

SEWER CONNECTION ORDINANCE

An Ordinance Establishing and Setting Forth Rules & Regulations Governing the Installation of Lateral Sanitary Sewers and Lateral Sanitary Sewer Connections, Together with Specifications Therefore in all Sanitary Sewer Districts and Within Any Extensions thereof in the Town of Kirkwood

Adopted December 1, 1964

The Town Board of the Town of Kirkwood, duly convened, hereby ordains and enacts as follows:

SECTION 1. Purpose

The purpose of this Ordinance of the Town of Kirkwood is to regulate the installation of lateral sanitary sewers and lateral sanitary sewer connections, and to provide specifications in all sanitary sewer districts and within any extensions thereof in the Town of Kirkwood, Broome County, New York.

SECTION 2. Definitions (Latest amendment: April 1, 1986 by LL No. 1-1986)

Unless otherwise defined herein, technical terms shall be as defined in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by The American Health Association, The American Water Works Association and the Water Pollution Control Federation. Whenever used in this law, unless otherwise expressly stated or required by subject matter or context:

“Board” or “Joint Sewage Board” shall mean the Binghamton-Johnson City Joint Sewage Board, established under the agreement between the City of Binghamton and the Village of Johnson City for the operation of a joint wastewater treatment facility. The term includes any duly authorized designee, agent or representative of the Board.

“BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20⁰C, expressed in milligrams per liter.

“Commissioner of Public Works” shall mean the Commissioner of Public Works of the Town of Kirkwood, and his duly authorized agents and representatives.

“Cooling Water” shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other sources. It shall contain no polluting substances which would produce BOD, or Suspended Solids each in excess of ten (10) milligrams per liter.

“DEC” shall mean the New York State Department of Environmental Conservation.

“Easement” shall mean an acquired legal right for the specific use of land owned by others.

“EPA” shall mean the United States Environmental Protection Agency.

“Federal Act” or “Act” shall mean the 1972 Federal Water Pollution Control Act Amendments, Public Law 92-500, and the 1977 Clean Water Act, Public Law 95-217, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.

“Flow Rate” shall mean the quantity of waste or liquid that flows in a certain period of time.

“Garbage” shall mean animal and vegetable wastes from the preparation, cooking, and disposing of food; and from the handling, processing, storage and sale of food products and produce.

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“Holding Tank Waste” shall mean any sanitary waste from holding tanks such as marine vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

“Industrial User” shall mean any non-residential user of the Town’s sanitary sewer system which User is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A — Agriculture, Forestry and Fishing

Division B — Mining

Division D — Manufacturing

Division E — Transportation, Communications, Electrical, Gas and Sanitary Services

Division I — Services

“Industrial Waste” shall mean any discarded matter including any liquid, gaseous or solid substance, or a combination thereof, resulting from any process of industry, manufacturing, trade or business or from development or recovery of natural resources. The term shall not include garbage.

“Influent” shall mean wastewater raw or partly treated, flowing into any sewage treatment device or sewage treatment facilities.

“Inspector” shall mean the person or persons designated by the Kirkwood Town Board to inspect lateral lines and connections.

“Interference” shall mean the inhibition or disruption of the treatment plant processes or operations or its sludge processes, use or disposal. The term includes any action which contributes to a violation of any requirement of the Joint Sewage Board’s SPDES Permit or which results in the prevention of sewage sludge reuse, reclamation, or disposal by the treatment plant in accordance with §405 of the Act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Resource Conservation and Recovery Act, or any more stringent State criteria applicable to the method of disposal or use employed by the treatment plant.

“Joint Sewage Treatment Plant” or “Treatment Plant” shall mean the Binghamton-Johnson City Joint Sewage Treatment Plant. The term includes all devices or systems used in the storage, treatment, cycling or reclamation of municipal sewage or industrial wastes of a liquid nature by the Binghamton-Johnson City Joint Sewage Treatment Plant.

