

# Chapter 193

## Sanitary Sewer, Electric, Water and Storm Sewer

### Article I

#### General Purpose & Requirements

##### § 193-1. Purposes and Objectives.

The purpose of this chapter is to insure the proper and satisfactory construction of connections and installations of water, sanitary sewer, storm drainage and electric systems of the Village of Springville. All interior construction of these systems shall follow the rules and regulations located in Chapter 73.

Any contractor, subcontractor, homeowner, landlord, tenant, etc., who renders any damages to village owned or village maintained properties, shall be fully responsible for full restoration or repairs that may be necessary to said properties, as approved and accepted by the Superintendent of Public Works.

In the event that said contractor, subcontractor, homeowner, landlord, tenant, etc., does not fulfill obligations to make the necessary repairs to said properties within a reasonable period of time, as designated by representatives of the village, said parties involved shall be in violation of this section.

In addition to fines that may be levied, the village shall have the right to charge any costs of repairs to the party responsible for damages of village properties, and may deny any future issuance of permit until such time as all costs have been paid and corrections to damages have been approved.

##### § 193-2. Requirements - Permits; fees; contractor qualifications.

- A. Before connection to any Village water, sanitary sewer, electric or storm drain system is made or before any construction begins on any private or public sewage, water, electric or storm water system, an application shall be filed with the Village Clerk's Office. Forms will be furnished by the Clerk and shall be approved before construction begins. Each application shall be accompanied by a fee, which includes the cost of inspection of the work.
- B. Prior to any construction, the owner or his contractor shall apply for all permits needed, then may arrange an on-site meeting with the Superintendent of Public Works and/or the designated representative who is responsible for the Village part of the work. At this meeting, various details of procedure will be discussed and resolved
- C. Fees. All fees associated with fees and/or charges will be set by Village Board resolution and shown on Village Fee schedule.
- D. Contractors must obtain prior approval of the Village Board in order to be eligible to offer their services to village residents. Unsatisfactory work or nonpayment of fees will result in withdrawal of approval. Each contractor shall submit, over his signature, a listing of his qualifications to the Board in order that a proper determination can be made of the skills and ability of the contractor. As part of his qualifications, the contractor shall state that he thoroughly understands the contents herein and of the appropriate ordinances or local laws.
- E. Contractors shall submit certificates of insurance as described in § 193-4 to the Village Clerk. The contractor will not be allowed to work within the Village unless insurance certificates are on file.
- F. Property owners performing work on their own property must provide copy of valid home owners' insurance policy at the time of filing for permit.

##### § 193-3. Contractor insurance for sewer, water and electric connection work.

###### A. Indemnification of Village and agents.

(1) The contractor agrees to indemnify and hold harmless the Village and/or its employees or agents against loss or expense by reason of liability imposed by law upon the Village and/or its employees or agents for damages because of bodily injury accidentally sustained by any person or property damage arising out of or in consequence of the

performance of the contractor's work, whether such injuries to persons or damage of property are due or claimed to be due to any negligence of the contractor, the Village, his or its employees or agents or any other person or cause.

(2) As a minimum condition of the above provision, the contractor shall not commence work until he has obtained all the insurance required herein and such insurance has been approved by the Village, nor shall the contractor allow any subcontractor to commence work on his subcontract until the contractor has either required each of his subcontractors to procure and to maintain similar insurance during the life of his subcontract or insured the activities of his subcontractors in his own policies. Certificates shall stipulate the above hold-harmless clause with requirement for notification.

- B. Certificates.** The contractor shall furnish the Village with certificates showing the type, amount, class of operations covered, effective dates and dates of expiration of policies. Such certificates shall also contain substantially the following statement: "The insurance covered by this certificate will not be canceled or materially altered except after 30 days' written notice has been received by the Village."
- C. Compensation insurance.** The contractor shall procure and shall maintain during the life of work hereunder workers' compensation insurance, as required by state law, for all of his employees to be engaged in work at the site of the project under contract.
- D. Contractor's liability and property damage insurance.** The contractor shall procure and shall maintain during the life of work hereunder vehicle, bodily injury, property damage and general liability insurance.

**§ 193-4 List of qualified contractors; compliance of work with regulations.**

- A.** A list of qualified contractors will be issued by the Village Clerk upon request.
- B.** It is not the intent of these regulations to require a property owner to hire an outside contractor to work on his own property. However, before any connections can be made to any Village-owned utility, proof will be required that all work on private property meets the requirements of these regulations.
- C.** Property owners are advised that one method to assure proof of compliance is to secure proper permits and do the work to the approval of the Superintendent of Public Works and/or Code Enforcement officer, or designated representative. Construction without a permit is a violation of these regulations.
- D.** Property owners are not permitted to do any work on Village property without first qualifying as a contractor as described under § 193-2 D and E above.

**§ 193-5. Procedure for inspection.**

- A.** The owner or his contractor shall be responsible for arranging to have an inspector present to properly inspect and approve the work; all work shall be left open for inspection. If trench failure occurs, the contractor will be required to remove any material to allow proper inspection. A trench shield or sheeting may be required to prevent trench failure or, as an option, the contractor may pay for continuous inspection. This amount shall be paid to the Village at the rate per hour, in addition to the regular fee, as set forth from time to time by resolution of the Board of Trustees.
- B.** All work outlined herein shall be inspected by a Village inspector. Inspection will be made from 8:00 a.m. to 3:00 p.m., Monday through Friday. No Saturday, Sunday or holiday inspection will be made.
- C.** The property owner will be responsible for laying all pipes, drains, etc., to the sanitary sewer main for any new connection. The Village will (at Village expense) be responsible for maintaining the connection to Village system within the street right-of-way. The property owner or contractor shall adequately schedule work to allow Village utility work to be completed prior to the owner's contractor making connections.

## **Article II Definitions**

### **§ 193-6. Definitions.**

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

#### **BUILDING INSPECTOR, also known as Code Enforcement.**

The enforcement official whose jurisdiction includes building interiors.

#### **BUILDING DEPARTMENT**

The enforcement department whose jurisdiction includes permitting, record keeping, violations, and Code adherence.

#### **SUPERINTENDENT OF PUBLIC WORKS**

The enforcement official whose jurisdiction includes Electric, water, sanitary sewer utilities, and also drainage pertaining to the connection to building exteriors and utilities within the public right of way.

#### **BUILDING INTERIOR WATER SYSTEM**

The point that is to the house side of the water meter. From the meter to the street will be considered exterior.

#### **BUILDING INTERIOR SEWER SYSTEM**

The point that the sewer line enters through to the inside of the foundation wall. From that point to the street will be considered exterior.

#### **BEST MANAGEMENT PRACTICES (BMPs)**

Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water-conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

#### **CLEAN WATER ACT**

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

#### **CONSTRUCTION ACTIVITY**

Activities requiring authorization under the SPDES permit for storm water discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

#### **NYSDEC**

The New York State Department of Environmental Conservation.

#### **DESIGN PROFESSIONAL**

New York State licensed professional engineer or licensed architect.

**HAZARDOUS MATERIALS**

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLCIT CONNECTIONS**

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the Village storm sewer, including but not limited to:

- A. Any conveyances which allow any nonstorm water discharge, including treated or untreated sewage, process wastewater, and wash water to enter watershed area, and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the Village storm sewer which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**ILLCIT DISCHARGE**

Any direct or indirect nonstorm water discharge to the Village storm sewer.

**INDIVIDUAL SEWAGE TREATMENT SYSTEM**

A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwater of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

**INDUSTRIAL ACTIVITY**

Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

**MUNICIPALITY**

The Village of Springville.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Village of Springville;
- B. Designed or used for collecting or conveying storm water;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

**NONSTORM WATER DISCHARGE**

Any discharge to the Village storm sewer that is not composed entirely of storm water.

