corrosive or detrimental properties capable of causing damage or hazard to the sewage works or personnel.

- G. Any waters or wastes containing a toxic, poisonous or radioactive substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans, animals or marine life or create any hazard in the receiving waters.
- H. Any noxious, malodorous or taste-producing gas, vapor or substance, such as phenols, capable of creating a public or private nuisance, or which may prove toxic to sewage treatment processes, or which may exceed acceptable limits for discharge to receiving waters.
- I. **Materials which exert or cause:**
  - (1) 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).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, suspended solids, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting slugs, as defined herein.
- J. 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 stipulated in the SPDES permit.

### § 88-54. Pretreatment requirements.

- 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 above and which 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 Village may:
  - (1) Reject the wastes.
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
  - (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 not covered by existing taxes or sewer charges.
- B. If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village and of any or all state regulatory agencies having jurisdiction, and no construction of such facilities shall be commenced until said approvals are obtained, in writing.
- C. The owner of such facility shall pay for all Village costs associated with the review and approval of pretreatment and/or equalization facilities, including all consulting engineering fees.

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### § 88-55. Determination of exclusion of wastes.

In determining whether any waste discharged or proposed to be discharged into any public sewer is to be excluded, consideration will be given to the quantity, time or times, rate and manner of discharge, dilution and character of the waste in question, the size of the sewer into which the waste is to be discharged, the probable quantity of sewage or other wastes likely in said sewer, and other pertinent facts. Minute quantities of a waste which would be objectionable in larger quantity may be accepted if sufficiently diluted when and as discharged, or if the quantity discharged is small as compared with the flow in the receiving sewer; but any permission to discharge minute quantities of an otherwise excluded waste shall be revocable at any time by the Village.

### § 88-56. Pretreatment facilities.

- A. At all premises where wastes or substances specified to be excluded from public sewers by these regulations are present and liable to be discharged directly or indirectly into said sewers, suitable and sufficient piping layouts, oil, grease, sand and flammable waste traps or separators, screens, settling tanks, diluting devices, storage or regulating chambers, treatment, cooling or other equipment and devices shall be provided. These shall be maintained and properly operated by the owner of the premises or his agent at his expense to ensure that no waste or substance is discharged in violation of the requirements of these regulations.
- B. On premises where wastes or substances specified to be excluded from public sewers are present, the Village may require the owner to provide, operate and maintain, at his expense, a sampling well or wells, flow measuring devices, manholes or other appurtenances, all readily accessible, on the building sewer or drain from said premises near the point where said sewer or drain connects to the public sewer. By means of said sampling well or wells, flow measuring devices or other appurtenances, the Village, or any public officer having legal jurisdiction or authorized agents, may secure samples of or examine the wastes being discharged into the public sewer for the purpose of determining compliance or noncompliance with the requirements of these regulations.
- C. The Village shall have the right to enter and inspect any part of the premises served by public sewers upon which there may be reason to believe that violations of the requirements of these regulations have occurred or are likely to occur, for the purpose of ascertaining the facts as to such violation or suspended violation, or of, obtaining samples of wastes, or of inspecting flow measuring devices or treatment facilities provided to prevent prohibited discharges.
- D. 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.

### § 88-57. Excluded wastes prohibited in storm sewers.

No wastewaters or substances, which are excluded from sanitary sewers, shall be discharged into any storm sewer.

### § 88-58. Standard of measurement.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with Standard Methods for the Examination of Water and Sewage.

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### **§ 88-59. Agreements concerning industrial wastes.**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore by the industrial concern.

### **§ 88-60. Permit required.**

A written permit shall be obtained from the Village Board before any connection, opening, uncovering, use, discharge, alteration or other disturbance of a Village sewer or its tributaries and appurtenances is made. The permit shall be displayed in a conspicuous place. Any work performed after issuance of a permit shall be in conformity with its terms and conditions and the provisions of this article.

