

LOCAL LAW 2023-5 ROUTE 56 SEWER DISTRICT

ADOPTED: 5/14/2023

TOWN OF POTSDAM, NEW YORK  
LOCAL LAW NUMBER 5 OF 2023

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Article I

**Purpose; Applicability; Findings**

**§ I Purpose; applicability.**

The purpose of this local law is to provide for the maximum possible beneficial public use of the Route 56 Sewer District wastewater collection and treatment facilities and prevent public health problems through regulation of sewer construction, sewer use and wastewater discharges. This local law shall also provide for procedures for complying with the requirements contained herein and penalties for violation thereof. The provisions of this local law shall apply to the discharge of all wastewater to facilities of the Town. This local law provides for use of the Town wastewater facilities, regulation of sewer construction, control and the quantity and quality of wastewater discharge, wastewater pretreatment, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, separate contracts for significant industrial users, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this local law.

**§ 2 Sewer rent policy.**

In order to operate the Route 56 Sewer District facilities of the Town as a separate utility and to ensure its proper operation, repair and maintenance, it shall be the policy of the Town to establish and impose a scale of annual charges, otherwise known as "sewer rents," for the use of the sewer system or any part or parts thereof as provided in Article 14-F of the General Municipal Law. As hereinafter specified in this local law, the sewer rent formula hereby imposed takes into consideration the consumption of water upon premises served by the Town sewer system, as well as the number of persons served, or capable of being served on connected properties, as well as the number and kind of plumbing fixtures on any given premises. These latter two factors are embodied in a user unit formula which is detailed in Article IX of this local law. The Town Board acknowledges that the user unit basis of determining sewer rents does not always result in precise mathematical equivalence in charges to properties that might otherwise appear equally situated, and that the occupancy or use of a particular property at any given point in time might result in a perceived disproportionate cost compared to other properties. It is the determination of the Town Board, however, that the user unit basis of charging users of the system for the system's capital debt service costs is, over time, an equitable basis of distributing costs based upon the benefit derived and the burden imposed by different property uses and their potential impacts upon the system.

**§ 3 Findings regarding operation and maintenance costs.**

It is also the Town Board' determination that operation and maintenance costs, which are to a certain extent variable depending on actual flows into the system, are more appropriately charged to system users based upon actual water usage upon connected premises. The Town Board, upon advice of the Town's engineers, hereby determines that there is a direct and relatively constant correlation between the amount of metered water consumed on any given premises and the amount of sewage those premises contribute to the sewer system. As such, the Town Board concludes that determining sewer rents for operation and maintenance of the sewer system based upon metered water usage is an equitable method of charging for those costs.

Article II  
**Definitions**

**§ 4 Words and terms defined.**

Except for such words as are specifically defined herein, all words used in this local law shall be construed in

accordance with their usual and customary meanings. As used in this local law, the following terms shall have the meanings indicated:

**ACT**

The Federal Water Pollution Control Act as amended in the Clean Water Act of 1977 (32 U.S.C. § 1150 et seq.).

**BOD (denoting "biochemical oxygen demand")**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

**BOARDING HOUSE or ROOMING HOUSE**

A building in which individual rooms are rented to separate tenants or boarders, and occupants share common cooking and/or sanitary facilities.

**BUILDING DRAIN**

That part of the lowest horizontal piping of a sanitary drainage system which receives the discharge from soil, waste, and other sanitary drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER**

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

**COMBINED SEWER**

A sewer receiving both surface runoff and sewage.

**CONNECTED PROPERTY**

A parcel of real property which is connected to the public sewer by means of a building sewer, or which is capable of connection by means of a lateral sewer connection installed on the public sewer main that has not been connected to the building or dwelling unit, or which has been disconnected from the building or dwelling unit upon that property.