**PERSON**

Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT**

Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

**PREMISES**

Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

**SPECIAL CONDITIONS**

A. Discharge compliance with water quality standards: The condition that applies where a municipality has been notified that the discharge of storm water may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters: The condition in the municipality's storm sewer that applies where the discharge is to a 303(d) listed water. Under this condition, the storm water management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy: The condition in the municipality's storm sewer where a TMDL, including requirements for control of storm water discharges, has been approved by EPA for a water body or watershed into which discharges. If the discharge did not meet the TMDL storm water allocations prior to September 10, 2003, the municipality was required to modify its storm water management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. The condition in the municipality's storm sewer that applies if a TMDL is approved in the future by EPA for any water body or watershed into which discharges: Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of storm water discharges. If a storm sewer system is not meeting the TMDL storm water allocations, the municipality must, within six months of the TMDL's approval, modify its storm water management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

**STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORM WATER DISCHARGE PERMIT**

A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

**STORM WATER**

Rainwater, surface runoff, snowmelt and drainage.

**STORM WATER MANAGEMENT OFFICER (SMO)**

An employee, the municipal engineer or other public official(s) designated by the Village of Springville to enforce this article. The SMO may also be designated by the municipality to accept and review storm water pollution prevention plans, forward the plans to the applicable municipal board and inspect storm water management practices.

**303(d) LIST**

A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

**TMDL**

Total Maximum Daily Load.

**TOTAL MAXIMUM DAILY LOAD**

The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water allocated among the sources of that pollutant.

**WASTE WATER**

Water that is not storm water is contaminated with pollutants and is or will be discarded.

**§ 193-7. Drawings.**

The following drawings are annexed to this chapter and depict the specifications and engineering details of the required methods and materials to be applied and used in constructing and installing the referenced water and sewer piping, connections and encasements shown thereon:

<b>Sheet Number</b>	<b>Name</b>	<b>Date</b>
H1	Sanitary Sewer Connection	04-01-2016
H2	Typical Sewer Service Details	04-01-2016
H3	Water Service Connection Detail	04-01-2016

**§ 193-8. open for future use**

**§ 193-9. open for future use**

**§ 193-10. open for future use**

**§ 193-11. open for future use**

**§ 193-12. open for future use**

**§ 193-13. open for future use**

## **Article III**

# **SANITARY SEWERS**

### **§ 193-14. General Construction and Maintenance Policy.**

In order to ensure the satisfactory construction of house connections or other sewer connections with the sanitary sewer system of the Village of Springville and to ensure the maintenance of said sanitary sewer system in a satisfactory and economical manner as well as the proper operation of the sewer treatment plant, it shall be the policy of the Village that the construction of house connections or other sewer connections shall be made as hereinafter provided.

### **§ 193-15. Definitions.**

A. Terms defined. Unless the context specifically indicates otherwise, the meanings of terms used in this Article shall be as follows:

#### **BOD (DENOTING "BIOCHEMICAL OXYGEN DEMAND")**

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

#### **BUILDING DRAIN**

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

#### **BUILDING SEWER**

The extension from the building drain to the street right-of-way line.

#### **COMBINED SEWER**

A sewer receiving both surface runoff and sewage.

#### **GARBAGE**

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

#### **INDUSTRIAL WASTES**

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

#### **NATURAL OUTLET**

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

#### **PERSON**

Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

#### **pH**

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

#### **PROPERLY SHREDED 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.

#### **PUBLIC SEWER**

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

#### **SANITARY SEWER**

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

#### **SEWAGE**

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

**SEWAGE TREATMENT PLANT**

Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS**

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

**SEWER** A pipe or conduit for carrying sewage.

**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 or flows during normal operation.

**STORM DRAIN (SOMETIMES TERMED "STORM SEWER")**

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

**SUPERINTENDENT**

The person designated by the Village Board who is in charge of sewage works or his authorized deputy, agent or representative.

**SUSPENDED SOLIDS**

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

**WATERCOURSE**

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

**B.** Word usage. "Shall" is mandatory; "may" is permissive.

**§ 193-16. Sewer construction outside buildings.**

- A.** The owner or contractor shall deliver manufacturer material specifications and manufacturer's installation guides to the Superintendent or the respective designee for the type of material he intends to use at the time of making application. The intent of these regulations is to provide for the use of proven materials and methods which allow negligible leakage. In addition, a duplicate copy of such data shall be on the site during construction.
- B.** Where pipes of a different nature, composition or size are joined together, an appropriate leak tight special adapter shall be used.
- C.** The minimum slope of sewer shall be 1.25% (1/8 inch per foot). Maximum slope shall not exceed 7.50% (3/4 inch per foot). Grades less than 1.25% or greater than 7.50% will not be allowed unless specifically approved by the Village Board upon written application of the owner. Such application shall state that the owner understands and accepts full responsibility for any plugging which occurs in the future.
- D.** Connections of downspouts, sump pumps, or other unsoiled water sources to the sanitary sewer are prohibited.
- E.** In the event that sanitary drainage is required from any cellar which is lower in elevation than the existing sewer, it will be the owner's responsibility to provide, operate and maintain a suitable pump to accommodate such drainage.
- F.** All pipes used for sewer connections to single-family or two-family residences from the sewer main in the street up to the building foundation wall shall have a minimum inside diameter of four inches.
- G.** For business or commercial sewer connections, the minimum inside diameter shall be not less than six inches and shall be increased where deemed necessary by the Superintendent of Public Works.
- H.** All fittings for any installation shall be on the site before construction begins.
- I.** The following materials will be allowed for sanitary sewer connections. All material must meet the latest specifications of the American Society for Testing Materials (ASTM) or of the American National Standards Institute (ANSI), as applicable. Specifications for joint materials are not specifically stated below, but such joint material shall meet the latest ASTM or ANSI specifications which are compatible with the pipe material being used.
  - (1)** Ductile iron pipe or cast iron pipe (service weight).
    - (a)** ANSI Spec. A21.51 for ductile iron pipe.

(2) Polyvinyl chloride pipe.

(a) ASTM Spec. D3033 shall be followed for PVC pipe, except using only fixed joint material.

(b) ASTM Spec. D2321 shall be followed for installation, except only Class I and Class II bedding will be permitted.

(c) PVC SDR-35 gasketed joint for gravity sewer and PVC SDR-21 gasketed joint.

**§ 193-17. Sewer construction within buildings.**

The Village of Springville has adopted Chapter 73 for the New York State Uniform Fire Prevention and Building Code

- A. Connection of downspouts or other water sources to the drain is prohibited. Basement drains are prohibited. Basements or cellars shall have cleanouts equipped with screw-type plugs. The Village cannot be responsible for backups due to plugged or overloaded sewers. The purpose of this subsection is to prevent damage from such occurrences.
- B. Discharge of ground seepage or surface water from a basement area which is expelled by use of a pump shall not be connected to the sanitary sewer.

**§ 193-18. open for future use**

**§ 193-19. open for future use**

**§ 193-20. Maintenance of sewers.**

- A. The Village is responsible for maintenance of main sewers and laterals or building sewers within the street right-of-way.
- B. The property owner is responsible for repair and maintenance of his own sewer at his own expense.
- C. In the event that a property owner claims a sewer line obstruction is the fault of the Village, he may request, in writing, on a form supplied by the Village, that the Village take necessary steps to remove the blockage.
- D. If the property owner's claim is incorrect, he shall reimburse the Village for expenses incurred by the Village. There will be no charge made if the obstruction occurs in the line under Village maintenance.
- E. In the event that the existing building sewer does not have cleanouts installed as now required by Village ordinance, local law or regulation, the property owner will be required to have the same constructed at his expense.
- F. Disputes under this section shall be promptly brought to the attention of the Village Board, preferably by a telephone call to the Village Trustee who is in charge of the Water/Sewer Division.
- G. The Village Clerk shall prepare a request form to be filled out in triplicate by persons requesting assistance with blocked or obstructed sewers.

**§ 193-21. Pretreatment requirements for industrial waste.**

- A. All generators of industrial waste shall be responsible for the removal of contaminants present in quantities that might create problems in the Village collection system, the Village wastewater treatment plant or the outside environment.
- B. Notification to and compliance with all New York State Department of Environmental Conservation and Environmental Protection Agency regulations is mandatory. Failure to adhere to all federal, state and local requirements may result in termination of the industrial operation.

**§ 193-22. Grinder pump service connections.**

- A. Service connections.
  - (1) Building service connections from individual grinder pumps to the collectors should be of one-and-one-half-inch PVC SDR 9 pipe and should include a full-ported valve (such as a corporation stop or U-valve), and a check valve specifically suited to wastewater service should be provided at or near the pump to isolate the pump from the main. These valves are in addition to the valves provided by the Village at the street right-of-way.

