

Be it ordained and enacted by the Board of New Hartford at a Town Meeting duly assembled, that the following Ordinance be providing for the use of public and private sewers and the disposal of sewage within the Town of New Hartford, County of Litchfield and State of Connecticut be and hereby is adopted.

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S): AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE TOWN OF NEW HARTFORD, COUNTY OF LITCHFIELD, STATE OF CONNECTICUT, AS AUTHORIZED BY CHAPTER 98 OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT, SECTIONS 7-148 and 7-153.

Be it ordained and enacted by the Town of New Hartford at a Town Meeting duly assembled, that the following ordinance providing for the use public and private sewers and the disposal of sewage within the Town of New Hartford, County of Litchfield and State of Connecticut be and hereby is adopted.

Article I

Purpose

The purpose of this Ordinance is to regulate the use of public and private sewers and drains, sewage disposal, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system and providing penalties for violation thereof; and for the establishment of rates and charges for the connection to and use of the public sewer system in the Town of New Hartford.

Article II

Definitions

- (1) "Town" shall mean the Town of New Hartford, County of Litchfield, State of Connecticut.
- (2) "Sewer Commission" shall mean the Sewer Authority of the Town of New Hartford, as created by the town meeting of August 26, 1963, and with all of the powers, purposes and objectives set forth in Chapter 103 of the General Statutes of the State of Connecticut, Revision of 1958, and amendments thereto, or its authorized deputy, agent, or representative.

- (3) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- (4) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from sanitary waste pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (5) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, and means a sanitary sewer only.
- (6) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- (7) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (8) "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- (9) "Cooling Water" shall include clean waste water from air conditioning, industrial cooling, condensing and similar apparatus and from hydraulically powered equipment. In general, cooling water will include only water which is sufficiently clean and unpolluted to admit it to be discharged, without treatment or purification, into any natural open stream or watercourse without offense.
- (10) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (11) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

- (12) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (13) "Properly Shredded Garbage" shall mean 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 one-half ($\frac{1}{2}$) inch in any dimension.
- (14) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (15) "Lateral" shall mean that portion of the "Building Sewer" that extends from a private property line to the point of connection on the public sewer.
- (16) "Private Property Line" shall mean the street line where such line has been legally established, otherwise it shall be a line parallel to and five (5) feet distant away from the line of pavement.
- (17) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters shall not be admitted.
- (18) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
- (19) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- (20) "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

- (21) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (22) "Shall" is mandatory; "May" is permissive.
- (23) "Slug" shall mean 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 fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- (24) "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and underground drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (25) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- (26) "Watercourse" shall mean a channel in which a natural flow of water occurs, wither continuously or intermittently.

Article III

Use of Public Sewers Required

- Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of New Hartford, any human or animal excrement, garbage, or other objectionable waste.
- Sec. 2. It shall be unlawful to discharge to any natural outlet within the Town of New Hartford, or in any area under the jurisdiction of said town, any sewage or other polluted waters, industrial wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

3. 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 or industrial waste.

Sec. 4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley or right of way in which there is located a public sanitary sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice by the Sewer Commission to do so, provided that said public sewer is within one hundred (100) feet of his property line.

Sec. 5. Existing private sewers which have been or will be connected to the system installed under the jurisdiction of the Sewer Commission may be required by the Commission to be dedicated to the town.

Article IV

Private Sewage Disposal

Sec. 1. Where a public sanitary sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

- Sec. 2. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit approved by the Sewer Commission. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Sewer Commission. A permit and inspection fee as determined by the Sewer Commission shall be paid to the Sewer Commission at the time the application is filed.
- Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Sewer Commission. They shall inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Sewer Commission when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Sewer Commission.
- Sec. 4. The type, capacities, location, and layout of a private sewage disposal system shall be designed by a competent engineer and shall be submitted on a plan as required by regulations established or to be established by the Sewer Commission and shall comply with all recommendations of the Department of Public Health of the State of Connecticut and any other requirement of law. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.
- Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirement that may be imposed by the health officer or any ordinance duly adopted by the town.

Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

Article V

Building Sewers and Connections

- Sec. 1. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Sewer Commission.
- Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Sewer Commission. A permit and inspection fee may be charged and shall be paid to the town at the time the application is filed.
- Sec. 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 4. A separated and independent building sewer shall be provided for every building; except where on building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Sewer Commission, to meet all requirements of this ordinance.

Sec. 6. The Sewer Commission shall from time to time establish standard requirements or specifications to regulate the sizes, materials, methods and workmanship to be used in the construction of sewers, drains, methods and connections, and other similar work and appurtenances thereto connected or intended to be connected or to discharge, directly or indirectly, into any public sewer or drain of the Town of New Hartford. Such standard requirements shall provide minimum requirements as to size, depth, slope, or rate of grade for such pipes, shall regulate the kinds of pipe, fittings, methods of laying, jointing, materials used, manner of connecting to pre-existing sewers and drains, and general considerations as to location and other pertinent features. Any such requirements or specifications as the same may from time to time be amended, are hereby made a part of this ordinance. The above requirements or specifications shall act as extensions of any local building code or plumbing code if they exist.