“Lateral sanitary sewer” means the conduit pipe conveying sewage from house or building to trunk line in street.

“Lateral sanitary sewer connection” means the connection of the lateral sanitary sewer to the “Y,” in the trunk line.

“Normal Sewage” shall mean sewage, industrial wastes or other wastes having pollutant concentrations which do not exceed 240 mg/l of BOD₅, 300 mg/l of TSS or 50 mg/l of Oil and Grease and which is otherwise acceptable for discharge into the treatment plant under the terms of this Law. The numbers and values of characteristics are subject to revision by the Joint Sewage Board when, in the opinion of the Joint Sewage Board, a revision is necessary in order to (a) maintain the physical integrity of the treatment plant; or (b) maintain the treatment plant’s capability of providing treatment in compliance with Federal, State and local standards.

“Person” shall mean any individual, firm, company, partnership, association, private or public corporation, political subdivision, governmental agency, municipality, industry, trust, estate or any other legal entity whatsoever.

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“Pollutants” shall mean, or may be defined now or hereafter by appropriate local, State or Federal authorities or by the Board, substances which may be present in wastewater, whether gaseous, liquid or solid, the amount of which may contain soluble or insoluble solids of organic or inorganic nature which may deplete the dissolved oxygen content of natural waters, contribute solids, contain oil, grease, or floating solids which may cause unsightly appearance on the surface of such waters, or contain materials detrimental to aquatic life.

“Premises” shall mean any parcel of real property including land, improvements or appurtenances or buildings, grounds, etc.

“Private Sewer” shall mean a sewer which is not owned or controlled by a public agency.

“Public Sewer” shall mean a sewer which is owned or controlled by a governmental agency. This term includes any devices or systems used by the governmental agency in the storage, transmission, treatment or reclamation of municipal sewage or industrial wastes.

“Rules and Regulations of the Board” shall mean the *Rules and Regulations Relating to the use of the Binghamton-Johnson City Joint Sewage Treatment Plant*, promulgated by the Binghamton-Johnson City Joint Sewage Board.

“Sanitary Sewer” shall mean a sewer intended to carry only sanitary or sanitary and industrial wastewater from residences, commercial buildings, industrial plants, and institutions.

“Sanitary Sewer System” means the system of sanitary sewer installed or to be installed in any sewer district or extension thereof.

“Sanitary Waste” shall mean wash water, culinary wastes, the liquid waste containing only human excreta and similar matter, flowing in or from a building drainage system or sewer originating in a dwelling, business building, factory or institution.

“Sewage” shall mean “wastewater” as hereafter defined.

“Sewer” shall mean a pipe or conduit for carrying wastewater; the term includes sanitary sewers.

“Shall” is mandatory; “May” is permissive.

“Shredded Garbage” shall mean garbage shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle having any dimension greater than one-half inch.

“SPDES” shall mean a wastewater discharge permit issued by the DEC under the State Pollutant Discharge Elimination System.

“Storm Sewer” shall mean a sewer intended to carry only storm waters, surface run-off, street wash waters, and/or drainage exclusive of sanitary wastes.

“Suspended Solids” shall mean the total suspended matter in water or wastewater, as determined by Standard Methods.

“Town” shall mean the Town of Kirkwood.

“Town Attorney” shall mean the Town Attorney of the Town of Kirkwood and his duly authorized agents and representatives.

“Town Board” shall mean the Town Board of the Town of Kirkwood.

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“Town Engineer” shall mean the Town Engineer of the Town of Kirkwood and his duly authorized agents and representatives.

“Toxic Substance” shall mean any substance whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient amounts may tend to interfere with any sewage treatment process, constitutes a hazard to the receiving waters of the effluent from the sewage treatment plant, poses a hazard to sewer maintenance personnel, or constitutes a hazard to animal life or inhibits aquatic life. This definition includes, but is not limited to, EPA Priority Pollutants.