(2) The pipe should be bedded six inches below and 18 inches above the pipe with sand, gravel or stone having a diameter of no more than one inch. The pipe should have a minimum of 5 (five) feet total cover to avoid freezing.

(3) The pipe installation shall be capable of maintaining 50 pounds per square inch of test pressure for at least one hour.

#### **B. Pumping equipment.**

(1) The pumping equipment shall be designed in a manner appropriate to wastewater service and be manufactured of corrosion-resistant materials. In addition, it shall meet all applicable safety, fire and health requirements arising from its intended use in or near residential buildings.

(2) Proper system design and installation shall assure that each grinder pump will be able to adequately discharge into the piping system during all normal flow situations, including peak design flow. For residences having normal water usage, a pump capable of delivering 15 gallons per minute at 85 feet total dynamic head is recommended.

(3) The units must be capable of operating under temporary loads above the normal recommended system design operating pressure without a serious reduction of flow or damage to the motor. The pump should be of flooded-suction design to assure that it will be positively primed. The pressure sewer system shall contain integral protection against back siphonage.

(4) Outside installations are preferable and should be located at least 10 feet from the building in an area readily accessible to service personnel. Outside installations shall be provided with an access from the surface which is suitably graded to prevent the entrance of surface water and equipped with a vandal-proof cover for safety. Inside installations must be examined for freedom from noise, odors and electrical hazards. Both freestanding and below-the-floor-type installations are acceptable.

(5) The electrical portions of non-submersible grinder/macerator pumps must be protected against the entrance of surface water. This may require that a motor breather be run from the interior of the motor and control compartment to a protected location higher than the maximum anticipated water or snow level. Waterproof factory-installed wiring and tamper proof access covers on wiring compartments are required.

(6) The grinder pumps shall operate at a noise level sufficiently low to be acceptable for installation inside a residential building. Generally, this should be no louder than other motor-operated devices normally found in homes (furnace blowers, sump pumps, etc.).

(7) The grinder pump equipment shall comply with the National Electrical Code and applicable local electrical inspection bureau requirements.

#### **C. Pump types.**

(1) Both stable-curve centrifugal and progressing cavity semi-positive displacement pumps may be used in pressure sewer systems.

(2) The stable-curve centrifugal, a pump having maximum head at no flow, may be considered for its ability to compensate with reduced or zero delivery against excessive high pressures and the ability to deliver at a high rate during low-flow situations in the system, thus enhancing scouring during low-flow periods.

(3) The progressing cavity semi-positive displacement pump may be considered for its relatively constant rate of delivery. The semi-positive displacement pump has no significant increase in delivery against low-flow conditions.

#### **D. Grinder.**

(1) The grinding pumping equipment must include an integral grinder capable of handling any reasonable quantity of foreign objects which customarily find their way into building drainage systems as a result of accident or other occurrence on the part of building occupants without jamming, stalling, overloading or creating undue noise. The particle size produced by the grinder must be small enough to ensure that the processed solids will not clog the grinder, pump or any part of the discharging pipe system. The grinder shall be of a configuration to provide a positive flow of solids into the grinding zone.

(2) Open shafts shall not be exposed in the raw waste passageways, since this will cause cloth, string, etc., to become wrapped around the blades or shaft.

#### **E. Pump tank.**

(1) The pump tank must be made of corrosive-resistant materials which are suitable for contact with sewage and direct burial below grade without deterioration over the projected lifetime (at least 20 years).

(2) The pump tank shall be furnished with integral level controls which reliably turn the pump on and off at appropriate and predictable levels. The level control shall be as trouble-free as possible, with little care required for proper calibration. Mercury control, float-type, pressure-type or probe-type switches are acceptable. An alarm unit with visible and audible alarms shall be provided on a separate electrical circuit or a self-contained power supply to indicate pump failure.

(3) The tank shall be of a fifty-gallon minimum capacity and be able to accommodate normal peak flows without exceeding its peak-flow capacity. The volume between the on and off levels in the tank should be based on a sensible compromise between excessive unit operation and efficient removal of raw sewage into the system.

(4) The geometry of the tank bottom and the pump suction currents generated when the grinder pump is in operation must be adequate to scour solids from the bottom of the tank so that there is no significant long-term accumulation of settleable solids on the tank bottom.

(5) In the areas in which the groundwater table is high, tanks should be securely anchored to avoid floating.

(6) The tank shall be vented so that air space above the wastewater is always at atmospheric pressure. Separate vents may be necessary, if the fill piping connected to the building drain will not provide adequate venting.

F. Power outages. Provisions must be made for periods of power failure. Alternatives are:

(1) Dependence on built-in storage of pump tank and associated gravity piping requiring minimal water usage during a power outage;

(2) Provision of additional storage capacity where power outages occur frequently (twenty-four-hour storage capacity is recommended); or

(3) Provision of a portable generator to connect the household for a short term during an extended outage.

#### **§ 193-23. Prohibited deposits on property.**

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 Village or in any area under the jurisdiction of said Village any human or animal excrement, garbage or other objectionable waste.

#### **§ 193-24. Discharge to natural outlets restricted.**

It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of said Village any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

#### **§ 193-25. Cesspools, privies and septic tanks prohibited.**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

#### **§ 193-26. Connection required to available sewer.**

A. Whenever a public sewerage system is or becomes available to any building, structure or premises, the Superintendent shall notify, in writing, such owner or occupant to connect said premises to the public sewer system and to install such facilities as may be reasonably necessary therefor. Such notice shall be served either personally or by certified mail addressed to the last known address of such owner or occupant.

B. A public sewer shall be considered available to any building, structure or premises for purposes of applying the provisions of this Part 1 when:

(1) The public sewer is located in or adjacent to either side of a public street upon which the lot containing the building or structure abuts, and connection of the building sewer can be made to the public sewer without extension of the public sewer;

(2) Such lot abuts public land or a public easement which contains the public sewer and permission to permanently connect the building sewer to the public sewer can be granted or obtained by the Village to or for the owner of the lot, and connection of the building sewer can be made to the public sewer without extension of the public sewer;

(3) In the case of a subdivision or other planned development where a site plan approval is required by the Planning Board or the Board of Trustees, such public sewer availability and connection has been made a condition or is an element of the approved plan; or

(4) The Village agrees to extend and does extend its public sewer within six months following application for a private sewage disposal system so that the public sewer will then be available for connection as defined in this section.

**§ 193-27. Private Sewage Disposal when private system permitted.**

Where a public sanitary sewer is not available under the provisions of § 193-26, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Part 1 and the requirements of the Erie County Health Department.

**§ 193-28. Permit and fee required to construct.**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent and Building Department. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by such plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee as determined by the Village Board from time to time shall be paid to the Village with the application. It will be necessary for the applicant to furnish proof of approval by the Erie County Health Department to obtain the permit.

**§ 193-29. Operation at expense of owner.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

**§ 193-30. Connection to public sewer when available.**

When a public sewer becomes available, the building sewer shall be connected to said sewer after notice as provided herein, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt and abandoned.

**§ 193-31. Building Sewers and Connections permit required to install or connect.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof or construct any part of a building sewer without first obtaining a written permit from the Village Clerk.

**§ 193-32 through 41. open for future use.**

**§ 193-42. Permit classifications; application; fee.**

There shall be three classes of building sewer permits: for residential and commercial service; for service to establishments producing industrial wastes; and for private sewage disposal systems. In any case, the owner or his agent shall make application on a special form furnished by the Village Clerk, who shall have copies available during usual business hours. The permit application shall be supplemented by any plans, insurance, specifications or other information considered pertinent in the judgment of the Superintendent of Public Works. A permit and inspection fee in an amount determined from time to time by the Village Board shall be paid therefor.

**§ 193-43. Responsibility for costs.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner.

**§ 193-44. Separate sewer for each building; exception.**

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

**§ 193-45. 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 Superintendent, to meet all requirements of this Chapter.

**§ 193-46. Construction standards and material specifications.**

The size, slope, 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 requirements of the Building and Plumbing Codes or other applicable rules and regulations of the Village.