### **§ 88-61. Permit application and application fee.**

- A.** The property owner shall apply for a permit on a form furnished by the Village Clerk and shall provide all information called for on the form.
- B.** An application fee, established pursuant to a schedule adopted by resolution of the Village Board, and by plans, specifications or other information considered pertinent by the Village Board, shall accompany the permit application.
- C.** All permit applications for service to establishments producing industrial wastes shall be subject to Village Board approval after a public hearing held upon 10 days' notice to the general public by publication in the Village's official newspaper.

### **§ 88-62. Disturbance of highways; additional permission required.**

No permit granted by the Village Board shall be construed to permit any interference or disturbance of any state or county or Village or village highway pavement, as the case may be in the municipality, or any excavation in any road, street or public place, unless the permit shall expressly so provide. No permit shall be granted for such interference or disturbance of said pavement or for the excavation for sewer purposes in any public street or public place unless the applicant shall have first obtained from the state or county or Village or village Highway Department, as the case may be, a permit therefore in accordance with the requirements of the Highway Department having jurisdiction. The applicant shall pay any permit fee, bonding or other expense in connection with the issuance of a permit for opening any street or pavement. No permit will be granted from December 1<sup>st</sup> to April 1<sup>st</sup>, or when the average outside temperature is below 32 degrees, excluding emergencies situations as so reviewed and approved by the Village Engineer and / or Building Inspector. No permit shall be deemed to authorize anything not stated in the application therefore.

### **§ 88-63. Permit fees and classes.**

A combined permit and inspection fee shall be paid to the Village before a permit is issued. Fees shall be established pursuant to a schedule adopted by resolution of the Village Board and may vary depending on whether the property served is residential, commercial or industrial and on whether the permit is for an original building sewer connection or some other purpose, such as connection to the Village's force main to the Orange County treatment facility.

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### **§ 88-64. Expenses; indemnification; contractor registration and insurance.**

- A.** All costs and expenses incidental to the installation and connection of the building sewer, including engineering and legal fees, shall be borne by the property owner.
- B.** Property owners who install their own building sewer lateral connection shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by said installation.
- C.** Any person working for fee (contractor) to make connections to the sewer system must register with the Village.
- D.** All registered contractors must have on file with the Village an owner's and contractor's protective liability insurance policy, in the name of the Village of South Blooming Grove in the following amounts: bodily injury \$1,000,000 each person and \$1,500,000 each accident; and property damage \$500,000.

### **§ 88-65. Separate building sewers.**

The drainage and plumbing system of each building shall have a separate and independent connection with the sewer wherever possible. Where one building stands in the rear of another or is on an interior lot and no connection to a sewer is available nor can be made through an adjoining alley, court, yard or driveway, then the building sewer from the building on the front of the lot may be extended to the building on the rear of the lot. This may be considered as one building sewer for permit and inspection fee purposes, but for sewer service charge or rent purposes, the number of connections shall be based upon the number of units being serviced.

### **§ 88-66. Existing building sewers.**

Existing building sewers may be used in conjunction with new buildings only when they are found, upon information and testing by the Village Board, wholly at the expense of the property owner, to meet all requirements of this article and any other laws, rules, regulations and specifications which apply.

### **§ 88-67. Maintenance and repair.**

The repair, maintenance, connection, disconnection, hook up, cleaning of a building sewer or any other work is the responsibility of the property owner. In the event of the property owner's failure to repair, maintain, connect, disconnect, hook up or clean, the Village may undertake the necessary work and charge all expenses to the property owner. The Village Board shall establish by resolution fees for Village repair, maintenance, connection, disconnection, hook up, cleaning or other work on said sewers to be paid by the property owner.

### **§ 88-68. Disconnections.**

- A.** Before any building with a building sewer is demolished, the owner thereof shall conform to requirements established by the Village Board, Village Engineer and / or Building Inspector. The cutoff or plugging of the building sewer shall be done only with the permission and under the supervision of the Board.

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- B. The Village, upon discovery of an illegal sewer connection or hook up, shall disconnect or unhook said sewer and charge all expenses, including costs, labor, engineering and legal fees, to the property owner.