**CONTAMINATION**

An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

**DWELLING UNIT**

A facility designed and/or intended for permanent or semi-permanent occupancy by a single family or functional family unit as defined in local law 306 of this Code and which contains independent cooking and sanitary facilities solely for the use of the occupants of the unit. The term "dwelling unit" includes individual units in multiple-family buildings, such as apartments and duplexes, as well as individually rented or leased bedroom units within a boarding house, whether or not a boarding house has lawfully been established, and also includes sites for manufactured homes or mobile homes used for residential purposes. The term "dwelling unit" does not include motels, hotels, tourist homes, including bed-and-breakfasts, or other commercial or nonresidential users.

**EQUIVALENT DWELLING UNIT (EDU)**

A unit of measurement of sewer usage which is determined to be approximately equivalent to the usage of a typical dwelling unit.

**GARBAGE**

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

**INDUSTRIAL WASTES**

The liquid and liquid borne wastes from any industrial process or from an industrial plant or factory, as distinct from sanitary sewage.

**INFILTRATION**

Water, other than wastewater, that enters a sewer system (excluding sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely, designed or built into the sewer or drain.

**INFLOW**

Water, other than wastewater, that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

**INTERFERENCE**

A discharge which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude of duration of violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the "Resource Conservation and Recovery Act (RCRA)"; and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substance Control Act; and the Marine Protection Research and Sanctuaries Act.

**ONE-FAMILY RESIDENCE**

A building containing only one dwelling unit.

**OWNER**

Owner of record of real property as shown on the latest tax roll or deed records of the County.

**NATURAL OUTLET**

Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION or NYSDEC**

The NYS Department of Environmental Conservation or other duly authorized official of said Department.

**NONRESIDENTIAL USER**

Any structure used other than as a dwelling unit, and which does not produce industrial waste.



**NYSDOH**

The New York State Department of Health or other duly authorized official of said department.

**PERSON**

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

**pH**

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

**POLLUTION**

The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

**PRETREATMENT**

The reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6, General Pretreatment Regulations for Existing and New Sources of Pollution.

**PROPERLY SHREDDED GARBAGE**

The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

**PUBLICLY OWNED TREATMENT WORKS (POTW)**

A treatment works as defined by Section 212 of the ACT (33 USC § 1292); includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

**PUBLIC SEWER**

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

**RECEIVING WATER**

A natural watercourse or body of water (usually waters of the state) 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.

**SEWAGE**

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

**SEWAGE TREATMENT PLANT**

Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS**

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

**SEWER RENT**

The rent, rate or charge imposed or levied by the Town upon all properties benefited by the sewer district or any part or parts thereof.

**SHALL**

Is mandatory; "may" is permissive.

**SIGNIFICANT INDUSTRIAL USER**

Any user who has a discharge flow of 25,000 gallons or more per average work day; or has a flow greater than 5% of the flow in the municipality's wastewater system; or has in his waste toxic pollutants, as defined pursuant to Section 307 of the Act; or is found by the Town to have a significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

**SLUG**

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

**STATE**

The State of New York.

**STORM DRAIN (sometimes termed "storm sewer")**

A sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUPERVISOR**

The appointee of the Town Board who supervises the sewer district facilities, or his/her authorized deputy, agent, representative or appointee of the Town Board.

**SUSPENDED SOLIDS**

Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

**TOXIC SUBSTANCES**

Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to sewer maintenance personnel, tends to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to 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 CWA 307 (A), or other acts.

**TWO-FAMILY RESIDENCE**

A building containing two dwelling units.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY or USEPA**

The U.S. Environmental Protection Agency or, where appropriate, a designation for the administrator or other duly authorized official of said agency.

## **WATERCOURSE**

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

### **Article III**

#### **Prohibited Deposits, Discharges and Facilities**

##### **§ 5 Deposits of garbage and waste within Town.**

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

##### **§ 6 Discharge of sewage to natural outlets.**

It shall be unlawful to discharge to any natural outlet within the Town of Potsdam, or in any area under the jurisdiction of the Town, any sewage or other polluted waters.

##### **§ 7 Private sewage disposal facilities.**

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other private facility intended or used for the disposal of sewage within the Town of Potsdam's Route 56 Sewer District.