**§ 193-47. Elevation; lifting of sewage.**

Whenever possible, the sewer shall be brought to the building at an elevation to permit gravity flow. In all buildings where elevation does not permit gravity flow to the public sewer, sanitary sewage shall be lifted by an approved means and discharged to the sewer main. Building sewers shall not be connected footing drain systems, footing drains must be hooked to a separate outlet or sump pump as approved by the Superintendent, in writing.

**§ 193-48. Prohibited connections to sanitary sewers.**

No person shall make connection of roof downspouts, sump pumps, 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.

**§ 193-49. Notice of readiness for inspection and connection.**

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or designated representative.

**§ 193-50. Guarding of excavations; restoration.**

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

**§ 193-51. Use of Public Sewers discharge of certain waters restricted.**

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

**§ 193-52. Prohibited discharges enumerated.**

- A. No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:
  - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to

humans or animals, to create a public nuisance or to create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as cyanide in the wastes as discharged to the public sewer.

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of a size capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to any (including flushable) cleaning wipe, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(5) Any substance specifically prohibited now or in the future by appropriate agencies of federal, state or county governments.

**B.** 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 Superintendent 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 opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, 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:

(1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Superintendent.

(4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations as may exceed limits which may be established by the Superintendent as necessary after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids, such as but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.

(b) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting slugs, as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**§ 193-53. Authority of Superintendent with respect to certain discharges.**

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 193-xx of this Article and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge 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 under the provisions of § 193-58 of this Article.
- B. If the Superintendent 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 Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

**§ 193-54. Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, 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 Superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection.

**§ 193-55. Maintenance of pretreatment 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.

**§ 193-56. Installation of control manholes; maintenance.**

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

**§ 193-57. Tests and analyses.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Part 1 shall be determined in accordance with the latest requirements of the Erie County Health Department.

**§ 193-58. Special agreements or arrangements.**

No statement contained in Part 1 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 therefor by the industrial concern.

**§ 193-59. Protection From Damage - Unauthorized tampering with sewers.**

No unauthorized 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 sewage works. Any person violating this provision shall be subject to the penalties set forth in the Penal Law.

**§ 193-60. Administration and Enforcement - Powers of Superintendent; limitations.**

The Superintendent and other duly authorized employees of the Village 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 Part 1. The Superintendent shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. The Superintendent reserves the right to retain the proper Licensed Engineer for consultation and recommendation at the expense of the property owner.

**§ 193-61. Conduct of inspections; indemnification against claims.**

While performing the necessary work on private properties referred to in § 193-60 above, the Superintendent shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Village employees, and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 193-56.

**§ 193-62. Entry on easements containing sewage works.**

The Superintendent, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes, including but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**§ 193-63. Penalties - Notice of violation.**

Any person found to be violating any provision of this Article, shall be served by the Village 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.

**§ 193-64. Penalties for offenses.**

Any person who shall continue any violation beyond the time limit provided for in § 193-63 shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty, of the Code of the Village of Springville.

**§ 193-65. Liability for Village loss and expenses.**

Any person violating any of the provisions of this Part 1 shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

**§ 193-66. open for future use**

## **Article IV**

### **Sanitary Sewer Charges**

**§ 193-67. Establishment and Imposition of Scale of Charges - Policy and purpose.**

In order to establish and operate the Sewer Department and sewage disposal plant of the Village of Springville as a separate utility and to ensure its proper operation, repair and maintenance, it shall be the policy of the Village of Springville to establish and impose a scale of charges for the use of the sewer system or any part or parts thereof.

**§ 193-68. Definitions.**

As used in this Article, the following terms shall mean and include:

**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.

**OTHER WASTES**

Includes garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuff, acids, chemicals and all other discarded matter not sewage or industrial waste.

**PART**

All lateral sewers or all branch sewers or all interceptor sewers or all trunk sewers and the sewage treatment and disposal works and each part with necessary appurtenances.

**SEWAGE**

The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture with "sewage" herein defined of industrial waste or other wastes as hereinabove defined also shall be considered "sewage" within the meaning of this Part 2.

**SEWER RENTS**

The rent, rate or charge imposed or levied by the Village of Springville for the use of the sewer system or any part or parts thereof.

**SEWER SYSTEM**

The sewer system owned and operated by the Village of Springville, and includes all sewer pipes and other appurtenances which are used or useful in whole or in part in connection with the collection, treatment or disposal of sewage, industrial wastes and other wastes and which are owned, operated or maintained by the Village of Springville, including pumping stations and sewage treatment and disposal works and all extensions, additions and improvements which may be made to such system.

**§ 193-69. Sewer rents established; due dates; nonpayment.**

- A.** The Village of Springville does hereby establish and impose a scale of sewer rents for the service available or rendered by the sewer system to each parcel of real property within the corporate limits of the Village of Springville in an amount for each monthly period which shall be the sum of the following component charges:
- (1) Service charge: a monthly service charge in the amount specified by Village Board approved rate table by the benefit value of the class of service, and
  - (2) Use charge: a monthly charge for sanitary sewer use at the rate specified by Village approved rate tables of metered water consumed.
- B.** In the case of consumers of water supplied by the Village who contribute to the sewer system an amount of sewage substantially less than or substantially greater than the amount of water supplied to such consumer by the Village or in the case of owners or occupants of real property within the Village who are not consumers of water but are connected to the sewer system, then the Board of Trustees shall fix and determine the sewer rent charge applicable to such real property upon such other equitable basis as shall be determined by the Board.

- C. It shall be the duty of the Superintendent of Public Works or other designated official to make a survey annually or at such other times as may be required by the Board of Trustees to determine whether there is being discharged into the sewer system from any real property within the corporate limits of the Village sewage or other wastes which, in the opinion of such Superintendent, contain 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 Board of Trustees a report of his findings indicating whether additional sewer rent charges should be levied for such sewage or other waste, and, if so, he shall set forth recommended charges for the same. The Board of Trustees 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 subsections of this section.
- D. Billing periods. All sewer rents shall be computed for monthly periods commencing on the 20th day of each month and shall be billed monthly upon such date or dates as shall be determined by the Board of Trustees. Sewer rents shall be due and payable on the first day of the calendar month following the month in which each billing period ends.
- E. If bills are not paid when due, a notice of at least 30 days may be sent out to the user demanding payment or advising that the sewer service and/or water service are subject to discontinuance, and after the expiration of the period specified in said notice, such sewer service and/or water service shall be subject to discontinuance without further notice. Unpaid bills will be added to the next tax rolls in the same manner as unpaid water bills.
- F. Late charge. A monthly late charge of 1 1/2% of the sewer rent established by the preceding provisions shall be added to all accounts that are not paid before the 20th day of the calendar month following the month in which each monthly billing period ends. The late charge so added to such unpaid accounts shall again be assessed at the same percentage rate on a compounding basis for each monthly billing cycle or part thereof that an account remains unpaid until the first day of May in each year, at which time the amount of all unpaid sewer charges, together with all late charges, shall be included by the Board of Trustees in the annual tax levy upon the respective parcels of real property to which such unpaid sewer charges relate.
- G. Special agreement. The sewer charges so calculated are hereby established and, unless the Board of Trustees has established other rates by separate agreement in special situations, shall be charged and paid for all sewer service supplied by the Village.
- H. Rate changes. The specific rates hereby established and imposed within the service and use components that make up the sewer rents, vacant land charge, as well as the property class, benefit value, billing periods, due dates and late payment penalties, may be changed from time to time by resolution of the Board of Trustees.

**§ 193-70. Scope & Requirements.**

The above-mentioned sewer rents are hereby imposed upon all real property served by the public sewer system of the Village of Springville.

Basis of Sewer Use Requirement - All requirements, directives, and orders calling for mandatory use of the sewers, within the Service Area of the POTW, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the Village Board, NYSDEC, USEPA, and/or other such State or Federal agencies, which have enforcement powers.

**A. Public Sewer Unavailable -** Private wastewater disposal required where a public sewer is not available, the building lateral shall be connected to a private wastewater disposal system complying with the provisions of the Rules and Regulations of the NYSDOH, to be enforced by the Superintendent, and/or the Erie County Health Department.