### § 88-69. Future sewer facilities.

Improvements, enlargements and extensions by private organizations to the sewer system shall be subject to the approval of the Village Board with regard to design, construction and operation. Prior to the approval of the plans for improvements, enlargements and extensions, said private organizations shall deposit with the Village a sum sufficient to cover inspection costs. This sum shall be established pursuant to a schedule adopted by resolution of the Village Board, based on a percentage of the estimated costs of construction. Any unused balance of the deposits remaining after completion and acceptance of the construction shall be refunded.

### § 88-70. Construction inspection and approval.

The applicant for the connection of any building sewer to the sewer system shall notify the Village Board, or Village Engineer, Building Inspector, or other appointed or authorized representative to act on the Village Board's behalf, when the building sewer is ready for inspection and connection to the sewer. In no case shall any underground portions of the building sewer be covered or connection to the sewer made without the approval and/or supervision of the Village Board. The contractor or owner at no expense to the Village shall reopen trenches refilled prior to inspection. The building sewer may be put into use only after satisfactory final inspection has been made and approval given by the Board or agents thereof.

### § 88-71. Specific construction requirements.

- A. **Building sewers and water service branches** or connections shall not be laid in the same trench and shall be separated by at least 10 feet. A minimum 18 inches of vertical separation shall be maintained between water and sewer facilities under all circumstances with water higher than sewer. Any building sewer installation in the vicinity of any water main or water service pipe shall conform to all requirements of the Department of Health. Whenever the construction of sewer facilities is taking place in close proximity to a water service branch or connection, the Board may cause the work to be performed by the Village and bill the property owner for all expense.
- B. **The building sewer shall** be laid at a depth sufficient to afford protection from frost and at a uniform grade of 1/4 inch per foot (or about 2%). Special permission may be given by the Board to use a lesser grade, which in no case shall be less than 1/8 inch per foot (or about 1%).
- C. **No building sewer shall** be installed within three feet of and parallel to any bearing wall.
- D. **Pipe diameters.** No house sewer from the public sewer to the property lines shall be of a nominal diameter less than six inches. Inside the property line, the diameter of pipe shall be not less than four inches if existing lines are used, and not less than six inches for new lines.
- E. **Prohibited connections.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.
- F. **Pipe and joint specifications.** The building sewer shall be constructed using one of the following pipe materials: cast iron, ABS solid wall (acrylonitrile/butadiene/styrene) or PVC (polyvinyl chloride).