### **Article IV**

#### **Use of Public Sewer and Water**

##### **§ 8 Connection to public sewer required; time limit.**

The owners of all houses, buildings or properties occupied for residential or other purposes, situated within the Town, are hereby required at his/her or their expense to install suitable toilet and wastewater facilities therein, and to connect such facilities directly to the public sewer in accordance with the provisions of this local law, within 90 days after the effective date of this local law.

##### **§ 9 Connection to Town water system.**

No connection shall be made to the public sewer for the benefit of any property within the Town unless such property is also connected to the Town water system and has one or more water meters measuring the amount of water consumed upon the premises.

##### **§ 9.1 Maintenance of sewers; temporary repairs; reimbursement of Town.**

All building sewers and appurtenances hereto shall be maintained in proper working order in accordance with the requirements of this local law by the owner of the property served by the building sewer. In the event the building sewer and/or appurtenances is not so maintained, the Supervisor or other authorized representative of the Town of Potsdam may terminate sewage collection service to the property until such time as repairs have been made to the satisfaction of the Supervisor. The Town of Potsdam shall perform no repairs to any building sewer or appurtenances thereto except such temporary repairs as may be necessary to ensure the proper functioning of the public sewer, or to abate a potential threat to the public health. The property owner shall reimburse the Town for the cost of any such repairs made by the Town. All such costs, shall be added to the property owner's next quarterly sewer service bill if not sooner paid, and such costs shall be considered additional sewer rent for the purposes of its collection and for purposes of the provisions of this local law pertaining to the enforcement of collection of sewer rents.

##### **§ 9.2 Sewage interruption; reimbursement of Town.**

If the Supervisor is contacted regarding an interruption of the flow of sewage through a building sewer, the Supervisor or his/her designated representative shall investigate to determine whether the interruption is

attributable to any restriction of flow through the public sewer, and if so, the Supervisor shall undertake appropriate corrective action. If the Supervisor determines that the public sewer is not the cause of the interruption, the property owner or the person reporting the interruption shall be so notified and it shall be the responsibility of the proper owner to take corrective measures to restore the flow of sewage through the building sewer in accordance with the provisions of this local law, and in addition, the property owner shall pay the Town of Potsdam a fee of \$100 to reimburse the Town for the expense of the Supervisor's investigation. This fee shall be added to the property owner's next quarterly sewer service bill if not sooner paid, and this fee shall be considered additional sewer rent for the purposes of its collection and for purposes of the provisions of this local law pertaining to the enforcement of collection of sewer rents.

## Article V

### **Building Sewer Permits; Construction; Installation**

#### **§ 10 Permit required.**

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

#### **§ 11 Classes of permits; application; fees; use agreement.**

A. There shall be two classes of building sewer permits:

- (1) For residential, commercial and other nonindustrial users;
- (2) For service to establishments producing industrial wastes.

B. In either case, the owner or his agent shall make application on a form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Supervisor.

C. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the Town at the time the application is filed, and shall be charged at the then current fee, as established by the Town Board.

D. No significant industrial user may become tributary to the Town's sewer system until such time as the industrial user enters into an industrial sewer use agreement with the Town.

#### **§ 12 Owner responsibility for costs; indemnification of Town.**

After initial sewer district construction, 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 Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

#### **§ 13 Separate building sewers.**

A separate and independent building sewer shall be provided for every building.

#### **§ 14 Use of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Supervisor, to meet all requirements of this local law.

#### **§ 15 Materials and construction specifications.**

The size, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the following:

A. Materials. The following piping materials are acceptable for use as building sewers:

- (1) Ductile iron, Class 50.
- (2) PVC Schedule 40 or sewer pipe standard dimension ratio 21. Stab-type fittings and joints with locked-in rubber sealing rings meeting ASTM D-1869 or solvent welded joints. Acceptable manufacturers, Johns-Manville, Certainteed, or equal.
- (3) Cast-iron pipe ASA Specification 21 with minimum working pressure of 150 psi, exterior to be coated with coal tar pitch, interior varnished. Fittings and joints to be push-on type with rubber seal rings. Acceptable manufacturers: U.S. Pipe, Pioneer, or equal.
- (4) Adapters from one size pipe to another or from one type of material to another shall be designed for the particular union for which it will be used and shall be manufactured by Fernco or by the manufacturer of the pipe being used.