**B. Connection of Two Buildings to the Same Septic Tank is Prohibited -** No two separate permanent buildings, where the intended use for either is for a distinct and separate business or a dwelling place for a private family or families, shall be connected to the same individual septic tank and tile absorption field.

Connection of separate buildings located on separate parcels of land is Prohibited.

**C. Construction Permit Application -** A completed application form, containing results of percolation tests, computations, and a plot plan, including the design and cross-section of the wastewater disposal system, in relation

to lot lines, adjacent and on-site well or water supply, and buildings, shall be submitted to the Village. A fee, established by the Village Board by resolution shall accompany the application. The wastewater disposal system shall be designed by a professional engineer, and shall be in accordance with the NYSDOH - "Standards for Waste Treatment Works", or NYSDEC "Standards for Commercial and Institutional Facilities", as appropriate.

**D. Construction Permit** - A written construction permit shall be obtained from the Superintendent or Code Enforcement Officer before construction commencement. The Superintendent, or his designated representative, shall be permitted to inspect the construction work at any stage, without prior notice.

**E. Preventing Nuisances - Rehabilitation** required when the liquid or liquid-borne effluent from a private wastewater disposal system enters any watercourse, ditch, storm sewer, or water supply system, located in the Village, in such a manner, volume, and concentration so as to create a hazardous, offensive, or objectionable condition, in the opinion of the Superintendent, the Erie County Health Department, or the NYSDOH. The owner of the premises upon which such wastewater disposal system is located, upon receiving written notice from the Superintendent, to do so, shall, within ninety (90) days, after receipt of such notice, repair, rebuild, or relocate such wastewater disposal system for the purpose of eliminating such hazardous, offensive, or objectionable conditions. The repair, rebuilding, or relocation of the system shall be accomplished in accordance with the rules and regulations of the NYSDOH and the Erie County Health Department, at the owner's expense.

**F. - Sanitary Operation Required** - The owner shall operate and maintain the private wastewater disposal system in a satisfactory manner at all times, at the owner's expense.

**G. - Septage Removal** - Where a private wastewater disposal system utilizes a cesspool or a septic tank, septage shall be removed from the cesspool or septic tank, by a licensed hauler of trucked and hauled wastes, at three year intervals or more frequently.

**H. - Direct Connection to New Public Sewers Required** - At such time that a public sewer becomes available to a property, a direct connection shall be made to the public sewer, in compliance with this Law, and any cesspool, septic tank, and similar wastewater disposal facilities shall be cleaned of septage, by a licensed septage hauler, and finally either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed. When the connection is made to the public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate. Alternatively, the septic tank effluent may be piped or pumped to the sewer; the owner shall provide an easement to the septic tank for septage removal.

**I. Additional Requirements** - No statement in this Article shall be construed to prevent, or interfere with, any additional requirements that may be deemed necessary by the Superintendent, to protect public health and public welfare.

**J. Proper Design** - New sanitary sewers and all extensions to sanitary sewers owned and operated by the Village shall be designed, by a professional licensed to practice sewer design in the State, in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers ("Ten State Standards"), and in strict conformance with all requirements of the NYSDEC. Plans and specifications shall be submitted to, and written approval shall be obtained from the Superintendent, the Erie County Health Department, and the NYSDEC, before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

**New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting** - When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be subject to the approval of the Superintendent or Village Engineer of Record, and the Erie County Health Department. Said property owner, builder, or developer shall pay for the entire installation, including a proportionate share of the treatment plant, intercepting or trunk sewers, pumping stations, force mains, and all other Village expenses incidental thereto. Each street lateral shall be installed and inspected pursuant to Article 6, and inspection fees shall be paid by the applicant prior to initiating construction.

Design and installation of sewers shall be as specified in Section 503 of the NYSDEC Model sewer use Law, and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. The installation of the sewer shall be subject to periodic inspection by the Superintendent, without prior notice. The Superintendent or Village Engineer of Record, shall determine whether the work is proceeding in accordance with the approved plans and specifications, and

whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), before any building lateral is connected thereto. The Superintendent shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Village Board until such construction inspections have been made so as to assure the Village Board of compliance with this Law and any amendments or additions thereto. The Superintendent has the authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction. The Superintendent shall report all findings of inspections and tests to the Village Board.

(1) Local utilities shall be contacted to verify construction plans and to make arrangements to disconnect all utility services, where required to undertake the construction work. The utility services shall later be reconnected. The work shall be scheduled so that there is minimum inconvenience to local residents. Residents shall be provided proper and timely notice in addressing requests made by the Village.

(2) The public shall be protected from personal and property damage as a result of the construction work.

(3) The grade and alignment shall be checked and made correct. The pipe shall be in straight alignment. Any negotiation of curves shall be at manholes, except when site conditions require alternative pipe laying procedures. These alternative procedures, including bending the pipe barrel, deflecting the joint, and using special fittings, shall require prior written approval of the plans and also written confirmation approval of need by the Superintendent after examination of the site conditions.

(4) When a smaller sewer joins a larger one the invert of the larger sewer shall be lowered sufficiently to maintain the same hydraulic gradient. An approximate method which may be used for securing this result is to place the 0.8 depth of both sewers at the same elevation.

**§ 193-71 open for future use**

**§ 193-72 open for future use**

**§ 193-73 open for future use**

**§ 193-74 open for future use**

## **Article V**

### **Electric**

#### **§ 193-75 - General Policy Permits; General.**

- A.** No electrical equipment, materials, devices, apparatus, and the like, shall be installed, repaired, or altered, except upon an electrical permit first being issued by the Building department authorizing the installation, alteration, or repair of electrical equipment, materials, devices, and/or apparatus. Notice: In any case whereas an electrical permit is waived because of an exception, as recognized by the Village Board, or whereas a fee has been paid for services rendered to a department of the municipality, the electrical regulations shall continue to be enforced, and all electrical installations, materials, devices, and apparatus shall be in full compliance with all electrical codes and/or ordinances as adopted by the Village of Springville
- B.** Where an electrical installation has been started prior to the issuance of a permit for such work, the normal permit fee, as required by this section, shall be doubled and/or subject to fines.
- C.** The Building Department shall issue permits for such installation and alteration of electrical equipment in all cases where application for such permit shall be made in accordance with the rules and regulations applicable thereto, and as required throughout any section(s) of this chapter, provided, however, that no permit shall be issued for installing or altering by contract electrical equipment unless the person applying

for such permit is licensed or is owner or occupant of a residential occupancy. A licensed contractor shall obtain a permit to install all new installations in commercial and industrial buildings