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- (1) **Cast-iron pipe.** All cast-iron pipes shall be extra-heavy wall conforming to ASTM Designation A-74, latest revision. Joints for cast-iron pipe and fittings with hubs and plain end spigots shall be made with positive double-seal compression-type gaskets, conforming to ASTM Designation C-564, latest revision. All hubless cast-iron pipe and fittings shall be joined with neoprene-rubber gaskets and screw-on stainless steel clamps. All parts of the clamping assembly shall bear the registered insignia indicating that these items comply with the Cast-Iron Soil Pipe Institute Standard 301, latest revision.
- (2) **ABS solid-wall pipe.** All ABS solid-wall pipe shall be made of a virgin rigid ABS plastic, conforming to ASTM Designation D-2751, latest revision. Pipe shall be Class SDR 23.5 (extra strength) or Class SDR 35. ABS solid-wall sewer pipe and fittings shall be furnished with solvent-cement joints, in which pipe solvent cements into a coupling socket to form the joint closure. Primer for solvent welding shall be a methyl ethyl ketone (MEK), and the cement shall be MEK containing a minimum of 20% by weight of dissolved ABS. Strict conformance with ASTM Designation F-902, latest revision, is required.
- (3) **PVC pipe.** All PVC pipe and fittings shall conform to ASTM Designation D-3034, latest revision, and shall have an SDR classification of 35.
- (4) **Special backfilling requirements** for Class SDR 35 pipe. All SDR 35 pipe shall be installed in accordance with the provisions of ASTM Designation D-2321, latest revision, underground installation of flexible thermoplastic sewer pipe. If requested by the Village, a compaction test may be required on each building sewer installed to ensure compliance with the requirements of ASTM Designation D-2321. The only exception will be when a contractor installs more than one building sewer in any one day. For those cases, one compaction test will be required on the first building sewer installed, with an additional compaction test required for each third building sewer installed thereafter. An independent laboratory previously approved by the Village will conduct the compaction testing. All compaction tests will be performed at the contractor's expense. In addition, the Village reserves the right to order additional compaction testing at random locations to further verify compliance with the compaction requirements.
- (5) **Pipe material and size transitions.** When a connection of two differing pipe materials and/or sizes is required, the drainlayer shall provide the Village's agents with catalog cuts of the proposed device used to join said pipes. The device shall be either a specialized adaptor or a flexible coupling, manufactured specifically for the joining of differing pipes. No such device shall be installed prior to the drainlayer's receipt of written approval from the district.
- (6) **Depth of pipes.** No asbestos-cement, PVC, ABS, cement lined ductile iron, PVC, HDPHE or other materials approved by the AWWA pipe shall be laid in a public highway or building driveway at a depth less than 48 inches. Pipes laid with less than 48 inches of cover shall be extra-heavy cast iron. All cast-iron pipes shall be covered to a depth of at least two feet, or one foot with Village approval, above the crown of the pipe with fine earth, entirely free from stones and rubbish and carefully compacted.
- (7) **Excavations, pipelaying, backfill specifications.** The size, slope, alignment, material of construction of a building sewer and the methods to be used in excavating and placing the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the Building and Plumbing Codes and all applicable rules and regulations. In the absence of code provisions, or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply. All excavations for building sewer installations shall be guarded with barricades and light so as to protect the public from hazard. Streets, sidewalks,

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parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village Board.

- (8) Connection to public sanitary sewer.** The connection of the building sewer into the public sanitary sewer shall be made at the Y-branch, if such branch is available at a suitable location. If the public sanitary 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 sanitary sewer at the location specified by the Village. Where the public sanitary 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 sanitary sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45°. A forty-five-degree elbow may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sanitary sewer. The invert of the building sewer at the high point of connection shall be at the same elevation as or higher than the invert of the public sanitary sewer. A smooth, neat, watertight joint shall be made. When a cut-in into a public sanitary sewer is necessary, the saddle shall be of the same material as the existing main or lateral. For example, when cutting into a cast-iron sanitary sewer, the appropriate cast-iron saddle shall be used. Similarly, when cutting into an ABS or PVC sewer line, a matching saddle shall be used. The only exception to this rule occurs when cutting into an existing asbestos-cement sanitary sewer. In this case, a cast-iron saddle may be used to make the building sewer connection. However, concrete encasement of the connection assembly is required in such an instance. The Board may use special fittings for the connection only after approval. No connections shall be made to manholes unless specifically approved, in writing, by the Village. Where the public sewer is located at an unusual depth, the connection to the public sewer shall be made as required by the Village. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. 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 into the building sewer. The cost thereof shall be borne by the owner. The term "approved means" signifies that the owner has submitted plans to the Board for lifting the sewage and has received written approval of such system. Cleanouts shall be installed on all building sewers so that the maximum distance between cleanouts is 75 feet. If the building sewer is less than 75 feet in length, no cleanout will be required. In those cases where the length of the building sewer is between 75 feet and 150 feet, the cleanout shall be installed at the midpoint of the sewer line. In addition, cleanouts will be required at all bends that equal or exceed 23°. Cleanouts shall be constructed using Campbell frame and cover No. 1735, or approved equal. Cleanout frames shall be set in a concrete base, 36 inches by three inches by eight inches thick.