B. Installation.

- (1) All building sewers shall originate from a lateral wherever one is available. When one is not available the Supervisor will install one and charge the property owner(s) for all required work at the cost to the Town.
- (2) Minimum size building sewer pipe is four inches. All buildings constituting two through four sewer users shall install six-inch "minimum" building sewers. All building sewers for more than four combined equivalent users shall be sized by a licensed engineer. All building sewers shall be brought to the building below ground level. When rock interfaces with these installation depths, the pipe may run above the rock whenever a minimum cover of 24 inches and the minimum slope is maintained.
- (3) Four-inch building sewer pipe shall be installed at a minimum slope of 1.5% or 3/16 inch per foot.
- (4) Six-inch building sewer pipe shall be installed at a minimum of 1.0% or 1/8 inch per foot.
- (5) All building sewer pipe shall be laid on a four-inch bed of No. 1 crushed stone or gravel, free of stones larger than one inch. The pipe backfill material to a level 12 inches above the pipe shall be free of stones larger than two inches.
- (6) All connections shall be made gastight and watertight. Any deviation from the procedures and materials as set forth in this section must be approved by the Supervisor before installation.
- (7) In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (8) 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.
- (9) The applicant for the building sewer permit shall notify the Supervisor when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Supervisor or his representative.
- (10) All excavations for building sewer installation shall be adequately guarded with barricades and lights so

as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

## Article VI Sewer Use

### § 16 Prohibited discharges to sanitary sewer.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

### § 17 Discharges to storm sewer.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, if any, or to a natural outlet approved by the Supervisor. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Supervisor and NYSDEC, to a storm sewer, or natural outlet.

### § 18 Discharge of potential fire or explosion hazards.

- A. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any water or waste that will potentially create a fire or explosion hazard, including but not limited to gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; or
  - (2) Any liquid, solids or gases which, by reason of their nature or quantity, are sufficient, either alone, or by interaction with other substances, to cause fire, explosion or be injurious in any other way to the POTW or the operation of POTW.
- B. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter.

### § 19 Prohibited substances.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the Supervisor that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Supervisor will give consideration to such factors as the quantities of materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150° F. (65° C.), or in such quantities that the temperature at the treatment works influent exceeds 90° F. (32° C.).
- B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. to 65° C.).
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the

Supervisor.

- D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- E. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant. The maximum concentrations of toxic components of industrial or commercial or institutional wastes discharged by any person shall not exceed the following limits:

**Effluent Concentration Limits (mg/l)**

<b>Parameter</b>	<b>30-Day Average</b>	<b>24-Day Average</b>
Cadmium	0.4	0.8
Hex chromium	0.2	0.4
Total chromium	4.0	8.0
Copper	0.8	1.6
Lead	0.2	0.4
Mercury	0.2	0.4
Nickel	4.0	8.0
Zinc	1.2	2.4
Arsenic	0.2	0.4
Available chlorine	50.0	50.0
Cyanide-free	0.4	0.8
Cyanide-complex	1.6	3.2
Selenium	0.2	0.4
Sulfide	6.0	12.0
Barium	4.0	8.0



**Effluent Concentration Limits (mg/l)**

<b>Parameter</b>	<b>30-Day Average</b>	<b>24-Day Average</b>
Manganese	4.0	8.0
Gold	0.2	0.4
Silver	0.2	0.4
Fluorides		
To fresh water	6.0	12.0
To saline water	36.0	72.0
Phenol	4.0	8.0

- F. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Supervisor as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Supervisor in compliance with applicable state or federal regulations.
- H. Any waters or wastes having a pH in excess of 9.0 or less than 6.0.
- I. Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
  - (2) Any odor or color exceeding concentration limits which may be established by the Town for purposes of meeting the Town's national pollution discharge eliminations systems permit.