- D.** The electrical inspector of the Building Department shall inspect all electrical equipment installed or altered, except such electrical equipment as may be lawfully exempt, and shall require that it conforms to the electrical regulations of this chapter and/or ordinances as adopted by the Village of Springville.
- E.** Upon completion of such installation or alteration in compliance with the electrical regulations, the Building Department on request made by a licensed contractor, issue a certificate of inspection covering such installation or alteration, provided, however, that no such certificate shall be issued until all the inspection fees for such installation have been paid.
- F.** The Building Department or designee is hereby empowered to re-inspect any electrical equipment within the scope of the electrical regulations of the codes and/or ordinances, as adopted by the Village of Springville, and when said electrical equipment is found to be unsafe to life or property, shall have the authority to undertake immediate action necessary to disconnect or cause disconnection or removal of any electrical wires or electrical devices that may be energized, and shall proceed to notify in writing either the owner, his agent for the purpose of managing, controlling or collecting rents, or any other person managing, controlling, using or operating the same to place such electrical equipment in a safe and secure condition in compliance with the electrical regulations, within such time as the senior electrical inspector shall consider just and reasonable. In no event shall this time exceed fifteen (15) days from the date of such notice. Refusal to comply with the requirements of such notice shall subject the person owning, managing, operating or using such electrical equipment to the penalties provided for in the electrical codes and/or ordinances as adopted by the Village of Springville. The Code Enforcement officer is hereby empowered to cut off and stop current to any electrical equipment found to be unsafe to life or property.
- G.** The Building Department shall keep complete records of all permits issued and inspections made and other official work performed under the electrical regulation of the codes and/or ordinances as adopted by the Village of Springville.
- H.** Failure on the part of any contractor, landlord, homeowner, person leasing space and/or property, and individual person(s) to correct any violation, defect, error or deficiency in any electrical installation that has and/or is installed under the authority of a permit issued to him by the Building Department within ten (10) days after written notification thereof by said bureau, or within such reasonable time as may, upon request, be prescribed, the electrical inspector(s) shall without further notice stop the issuance of permits to such contractor, landlord, homeowner, person leasing space and/or property, and individual person(s), until such corrections have been made, inspected and approved. In addition, the penalty provided in the electrical codes and/or ordinances, as adopted by the Village of Springville, may be enforced. The electrical inspector having jurisdiction is hereby empowered to suspend the permit privileges of any licensed contractor, landlord, homeowner, person leasing space and/or property, and individual person(s) who fails to pay any just indebtedness for inspection fees for electrical work until such contractor shall discharge and pay to the municipality all just indebtedness then due and owing from such licensed contractor.
- I.** The Code Enforcement Officer or village designee is authorized to revoke any permit or certificate obtained by fraud, misrepresentation, or in any way contrary to the provisions of the electrical regulations of the electrical codes and/or ordinances as adopted by the Village of Springville, for the installation, alteration, repair and use of any electrical equipment, materials, devices, and apparatus
- J.** It shall be unlawful for any licensed contractor, landlord, homeowner, person leasing space and/or property, and individual person(s), to secure or furnish a permit for the installation, alteration and repair of electrical wires and apparatus to any person not entitled to such permit under the electrical regulations of this Code.
- K.** Any person violating any of the sections of the electrical requirements as adopted by the Village of Springville shall be subject to the penalties provided as noted in subsection (P) of this section, and in addition thereto, the permit, certificate, or any printed form issued to a licensed contractor, landlord, homeowner, person leasing space and/or property, individual person(s), etc., shall be revoked by the Code

Enforcement Officer. Notice of revocation shall be in writing to the person violating any of those sections of the electrical codes and/or ordinances as adopted by the Village of Springville. Any person who violates any of the provisions of the electrical requirements as adopted by the Village of Springville, or who maintains any electrical wiring and apparatus found to be dangerous to life and property, shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day such violation continues shall constitute a separate and distinct offense, and so much of any electrical installation as may be erected or altered and maintained in violation of this section shall be condemned; and the Superintendent and Code Enforcement Officer are hereby empowered to cut off and discontinue current to such electrical wires and apparatus.

§ 193-76 -open for future use

§ 193-77. open for future use

§ 193-78. open for future use

§ 193-79. open for future use

§ 193-80. open for future use

## **Article VI**

### **Water Rates**

#### **§ 193-81. Service to customers within Village.**

The charge for water service is set by Village Board resolution. All rates will be referenced from Village of Springville Rate Table and are subject to change, as determined by the Village Administrator.

#### **§ 193-82. Service to customers outside Village.**

- A.** The rates for metered water service to customers located outside the Village limits for each monthly period shall be 200% of the rates specified in § 193-81 hereof.
- B.** A security deposit equal to the total of three months' average water rate charge shall be required for each current and future water customer in order to qualify or continue to qualify for service at a premises outside the Village.
  - (1)** The amount of deposit for each such customer shall be reasonably determined and re-determined from time to time by the Village Clerk. Such deposits shall be held by the Village in a common account to the credit of each customer and, after satisfaction of all outstanding water service charges, any balance remaining shall be returned to the customer without interest upon termination of water service to that consumer. In the event of a transfer of title to the premises being supplied with Village water, a new security deposit shall be determined and established by the Village Clerk in the name of the new owner.
  - (2)** The water customer may elect to make such deposit in one payment or it may be funded by making 10 successive monthly payments of 10% of such deposit as an additional charge on each month's water bill until the entire required security deposit has been made.
  - (3)** The foregoing security deposit requirement shall take effect for current customers 60 days after notice thereof has been mailed by the Village Clerk to the customer. Failure to make a single payment of the entire required deposit within 30 days of such notice shall be conclusive evidence of the customer's election to fund the deposit account by making successive monthly payments until that customer's security deposit account shall be fully funded.
  - (4)** The security deposit requirement for a new customer at the same service location shall take effect immediately and, unless funded by a single payment of the entire security deposit when the account is established, shall be funded by making 10 successive monthly payments of 10% of such deposit as an additional charge on each month's water bill until the entire required security deposit has been made.

C. Any real property outside the Village of Springville not currently served by municipal water from the Village of Springville shall not be provided Village of Springville water service except through an approved annexation into the Village of Springville or by being part of a water district, as contemplated by Article 12 of the New York State Town Law, within the Town of Concord.

**§ 193-83. Termination of service and late payment penalty.**

- A. Water service to any customer may be terminated at the direction of the Village Clerk whenever any water service charge, penalty, security deposit payment or other lawful charge or fee remains unpaid for 30 days after payment shall have become due. In the event that water service is terminated, a termination fee as established herein, or as otherwise provided from time to time by resolution of the Board of Trustees, shall be paid by or on behalf of the customer whose service was terminated before that customer's water service or a new customer's water service may be reinstated at that same service location.
- B. A monthly late payment penalty of 1 1/2% of the water rates established by the preceding sections shall be added to all accounts that are not paid before the end of the calendar month following the month in which each monthly billing period ends. The late payment penalty so added to such unpaid accounts shall be compounded and assessed for each calendar month or part thereof that an account remains unpaid until the first day of May in each year, at which time the amount of all unpaid water bills together with all late payment penalties shall be included by the Board of Trustees in the annual tax levy upon the respective parcels of real property in the Village to which such unpaid water bills relate.

**§ 193-84. Definitions and rate changes by resolution.**

- A. The following words when used in this article shall have the following meanings:

**CONNECTION EXPENSE FEE**

The fee charged to compensate for the Village's cost to make the physical connection of the customer's private service line to the public water main; this fee shall include the connection inspection fee.

**CONNECTION INSPECTION FEE**

The fee charged for the cost of the Village's inspection of the physical connection of a service location to the Village water system.

**CUSTOMER**

The owner(s) of the real property being provided with water; does not include a tenant or other occupant of the real property using the water unless that occupant is the legal owner of the real property.

**RE-INSTITUTION OF SERVICE FEE**

The fee charged for the cost of resuming service to the same customer at the same service location.

**REPAIR TERMINATION FEE**

The fee charged to compensate for the cost of terminating service at a service location necessitated by the customer's faulty connection or water service line or at the request of the customer so that repairs can be made to the customer's connection to the Village water system or to the customer's other waterlines.

**SERVICE LOCATION**

The customer's building or other structure or place on the real property receiving water service from the Village through a single water meter.

**TERMINATION FEE**

The fee charged to compensate for the cost of terminating service at a service location for nonpayment of service charges or rates.

**VOLUNTARY TERMINATION FEE**

The fee charged for terminating service at a service location at the request of the customer for reasons unrelated to connection repair or service line repair or nonpayment of water rates.

- B. The billing periods, late payment penalties, deposit amounts, service fees, water rates, water service charge components and rate structure established in this article may be changed from time to time by resolution of the

Board of Trustees after a public hearing has first been held before said Board of which at least three days' notice shall have been given by publication in the official Village newspaper.

## **Article VII**

### **Water**

#### **§ 193-85. Water pipe construction outside buildings.**

- A.** The Village Water Division will install (at Village expense) a shutoff valve up to 2" at the street right-of-way line. Connection to this valve shall be made by the property owner's contractor at his expense in the presence of the inspector. Water shall not be turned on except by the Village Water Division. Water taps in excess of 2" shall be performed by a contractor at owners expense.
- B.** Water piping to single- and two-family dwellings shall be minimum three-fourths-inch Type K copper continuous to the meter set. Rigid materials, ie:brass may be used with prior approval.
- C.** Industrial and commercial water piping shall be of a size approved by the Superintendent of Public Works or his assigned designee. Copper pipe or ductile iron Class 52 shall be used between the water main and the meter.
- D.** No waterline and sewers are to be included in the same ditch, they must comply with the following:
  - (1) They will maintain 10' horizontal separation from watermain to any sewer.
  - (2) Residential service lines not to be located under driveways.