### § 88-72. Connection to Village-owned force main.

- A. Application.** Any person wishing to connect to any force main shall make any application to the Village and provide all information required by the Village Engineer and/or Sewer Department. For an applicant who resides in areas not served by a district, the district will extend its mains or install necessary new mains and provide all additional improvements and facilities to be required therefor, provided that the necessary proceedings required by law have first been complied with. The Board will initiate such proceedings as are required on its part to make such service available. All connections to the force main shall be installed per the specifications and drawings accompanied with the application and provisions contained herein with all Village engineering review fees and costs for installation paid for by the applicant. Extensions to service must be in the public interest as determined by the Members of the Village Board. All applications must comply with Chapter 80 of the Village code.

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- B. Developers.** If a builder, developer or contractor desires to extend or install force mains, it shall be at his own cost, and such extension or installation shall be accomplished in accordance with the provisions hereof and to the approval of the Village Board. All such work shall conform to the latest specifications of the municipality and be subject to inspection at all phases of construction. Title to all such extensions, including force mains, meters, remote readers, pump houses and appurtenances, pumps and necessary easements shall be vested to the Village. Upon acceptance of any such work by the Village Board, and upon expiration of any required maintenance bond, the Village shall maintain the sewer system at the expense of the district.
- C. The Village reserves the right.** If a builder, developer or contractor desires to extend or install new force mains, it shall be at the builder, developer or contractor's expense, and the Village Board reserves the right to retain the Village engineer to design such extension, installation, or necessary improvement to the Village's Municipal Sewer System. All such expenses associated with the design the builder; developer, contractor, or applicant for such extension, installation, or necessary improvement to the Village's Municipal Sewer System will reimburse the Village for all expenses associated with the permitting, construction and inspection of such extension, installation, or necessary improvement. The extension, installation, or necessary improvement to the Village's Municipal Sewer System shall be accomplished in accordance with the provisions hereof and to the approval of the Village Board. All such work shall conform to the latest specifications of the municipality and be subject to inspection at all phases of construction. Title to all such extensions, including force mains, meters, remote readers, pump houses and appurtenances, pumps and necessary easements shall be vested to the Village. Upon acceptance of any such work by the Village Board, and upon expiration of any required maintenance bond, the Village shall maintain the Municipal Sewer System at the expense of the district.

### § 85-73. Specifications.

- A. Mains.** Mains shall be cement lined ductile iron, PVC, HDPHE or other materials approved by the AWWA and the Village, except for existing mains.
- B. Service pipes.** Except for existing pipes, service pipes shall be no less in size than 3/4 inch inside diameter if installed on and after the effective date of this article. Type K soft-tempered copper tubing meeting ASTM Specification B-88, year of latest revision and shall be used for all services up to and including two inches.
- C. Cover.** Mains and service pipes shall have a minimum cover of four feet.
- D. Applicability of State Uniform Fire Prevention and Building Code.** All other minimum requirements shall be as set forth in the New York State Uniform Fire Prevention and Building Code applicable to plumbing.

### § 88-74. Enforcement by Village Board.

The Village Board or its representatives including the Village Engineer, Building Inspector and Code Enforcement Officer shall be responsible for enforcing the provisions of this article and such rules, regulations, specifications and requirements as are promulgated pursuant to this article.

### § 88-75. Inspections.

- A.** The Village Board, USEPA, NYSDEC, New York State Department of Health and Orange County Health Department representatives, bearing proper identification, shall be permitted to

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enter, at reasonable times, upon all properties served by the Village's sewer system, or property served by a private sewage disposal system pursuant to this article, or other property over, under, on or through which the Village has an easement for the purpose of inspection, observation, measurement, sampling, inspecting and copying discharge records, testing, maintenance, construction, and, in general, for enforcement of the provisions of this article. All said parties shall have the right to set up such devices as are necessary to conduct sampling or metering operations.

- B. Where a party in possession of property has security measures in force, he shall make arrangements with his security personnel so that, upon presentation of proper identification, personnel from the Village, USEPA, NYSDEC, New York State Department of Health and Orange County Health Department will be permitted to enter without delay.