**§ 20 Rejection or pretreatment of questionable waters and wastes.**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 19 of this article, and which in the judgment of the Supervisor 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 Supervisor may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates;

D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 25 of this article. If the Supervisor 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 Supervisor and subject to the requirements of all applicable codes, ordinances and laws, and shall bear the signature of a professional engineer licensed to practice in the State of New York.

**§ 21 Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Supervisor, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or 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 Supervisor and shall be located as to be readily and easily accessible for cleaning and inspection.

**§ 22 Maintenance of pretreatment and flow-equalizing facilities.**

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.

**§ 23 Measurement and analyses of wastes; control manholes.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this local law shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

**§ 24 Industrial wastes of unusual strength or character.**

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

**§ 25 Accidental discharges.**

In the event any person accidentally discharges into the sewage works any sewage in violation of this local law, he shall immediately notify the Supervisor of such discharge. The user shall, within 15 days of notification, present to the Supervisor a detailed written statement describing the cause of the accidental discharge and what measures the user has taken to prevent a future occurrence. The written notification to the Supervisor shall not relieve the person of liability for any expense, loss or damage to the sewage works or for any fines imposed on the Town under applicable state and federal regulations.

Article VII  
**Damage to Sewage Works**

**§ 26 Damage or tampering prohibited.**

No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper

with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. A charge of disorderly conduct shall be in addition to any other charges which may be brought against the person under any other provision of law which may be applicable.

**Article VIII  
Rights and Duties of Inspectors**

**§ 27 Right of entry; authority limited.**

- A. The Supervisor and the NYSDEC and other duly authorized employees thereof, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this local law.
- B. The Supervisor, or his/her representatives, shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

**§ 28 Conduct of sampling and metering operations.**

The Town shall have the right to set up on a user's property such devices as are necessary to conduct sampling or metering operations. The Town may, at reasonable times, have access to and copy any records, inspect any monitoring equipment or method required by Town wastewater discharge laws and sample any effluents which the owner or operator of such source is required to sample. Where a user has security measures in force, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the Town will be permitted to enter without delay.

**§ 29 Observance of safety rules; indemnification against loss or damage.**

While performing the necessary work on private properties referred to in this local law, § 27 above, the Supervisor or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the owner against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner and/or occupant to maintain safe conditions.

**§ 30 Entry onto easements.**

The Supervisor and other duly authorized employees of the Town and officials of the New York State Department of Environmental Conservation, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

**Article IX  
Sewer Rents**

**§ 31 Sewer rents established.**

The Town does hereby establish and impose a scale of sewer rents to be paid for the sewer district by the owners of real property connected and served by the sewer system or benefited by the availability of the sewer system or any part thereof or to be so connected, served or benefitted thereby.

§ 32 **Date of accrual of rent.**

- A. Sewer rents shall accrue and shall become a lien against real property as of the date of connection to the sewer system, or from such other or sooner date as the Town Board may determine.
- B. It is the specific intent of the Town Board of the Town of Potsdam that this local law, and the scale of sewer rents established hereunder, be applied and imposed so as to ensure the financial viability of the district.

§ 33 **Charges per EDU.**

- A. Sewer rents for the payment of the annual debt service costs associated with the sewer system shall be allocated among and charged to all properties in the district based on a uniform charge per equivalent dwelling unit (EDU). The charge per EDU shall be determined annually by the Town Board and shall be determined by dividing the anticipated annual debt service expense by the total number of EDU's.
- B. Each property shall be assigned an EDU value. The number of EDU's per property shall be determined according to the following schedule. In the event of a use classification not listed in this schedule, or in the event of any dispute over the number of EDU's assigned to a property, the Town Board shall determine the number of assigned EDU's. The charge per EDU shall then be multiplied by the number of assigned EDU's to calculate the debt service portion of the sewer rent for any given premises. This is the table of EDU's.