#### **§ 193-86. Water pipe construction within buildings.**

The Village of Springville has adopted the New York State Uniform Fire Prevention and Building Code,

- A.** The Village will furnish (at Village expense) a meter setting spud, to be installed by the property owner. Installation shall be such that a water meter can be installed by the Village (at Village expense) 18 inches above the finished floor, and 6" minimum from the wall, in an accessible location so that it can be readily read or shut off. Control valves installed at the inlets will be a flared connection, and outlets of the water meter shall be at least 10' of minimum Type L copper, and at least as large as the size of the supply piping of the water meter and shall not restrict the flow of water. All copper service line shall be anchored properly.
- B.** All openings in a foundation wall or slab shall be sleeved or grouted with hydraulic cement. Sleeves shall be cut off flush with wall. Where such openings are within 100 feet of a gas main or gas service pipe, they shall be made gastight. Sleeves shall be of adequate size to allow the sewer or water pipes to pass through without bending or friction. Grouted applications shall be watertight.

#### **§ 193-87. Water Taps:**

- A.** A separate water tap shall be required for each building on any premises supplied with water. No service line shall be connected to any other building or premises on its own or adjacent parcel. Connecting of two or more services lines is prohibited.
- B.** A water tap intended to replace an existing service line shall not be installed unless the existing tap is disconnected and sealed at the water main and thereafter inspected by the Department of Public Works. All replacement expenses shall be borne by the property owner.
- C.** Where any existing water service line is abandoned or not used for one year, the service line shall be disconnected and sealed at the water main and thereafter inspected by the Department of Public Works. All expenses shall be borne by the property owner.
- D.** The property owner shall be responsible for the maintenance and repair of all water connections, distribution lines and appurtenances from the curb stop to the meter. All expenses shall be borne by the property owner.

**§ 193-88. Water meter**

**A. Location:**

- (1) An individual meter shall be required for each premises and for each separate water tap to a premises.
- (2) All meters shall be set in a horizontal position and shall be accessible for inspection and reading.
- (3) Any service line that extends more than 150 feet from the street pavement edge to the building line shall have its water meter set in a heated enclosure close to the curb stop within the ROW.
- (4) All meters shall be protected against both freezing, hot water and steam.

**B. Initial installation.**

- (1) All water meters shall be provided to the property owner at the expense of the Village, and the meter shall be treated thereafter as a fixed appurtenance to the premises on which it is located.
- (2) The property owner shall be responsible for installation of all necessary piping, fittings, valves and pipe couplings required to receive the meter.
- (3) The meter shall, upon inspection, be sealed by the Department of Public Works and thereafter be under the exclusive control thereof. No sealed meter shall be removed without written permission of the Department of Public Works.
- (4) All meters shall be connected to the water service line by a shutoff valve on each side of the meter. No connection in any water service line shall be made between the water main and the meter.
- (5) The Village may order the installation of a device where it deems necessary.

**C. Maintenance.**

- (1) The property owner shall be responsible for damage to the meter due to freezing, steam, hot water, tampering or other external causes ie:improper grounding, or lightning.
- (2) Meter repair or replacement due to ordinary wear on Residential meters shall be the responsibility of the Village. Repair or replacement due to ordinary wear on Commercial meters will be the responsibility of the property owner.

**D. Testing.**

- (1) All meters shall be made accessible to the Village, at reasonable times, for the purpose of testing and repairs.
- (2) The Village reserves the right to remove and test any meter and to substitute another meter in its place.
- (3) In the case of a disputed water charge involving the accuracy of a meter, the meter shall be tested by the Village upon payment of a fee as established by resolution of the Board of Trustees. In the event that the meter is proved defective, the testing fee shall be waived and the water charge shall be adjusted at the discretion of the Village Board. Any credit or additional charge for such adjustment shall be applied to the owner's next water bill.

**E. Connection.**

- (1) All water tap connections shall be made only by the Village after prior approval by the Building Department and after payment of all applicable fees as established by resolution of the Board of Trustees.
- (2) Any required street opening in connection with a water tap shall be made in compliance with Streets and Sidewalks section of this Code.
- (3) All new or replacement service lines shall be of Type K copper tubing, located a minimum of five feet below the established street grade level and on a direct line into the premises. Where compliance is determined to be impractical, the Department of Public Works may grant approval, in writing, for an alternate method of installation.
- (4) Any water service line shall be located wholly within its own trench.

**F. Curb box/curb stop installation.**

- (1) A separate curb box/stop shall be installed for each premises where the water service is to be individually metered.
- (2) In a residential district, installation shall be between the sidewalk and Right-of-way. In a commercial district, it shall be located within the Right of Way at an easily accessible location. The top of the box shall be set even with the pavement and in every case flush with the surface of the existing grade.

## **Article VIII**

### **Cross-Connection Control**

#### **§ 193-89. Legislative intent; adoption of state code by reference.**

The purpose of this article is to safeguard the Village of Springville's potable water supply from potential contamination by preventing backflow from a water user's system into the public water system. It is the intent of this Article to recognize that there are varying degrees of hazard and to apply the principle that the degree of protection should be commensurate with the degree of hazard. Further, it is the intent of the Village of Springville to comply with the requirements of the New York State Sanitary Code, Part 5, Section 5-1.31, which section mandates that the supplier of water protect its public water system in accordance with procedures acceptable to the New York State Commissioner of Health. These mandated requirements are as set forth in the Cross-Connection Control Manual published by the New York State Department of Health (NYSDOH) and to that extent, the terms, conditions and provisions of the New York State Sanitary Code, Part 5, Section 5-1.31 and the Cross-Connection Control Manual are incorporated in this Article by reference as if fully stated herein.

#### **§ 193-90. Definitions.**

For this Article the following terms shall have the meanings indicated:

##### **AIR GAP SEPARATION**

A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.

##### **APPROVED CHECK VALVE**

A check valve that seals readily and completely. It must be carefully machined to have free-moving parts and assured watertightness. The face of the closure element and valve seal must be bronze, composition or other non corrodible material which will seal tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze and other non corrodible, nonsticking material, machined for easy dependable operation. The closure element shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

##### **APPROVED DOUBLE-CHECK VALVE ASSEMBLY**

Two single independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable test connections. This device must be approved as a complete assembly.

##### **APPROVED REDUCED PRESSURE ZONE DEVICE**

A minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks. This device must also be approved as a complete assembly.

##### **APPROVED WATER SUPPLY**

Any water supply approved by the New York State Department of Health for human consumption.

##### **AUXILIARY SUPPLY**

Any water supply on or available to the premises other than the approved public water supply.

##### **CERTIFIED BACKFLOW PREVENTION DEVICE TESTER**

An individual who has successfully completed a New York State Department of Health approved course in the testing of backflow prevention devices and has been issued a currently valid certificate by the New York State Department of Health (NYSDOH).

##### **CROSS-CONNECTION**

Any connection unprotected against backflow between any part of a water system used or intended to be used as a supply of water for drinking purposes and a source or system containing water or a substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.

**PUBLIC WATER SUPPLY USER**

A person(s), partnership, corporation or other entity that owns or occupies property within the Village of Springville that is connected to the Village's public water supply system or has made application for such connection.

**VACUUM BREAKER, PRESSURE-TYPE AND NON-PRESSURE-TYPE**

A vacuum breaker which can only be used for internal plumbing control and, therefore, not acceptable as a containment device.

**WATER SUPERVISOR**

The person on the user's premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the user's premises and for maintaining the user's water system free from cross-connections and other sanitary defects, as required by this article and all other existing requirements, regulations and laws.