### § 88-76. Discovery of violation.

- A. Where a violation of the provisions of this article is found, the Board shall notify the alleged offender by personal service or by certified mail, return receipt requested, of the nature of the violation, prescribe a period of time not to exceed 30 days within which the specified violation must be corrected and provide for an opportunity to be heard within the prescribed period.
- B. If the violation is not corrected within the period specified in said notice, the Board may take action pursuant to the provisions of §§ 88-71 and 88-72 of this article.
- C. Upon a failure or refusal to make the correction, and in addition to any other remedies or penalties provided for in this article, the Board shall have the right to disconnect any improper connection from the sewer at the end of the time limit specified in this section, and the offender shall be liable to the Village for the expense of making such disconnection.

### § 88-77. Summary abatement.

- A. Notwithstanding any inconsistent provisions of this article, whenever the Board finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in his judgment, presents an imminent danger to the public health, safety or welfare or to the environment or is likely to result in irreversible or irreparable damage to the sewage disposal system or the environment and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the Board may, without prior hearing, order such user by notice, in writing, wherever practicable, or in such other form as practices are intended to be prescribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency order, the Board may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed 15 days, the Board shall provide the user an opportunity to be heard, in accordance with the provisions of this article.
- B. The Members of the Village Board, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of the Board's duties to protect the public health, safety or welfare or preserve the sewage disposal system.

### § 88-78. Modification, revocation or suspension.

- A. The Village Board may modify, revoke or suspend a permit or approval granted under this article when the modification, revocation or suspension is required by or consistent with a decision issued in an action instituted pursuant to §§ 88-71 and 88-72.

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- B.** The Village Board may modify, revoke or suspend, without notice or opportunity to be heard, a permit or approval granted under this article when to do so is necessary to protect the Village's disposal system, the public health or the environment from unreasonable adverse effects, provided that a hearing upon prior notice is held within three days after the modification, revocation or suspension.

### **§ 88-79. Changes in standards of professional organizations.**

No changes made in the standards of professional or industrial organizations referred to in this article, such as the American Society of Testing Materials and the Water Environment Federation, shall be effective under this article unless and until the changes are adopted by the Board. This clause shall exclude Standard Methods for the Examination of Water and Wastewater.

### **§ 88-80. Report of obstructions.**

Persons must report to the Village Engineer, Building Inspector or Code Enforcement Officer, in writing, the full description, within 12 hours of the finding of them of all obstructions in house drains, or the presence thereof, if found, of any substance prohibited by this article.

### **§ 88-81. Prohibited substances; presumptions.**

The finding of the presence of substances prohibited by this article in the house drains of any house shall be prima facie evidence of an offense committed against this article by both the owner and occupant of the premises.

### **§ 88-82. Reports to Village Engineer.**

Persons must report to the Village Engineer, in writing, within 24 hours after the completion of any work by them, every connection or disconnection made between any building to the sewer system aforesaid or between any house connection and said sewer system.

### **§ 88-83. Failure to comply.**

It shall be a violation for any person to fail to comply with any of the provisions of this article, including any order, rule, regulation, specification or requirement issued pursuant to or in furtherance of this code.

### **§ 88-84. Prohibited practices.**

- A.** No person shall impede, obstruct, hinder or otherwise interfere with the Village Board, their representative, Village Engineer, Building Inspector or Code Enforcement Officer in the performance of its duties under this article.
- B.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Village's disposal system.
- C.** No person shall make false, misleading or incomplete statements in any application for a permit or other approval or in any records required to be kept under this article.
- D.** No person shall cause any connection to be made between a piping system carrying potable

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water and a piping system carrying, at any time, anything other than potable water.

### § 88-85. Continuing violations.

Each day a violation continues shall constitute a separate violation.

### § 88-86. Penalties for offenses.

- A. Any person convicted of violating any provision of this article shall be subject to a fine not exceeding \$1,000 for each violation. Each day a violation continues shall be a separate and distinct violation.
- B. The Village Board, Village Engineer, Building Inspector, or Code Enforcement Officer may issue an appearance ticket to any person suspected, upon probable cause, of violating this article. The notice shall specify:
  - (1) The court in which the person charged must appear;
  - (2) The date and time of the appearance;
  - (3) The provisions of this article believed to have been violated;
  - (4) That the person charged may be represented by counsel; and
  - (5) That failure to appear may cause a warrant to be issued for his arrest.