1.	One single-family residence on one parcel	1 EDU
2.	Two family residences on one parcel	2 EDUs
3.	Three family residences on one parcel	3 EDUs
4.	Each additional single-family residence on one parcel	1 EDU for each residence
5.	Vacant land without tap	½ EDU
6.	Vacant land with tap	1 EDU
7.	Additional tap(s) on parcel	1 EDU for each additional tap
8.	Commercial Vacant with structure	1 EDU
9.	Fraternal Organizations	2 EDU
10.	Manufactured Home/Mobile Home Park, not including park owner's residence, which is calculated separately according to the terms of this local law, with 1-3 Manufactured Home/Mobile Home sites, with one tap, regardless of whether site occupied or rented	1 EDU per site
11.	Manufactured Home/Mobile Home Park, not including park owner's residence' which is calculated separately	1 EDU for each of first three sites, then ½ EDU for each additional site

according to the terms of this local law, **with** four or more Manufactured Home/Mobile Home sites, with one tap, regardless of whether site occupied or rented

12.	Structure with 1-3 apartments	1 EDU for each apartment
13.	Structure with four or more apartments	1 EDU for each of the first three apartments and ½ EDU for each additional apartment
14.	Campgrounds, not including campground owner's residence, which is calculated separately according to the terms of this local law	1 EDU per 5 sites or fraction thereof
15.	School/Daycare facilities (each student, staff member and faculty member as of assessment date shall count as one person)	1 EDU for each group of 10 persons or fraction thereof
16.	Auto Dealerships and Maintenance (less than 10 employees),	1 EDU
	Auto Dealerships and Maintenance (10 employees or more)	1 EDU for each group of 10 person or fraction thereof
17.	Commercial/Business, non-industrial use building, (each employee, employer and owner working at site shall count as 1 person)	1 EDU for each group of 10 persons or fraction thereof
18.	Hotels/Motels	1 EDU for first 10 rooms or fewer, 1/4 EDU for each additional room over 10 rooms, rounded up to nearest ½ unit
19.	Cemeteries, i fusage limited to cemetery	0 EDU

C EDU roll.

- 1 The table set forth above shall be used in determining debt calculation and in calculating the number of EDU's for each category of property listed in the table above and for calculating the total number of EDU's in the district. The Town Assessor shall determine the correct category applicable to each parcel. Where more than one category may be applicable, the Assessor shall assess the property according to the category with the highest number of EDU's. Once the Town Assessor has made a determination of the correct

number of EDU's for the district, the Assessor shall report such determination to the Town Board, no less than annually, prior to the preparation of the preliminary assessment roll, to allow timely collection of the annual assessment for each parcel in the district and the timely payment of the debt incurred for the district, and the final number of units for the district shall be determined or modified by resolution of the Town Board from time to time as necessary and shall be filed with the Town Clerk and the Town Assessor. The Town Board may establish additional categories and the number of EDU's applicable thereto by resolution from time to time as necessary.

- 2 The number of EDU's (Equivalent Dwelling Units) for the district shall be separately established for the district annually by the Town Board, upon receipt of the report of the Town Assessor as set forth in Section 1, for the purpose of calculating the amount to be charged for each EDU assessed to each parcel in the district. The establishment of such charge for each such EDU will be for the purpose of collecting sufficient funds for the payment of the debt incurred for the district properly apportioned among each EDU in the district as well as for future maintenance of the infrastructure of each district.

#### § 34 **Operation and maintenance costs.**

The remainder of the annual system expenses, hereinafter generally referred to as operation and maintenance (O&M) costs associated with the sewer system, shall be charged to premises connected to the sewer system through sewer rents based upon a uniform charge per cubic foot of water passing through the Town water system meter(s) measuring water usage for the premises. The amount of such charge per cubic foot shall be determined annually by the Town Board according to the following formula:

Total annual sewer district budget (debt service, O&M, reserves and contingency) minus debt service costs, divided by the total metered number of cubic feet of water used by all connected properties during the previous year.