Sec. 7. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the sanitary sewer at the owner's expense.

Sec. 8. No person shall make connection of roof downspouts, interior or exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.

Sec. 9. From the public sewer, at the time initial construction, a lateral will be placed extending to the property line of each existing building from which a building sewer is to be connected. The location of such lateral shall be, within proper engineering aspects, at the discretion of the property owner.

Sec. 10. The connection of the building sewer lateral into the public sanitary sewer shall conform to these requirements or other applicable rule and regulations of the town, or the Sewer Commission. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Sewer Commission before installation.

- Sec. 11. The applicant for the building sewer permit shall notify the Sewer Commission when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the direct supervision of the Sewer Commission or its representative.
- Sec. 12. All excavations for building sewer lateral installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town, or to the condition in which it was prior to the disturbance.
- Sec. 13. The applicant shall perform all work required for the building sewer at his expense.

Article VI

Use of the Public Sewers

- Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) any gasoline, benzene, naphtha, fuel oil, kerosene, alcohol, or other flammable or explosive liquid, solid, or gas;
 - (b) 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, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharges to the public sewer;

(c) 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; and

(d) any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.

Sec. 3. 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 Sewer Commission 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 its opinion as to the acceptability of these wastes, the Sewer Commission 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:

- (a) any liquid or vapor having a temperature higher than one hundred fifty (150) °F (65°C);
- (b) any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) °F (0 and 65°C);
- (c) any garbage that has not been properly shredded;
- (d) any waters, or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- (e) any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by Sewer Commission for such materials;
- (f) any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Sewer Commission as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies jurisdiction for such discharge to the receiving waters;

- (g) any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Sewer Commission in compliance with applicable state or federal regulations;
- (h) any waters or wastes having pH in excess of 9.0;
- (i) materials which exert or cause:
 - (1) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - (3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and
 - (4) unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;
- (j) waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 4. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this article, and which in the judgment of the Sewer Commission 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 Sewer Commission may:

- (a) reject the wastes,
- (b) require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) require control over the quantities and rates of discharge, and/or

(d) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

If the Sewer Commission 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 Sewer Commission.

Sec. 5. Grease, oil and sand interceptors shall be provided when, in the opinion of the Sewer Commission, 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 Sewer Commission and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 6. 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.

Sec. 7. When required by the Sewer Commission, 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 accessibly and safely located, and shall be constructed in accordance with plans approved by the Sewer Commission. 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 time.

Sec. 8. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for

the Examination of Water and W^{ater}, published by the American Public Health Association, and all be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

Sec. 9. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Sewer Commission and any industrial concern whereby any industrial waste of unusual strength or character may be accepted by the Sewer Commission for treatment, subject to payment therefor by the industrial concern, and further provided that in the opinion of the Sewer Commission such waste will not unduly tax the sewage treatment facilities.

Article VII.

Powers and Authority of Inspectors

Sec. 1. The sewer superintendent and all other officers or employees of the Sewer Commission charges with the enforcement of this ordinance while acting for the Sewer Commission shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for all damage that may occur to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this ordinance shall be defended by the legal representative of the Sewer Commission until the final termination of the proceedings. In no case shall the superintendent or any of his subordinates be liable for cost in any action, suit or proceedings that may be instituted pursuant to the provisions of this ordinance; and any officer or subordinate of the Commission acting in good faith and without malice shall be free from liability for acts performed under any of the provisions of this ordinance, or by reason of any act or omission in the performance of his official duties in connection therewith.

Sec. 2. Any permit issued or any construction entered into with the approval of the Sewer Commission shall not be the basis for reliance by the permittee or any member of the general public as to the safety of the design or construction of any sewer construction or appurtenance thereto. The issuance of a permit or approval of construction by the Sewer Commission or its officers or employees shall not render the Town of New Hartford, the Sewer Commission, or its officers and employees, liable for any damages resulting from defective design or defective construction of any work covered by said permit or approval.

Article VIII

Powers and Authority of Inspectors

Sec. 1. The Sewer Commission and its authorized agents, bearing proper credentials, and identification, shall be permitted to enter upon any real property for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this ordinance.

Sec. 2. The Sewer Commission and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Article IX

Additional Requirements

Sec. 1. Notwithstanding any other provision of this ordinance, if any federal, state or town agency or provision of any other law, ordinance or regulation shall impose any additional requirements or any more stringent requirements than are set forth in this ordinance such additional or more stringent requirements shall prevail and shall be observed.

Article XI

Penalties

Sec. 1. Any person found to be violating any provision of this ordinance shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article X, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding twenty-five (25) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

Article XI

Validity

Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XII
Sec. 1. This Ordinance shall be in full force and effect from and after the 15th day after its publication in some newspaper having a circulation in the Town of New Hartford.

Special Town Meeting - March 6, 1969