### § 88-87. Civil penalties.

- A. In lieu of, or in addition to, any other penalty available under law, any person found, by a preponderance of the evidence, to have violated any provision of this article shall be subject to a civil penalty of \$1,000 for each violation. Each day a violation continues shall be a separate and distinct violation.
- B. Civil proceedings under this section may be commenced by the Village, at the request of the Mayor or the Village Board, in a court of competent jurisdiction.
- C. Civil proceedings may also be brought to:
  - (1) Secure injunctive relief;
  - (2) Recover any expenses, including, without limitation, labor, materials, engineering and legal expenses, incurred by the Village to remedy violations or enforce the provisions of this article; and
  - (3) Achieve such other remedies as may be available under law or equity to correct or remedy a violation or protect the interests of the Village or its residents.

### § 88-88. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

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### **§ 88-89. Application.**

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local health authority having jurisdiction.

### **§ 88-90. Supersession of other laws.**

This chapter supersedes, and is in derogation of, Chapter 188 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange to regulate or control county sewer district facilities, or equipment located within the Village of South Blooming Grove.

### **§ 88-91. Authority.**

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

### **§ 88-92. Repeal.**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

### **§ 88-93. Effective Date.**

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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## **ARTICLE IV SEWER CONNECTION OUTSIDE OF VILLAGE BOUNDARIES**

### **§ 88-94. Restrictions on sewer service connections outside of Village boundaries.**

- A.** No connection may be made directly to the sewer district system of the Village by or on behalf of the owner of any parcel (s) of land located outside of the Village which is, or could reasonably be made, contiguous to the incorporated boundary line of the Village unless and until such parcel of land has been annexed to the Village of South Blooming Grove in the manner prescribed in Article 17 of the General Municipal Law of the State of New York or of any laws amending or supplementing the same.
- B.** Such parcel of land defined above may connect to the Village sewer system without annexing to the Village only if:
  - (1) It is an undue hardship, such determination to be made solely by the Members of the Village Board of Trustees; and
  - (2) The parcel(s) in question lies contiguous to the Village Sewer District borders and is in the Town of Blooming Grove; or
  - (3) The owner(s) of said parcel(s) have entered into an agreement with the Village of South Blooming Grove and have received the written permission of the Village Board of Trustees; and
  - (4) The owner(s) of said parcel(s) have complied with all the provisions set forth in Chapter 80 of the Village Code; and

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(5) The owner(s) of said parcel(s) have received written approval from the Village Engineer;

### **§ 88-95. Penalties for offenses.**

- A. Violation of any of the provisions of this article is hereby declared to be a violation. The Building Inspector, Code Enforcement Officer shall issue and serve appearance tickets with respect to any violation of this article when he has reasonable cause to believe that such violation or offense has been committed.
- B. For every violation of any provision of this article punishable by imprisonment not to exceed 15 days and/or a fine not to exceed the sum of \$1,000. Each week's continued violation after notice thereof shall constitute a separate additional violation.

### **§ 88-96. Enforcement by Village Board.**

The Village Board or its representatives including the Village Engineer, Building Inspector and Code Enforcement Officer shall be responsible for enforcing the provisions of this article and such rules, regulations, specifications and requirements as are promulgated pursuant to this article.

### **§ 88-97. Judicial review.**

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

### **§ 88-98. Application.**

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local health authority having jurisdiction.

### **§ 88-99. Supersession of other laws.**

This chapter supersedes, and is in derogation of, Chapter 188 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange to regulate or control county sewer district facilities, or equipment located within the Village of South Blooming Grove.

### **§ 88-100. Authority.**

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

### **§ 88-101. Repeal.**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

### **§ 88-102. Effective Date.**

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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