#### § 35 **Annual review of costs.**

As part of the annual Town budget process, or at such other time as the Town Board may determine, the Town Board shall annually review the total cost of debt service and operation and maintenance of the sewer system, and shall review the scale of sewer rents and make such revisions to the scale of sewer rents as are necessary to ensure:

- A. The maintenance of an equitable and proportional distribution of system costs among sewer system users;
- B. The generation of sufficient revenues to pay the total debt service, operating and maintenance costs and contingency and reserve funds necessary for the proper operation and maintenance of the system;
- C. That excess revenues collected from users of the system be attributed to the users and that future rates be adjusted accordingly.

#### § 36 **Equipment replacement fund.**

The Town Board shall provide, as part of the annual budget for the sewer system, an equipment replacement fund for the purpose of replacing system equipment in such an amount as it shall deem necessary.



**§ 37 Cost of extraneous flow treatment.**

The costs of all extraneous flow treatment shall be distributed among all of the system users in a fair and equitable manner.

**§ 38 Determination of additional sewer rent charges.**

It shall be the duty of the Supervisor or other designated official to make a survey, annually, or at such times as may be required by the Town Board, to determine whether there is being discharged in the sewer system, from any real property, sewage or other wastes which, in the opinion of such Supervisor, contains unduly high concentrations of solids or any other substance adding to the operating costs of the sewer system. Upon the completion of such survey, he shall file with the Town Board a report of his/her findings indicating whether additional sewer rent charges should be levied for such sewage or other wastes, and, if so, he shall set forth recommended charges for the same. The Town Board is authorized to fix and determine such additional sewer rent charge therefor as shall be equitable, in addition to the sewer rents provided for by the preceding paragraphs of this article.

**§ 39 Payment of rents; additional charge for failure to pay.**

All sewer rents shall be paid to the Town and shall be due and payable at the office of the Town Clerk on such date or dates as may be determined by the Town Board. In addition to the sewer rents provided in this local law determined in accordance with the rates specified herein, in the event any sewer rents remain unpaid beyond the due date for payment, late charges in the amount of 10% of the past due amount shall be imposed for each thirty-day period, or portion thereof, that the sewer rent remains unpaid following the stated due date, and the total thus obtained shall be the total sewer rent in each such case.

**§ 40 Quarterly billings; failure to receive bill; prorated bills.**

Bills will be sent on a quarterly basis on the first day of the months of January, April, July, October or at such other times as may be determined by resolution of the Town Board, to all owners of real property in the district, and the failure of any owner to receive a bill promptly shall not excuse nonpayment of the same, and in the event the owner fails to receive a bill promptly, he shall demand the same at the Town Clerk's office.

**§ 41 Termination of sewer service.**

The Town may discontinue sewer service to any property in the event that any sewer rents shall remain unpaid, in whole or part, for more than 90 days past the due date for their payment. Prior to the termination of sewer service to any property for nonpayment of sewer rents, the Town Clerk shall:

- A. Send notice of termination to the property owner of record (based on the most recent real property tax assessment roll) by regular U.S. Mail, not more than 45 days and not less than 30 days prior to the scheduled date of termination (which termination date may not be less than 91 days following the due date of the unpaid bill); and
- B. Send a second notice of termination to the property owner of record (based on the most recent real property tax assessment roll) by regular U.S. Mail and post a copy of such notice upon an exterior door of any residence or place of business on the property, not more than 15 days and not less than 10 days prior to the scheduled date of termination.

**§ 41.1 Unpaid bills included in tax levy.**

All sewer rents, including accrued late charges, remaining due and unpaid at the time the annual Town tax levy is made out shall be included therein pursuant to the Town Law and levied against the benefited real property, and shall be collected and enforced with and in the same manner, and at the same time, as other Town taxes.