**§ 193-91. Protection requirements.**

- A. Where protection is required. All users of the Village of Springville public water system shall prevent cross-connection between their potable water piping system and any other piping system within the user's premises and between the Village of Springville public water supply system and the user's water system. The user's water system shall be required to maintain a degree of protection commensurate with the degree of hazard regardless of whether the hazard is immediate or potential. To that extent, the Cross-Connection Control Manual published by the NYSDOH shall be used as a guide to determine where protection is required. It shall be the responsibility of the water user to provide, install and maintain such required protection devices, and such devices shall be of a type acceptable to the New York State Department of Health. Plans for the installation of protective devices must be drawn and stamped by a New York State licensed architect or engineer and submitted by the water user to the Village of Springville for review and to the Erie County Health Department for approval.
- B. Type of protection. The protective device required shall depend on the degree of hazard as set forth below:
  - (1) Where a residential user of the Village of Springville water supply maintains an auxiliary water supply in addition to the public water supply, the two systems must not be interconnected.
    - (a) Disconnection of the auxiliary water supply from the public water supply. An inspection to determine compliance will be made initially and at least every three years thereafter and whenever the property is sold. The inspection may be made by the Village of Springville's Code Enforcement Officer or his qualified designee.
    - (b) Installation of an approved reduced pressure zone device on the public water supply connection.
    - (c) Proper abandonment of the auxiliary water supply.
  - (2) At the public water supply service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health if introduced into the public water supply) is handled so as to constitute a cross-connection, the public water supply shall be protected by an approved double-check valve assembly or an approved reduced pressure zone device or an air gap separation.
  - (3) At the public water supply service connection to any premises on which a substance of unusual toxic concentration or danger to health is or may be handled, but not under pressure, the public water supply shall be protected against backflow by an air gap separation or an approved reduced pressure zone device. If an air gap is installed, it shall be located as close as practical to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. If an approved reduced pressure zone device is installed, it shall be located as close as possible to the user's side of the water meter.
  - (4) At the public water supply service connection to any premises on which any material dangerous to health or toxic substance and toxic concentration is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practical to the water meter, and any piping between the

water meter and receiving tanks shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected against backflow with an approved reduced pressure zone device and it shall be located as close as possible to the property line.

(5) At the public water supply service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practical to the water meter and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected against backflow by an approved reduced pressure zone device, and it shall be located as close as possible to the user's side of the water meter.

- C. Frequency of inspection of protective devices. It shall be the duty of the water user on any premises where backflow protective devices are installed to have competent inspections made on a regularly scheduled basis at least once a year or more often as directed by the Village of Springville in instances where successive inspections indicate repeated failure. Devices shall be immediately repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. These tests shall be performed by a New York State certified backflow prevention device tester, and all test results shall be provided by the tester to the Village of Springville within 72 hours after the test is made. Records and reports of such tests, repairs and overhaul shall be currently maintained by the user, and copies of the same shall be promptly sent to the Village of Springville and, upon request, made available to the Erie County Health Department.

**§ 193-92. Noncompliance; penalties for offenses.**

- A. No public water service connection to any premises shall be installed or maintained by the water user, unless the public water supply is protected by the water user as required by this Article and all other applicable local, state and federal laws, rules and regulations.
- B. If any public water supply user denies an authorized Village of Springville agent or employee access to its premises for the purposes of determining whether protection of the public water supply system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of water service lines. Denial of such access shall also be deemed prima facie evidence that the appropriate backflow prevention device is not installed in that user's water system.
- C. In the event that a New York State certified backflow prevention device testers report states that a user's required backflow prevention device is not installed or that it is in need of replacement or repair and the Board of Trustees of the Village of Springville determines that water service to that user must be terminated to protect the public health from a grave and immediate danger, such water service shall be terminated by the Village of Springville until an approved and properly functioning backflow prevention device has been installed by the user and verified by such state-certified tester.
- D. The following penalties shall be applicable for a violation of this Article:
- (1) Failure to install the appropriate backflow prevention device and allow the Village of Springville to verify such installation by on-site inspection and testing within 10 days after first notice given, in writing, personally or by certified mail, to the user or user's water supervisor: \$250.
  - (2) Failure to install the appropriate backflow prevention device and allow the Village of Springville to verify such installation by an on-site inspection and testing within 10 days after second notice given as aforesaid: termination of water service.
  - (3) Failure to at least annually test the backflow prevention device as required and provide test results to the Village of Springville: \$300 and/or termination of water service.
  - (4) Failure to replace or repair a backflow prevention device as required: \$1,000 and/or termination of water service.

**§ 193-93. for future use**

**§ 193-94. for future use**

**§ 193-95. for future use**

## **Article IX**

### **Storm Sewers**

#### **§ 193-96 Prohibition of illegal discharges**

No person shall discharge or cause to be discharged into the stormwater system any materials other than stormwater except as provided below. The commencement, conduct or continuance of any illegal discharge to the stormwater system is prohibited except as described as follows:

- A. The following discharges are exempt from discharge prohibitions established by this article, unless NYSDEC or the Village has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm sewers, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- B. Discharges approved, in writing, by the Superintendent to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the Superintendent may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
- C. Dye testing in compliance with applicable state and local laws is an allowable discharge with a verbal notification to the Superintendent prior to the time of the test.
- D. The prohibition of illegal discharges shall not apply to any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of NYSDEC, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the stormwater system.

#### **Illicit connections prohibited**

- A. The construction, use, maintenance or continued existence of illicit connections to the stormwater system is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A person is considered to be in violation of this article if the person connects a line conveying sewage to the stormwater system, or allows such a connection to continue.

#### **Activities contaminating stormwater prohibited**

- A. Activities that are subject to the requirements of this section are those types of activities that:
- B. (1) Cause or contribute to a violation of the Village's stormwater system SPDES stormwater discharge permit; or
- C. (2) Cause or contribute to the Village being subject to the special conditions.

- D. Such activities include improper management of pet waste or any other activity that causes or contributes to violations of the Village's stormwater system SPDES stormwater discharge permit authorization.
- E. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the Village's stormwater system SPDES stormwater discharge permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the Village's stormwater system SPDES stormwater discharge permit authorization.

**Prevention, control and reduction of stormwater pollutants by use of best management practices.**

- A. Best management practices. Where the Superintendent has identified illicit discharges or an activity contaminating stormwater, as defined in this article, the Village may require implementation of BMPs to control those illicit discharges and activities.
- B. The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the stormwater system through the use of structural and nonstructural BMPs.
- C. Any person responsible for a property or premises which is, or may be, the source of an illicit discharge or an activity contaminating stormwater, as defined in this article, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the stormwater system.
- D. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

**§ 193-97 Industrial or construction activity discharges**

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Village prior to the allowing of discharges to the stormwater system.

**Suspension of access to stormwater system**

- A. Illicit discharges in emergency situations. The Superintendent may, without prior notice, suspend stormwater system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of people, or to the stormwater system. The Superintendent shall notify the person of such suspension within a reasonable time thereafter, in-writing, of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the Superintendent may take such steps as deemed necessary to prevent or minimize damage to the stormwater system or to minimize danger to people.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the stormwater system in violation of this article may have his or her stormwater system access terminated if such termination would abate or reduce an illicit discharge. The Superintendent will notify a violator, in writing, of the proposed termination of its stormwater system access and the reasons therefor. The violator may petition the Superintendent for a reconsideration and hearing. Access may be granted by the Superintendent if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the Superintendent determines, writing, that the illicit discharge has not ceased or is likely to re-occur. A person commits an offense if the person reinstates stormwater system access to the premises terminated pursuant to this section without the prior approval of the Superintendent.

**§ 193-98 Access to facilities; monitoring of discharges.**

A. Applicability. This section applies to all facilities that the Superintendent must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article.

B. Access to facilities.

(1) The Superintendent shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Superintendent.

(2) Facility operators shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.

(3) The Village shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the Superintendent to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The Village has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) An unreasonable delay in allowing the Superintendent access to a facility subject to this article is a violation of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the Superintendent reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.

(6) If the Superintendent has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the Superintendent may seek issuance of a search warrant from any court of competent jurisdiction.

#### **Notification of spills**

A. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the stormwater system, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Village, in person or by telephone or facsimile, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Village within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

#### **§ 193-99 Enforcement; penalties for offenses**

A. Notice of violation. When the Superintendent finds that a person has violated a prohibition or failed to meet a requirement of this article, he or she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

(1) The elimination of illicit connections or discharges;

(2) That violating discharges, practices, or operations shall cease and desist;

(3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(4) The performance of monitoring, analyses, and reporting;

(5) That the Village will seek civil remedies or criminal penalties, including the imposition of a criminal fine, as provided in Subsection B; and

(6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.