Article X  
**Violations and Penalties.**

**§ 42 Notice of violation; noncompliance.**

Any person found to be violating any provision of this local law shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. In the event of refusal or failure to cease all violations, the Town may terminate water service to the offending premises, or obtain an injunction against the offender, or seek such other appropriate relief, or utilize any or all of the foregoing remedies.

**§ 43 Penalties for offenses.**

Any person who shall continue any violation beyond the time limit provided for in Article X, § 42, shall be guilty of a violation and, on conviction thereof, shall be fined in an amount not exceeding \$250 for each violation or imprisonment for a term not to exceed 15 days, or both such fine and imprisonment. Each day in which any such violation shall continue shall be deemed a separate offense.

**§ 44 Recovery of costs.**

Any person violating any of the provisions of this local law shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation, which amount may be recovered by the Town in a civil proceeding.

Article XI  
**Industrial Users**

**§ 45 Industrial sewer use agreement.**

All significant industrial users shall be regulated by an industrial sewer use agreement. The industrial sewer use agreement shall be in full effect prior to any discharge by the user.

**§ 46 Time period of agreement; review and reissuance.**

The maximum time period for an industrial sewer use agreement to be in effect shall be five years. At the end of such time, the agreement shall be reviewed and reissued with appropriate modifications as may be necessary.

**§ 47 Modification of terms and conditions.**

The industrial sewer use agreement terms and conditions may be subject to modification and change by the Town should conditions warrant. Any change in conditions will allow reasonable time for the industrial user to come into compliance with the modification.

**§ 48 Reassignment or transfer of agreement.**

The industrial sewer use agreement shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without approval and review by the Town.

**§ 49 Revision of agreement upon changes to wastewater treatment.**

Should the industrial discharger modify its production and/or process in such a manner that the wastewater characteristics of flow are altered, the industrial discharger shall initiate action to revise or modify the industrial sewer use agreement.

**§ 50 Application for agreement.**

All new significant industrial users shall submit to the Town an application to enter into an industrial sewer use agreement on a form as supplied by the Town. The application form will require information concerning

volume, constituents and characteristics of wastewater, flow rates, each product produced by type, amount and rate of production, and description of activities, facilities and plant processes on the premises, including all materials processed and types of materials which are or could be discharged. Upon request of the applicant, the Town shall implement measures to ensure the confidentiality of information provided by an industrial discharger pursuant to this local law.

**§ 51 Notification upon accidental discharge.**

Significant industrial users shall be furnished and shall permanently post on the industrial users' bulletin board, a notice advising employees whom to call in case of an accidental discharge in violation of this local law. Copies of this local law shall be made available to the user's employees.

**§ 52 Adherence to federal and state pretreatment regulations.**

When pretreatment regulations are adopted by USEPA or NYSDEC for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to federal or state pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of PL 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the Town.

Article XII

**Actions Upon Noncompliance; Inconsistent Agreements**

**§ 53 Falsifying documents or monitoring devices.**

Any person who knowingly makes any false statements, representation, record, report, plan or other documentation filed with the municipality or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this local law shall be punished as a Class B misdemeanor.

**§ 54 Cease and desist orders.**

The Town shall be authorized to issue an order to cease and desist and direct those persons not complying with such prohibitions, limits, requirements or provisions of the Law or the wastewater discharge permit to:

- A. Comply forthwith; or
- B. Comply in accordance with a time schedule set forth by the Town; or
- C. Take appropriate remedial or preventive action in the event of a threatened violation.

**§ 55 Revocation of agreement or termination of service.**

The Town shall have the authority to revoke any wastewater discharge agreement or terminate or cause to be terminated wastewater service and water service to any premises if a violation of any provision of this local law is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination or pollution as defined in this local law.

**§ 56 Effect on other agreements.**

This local law shall take precedence over any inconsistent agreements between the Town and users of the sewage facilities.

§ 57 This local law shall be effective as of the date of its filing with the New York State Department of State.