“Trunk Sewer Line” shall mean one of the main trunk sewers located in the public street or in easements owned by said sewer district.

“Unpolluted Water” shall mean water to which no constituent has been added, either intentionally or accidentally, which would render water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

“User” shall mean any person who contributes, causes or permits the contribution of wastewater into the Town’s sanitary sewer system.

“Wastewater” shall mean the water-carried domestic, human or animal waste from residences, buildings, industrial establishments or other places, together with such ground infiltration, industrial and commercial wastes as may be present.

“Wastewater Constituents and Characteristics” shall mean the individual chemical, physical, bacteriological parameters, including volume, flow rate, and such other parameters that serve to define, classify, or measure the contents, quality and/or strength of wastewater.

SECTION 3. Permits

No person, firm or corporation shall make an excavation in a public street or sewer district easement for the purpose of connecting a lateral sanitary sewer with trunk sewer, and no person, firm or corporation shall connect a lateral sewer line with a trunk line, without first having applied for and received a permit from the inspector, allowing such excavation and allowing said connection to the trunk line at the place indicated on the permit. All permits shall be issued to the owner of the premises who shall be responsible for compliance with this Ordinance. All such connections shall be made in conformity with this Ordinance and under the supervision of the Inspector.

SECTION 3A. Residential Sewer Pumps (Added February 2, 2004 by LL No. 2-2004)

1. When a gravity connection is not available, an individual sewer pump shall be required for each residence and for each separate lateral to a premise connected to the sewer system.
2. The district reserves the right in all cases to stipulate the size, type and specification of sewer pump to be used.
3. The charge to each residential consumer for providing a sewer pump shall be \$100.00 payable at the time application is made for service.
4. Residential sewer pumps shall be purchased by the District to be installed under the direction of the District by a person, firm or corporation approved by the District. The cost of installation shall be borne by the owners or applicants. Title to any residential sewer pump shall remain in the District and the installation on any private property shall not affect ownership of the pump by the District. Each owner of real property, or person having an interest in real property shall be deemed to have consented to the retention of ownership of the pump in the District by requesting, allowing or permitting sewer service to be installed to that property, or allowing the property to be occupied by someone with apparent

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authority to request, permit or allow installation of sewer service to that property, and such pump shall never be considered a fixture attached to the real property.

5. If any pump is damaged by frost, hot water, steam or any careless or negligent or willful acts of the owner or applicant resulting in injury, the cost of repair shall be assessed to the owner or applicant, and if not paid within ten days of receipt of the bill from the District, such costs shall be a charge upon the real property. Any willful acts by the owner or applicant resulting in injuries to a pump, or any acts designed to interfere with the proper operation of a residential sewer pump shall be cause for a discontinuance of service, and the cost of such discontinuance shall be assessed to the owner and if not paid within 10 days of receipt of the bill from the district, shall be charged to the real property.

6. The Applicant for a residential sewer pump shall in his/her application irrevocably release and discharge the Town and all Town officers, Town employees, Town agents, Boards of the Town, Board members of any Board of the Town, and the Sewer District or Sewer District Extension in which the property is located and their respective heirs, executors, administrators, legal representatives, successors and assigns (hereinafter collectively referred to as "Releasee"), and agrees that Releasee shall not be liable for, and agrees to defend, indemnify and save harmless Releasee of and from: any and all liability, actions, causes of action, damages, suits, claims or demands arising directly or indirectly as a result of any malfunction of said sewer pump causing damage to the residence of the applicant or the contents of his/her residence.

The foregoing obligation to defend, indemnify and save harmless shall not apply to any loss, damage, liability or expense incurred as a result of any wrongdoing of the Town or any of the individuals or entities named above.

SECTION 4. Storm and Rain Waters

No ground waters, storm waters, subterranean waters, rain waters or waters from rain spouts, cellar spouts, eaves or otherwise shall be drained into any lateral or trunk sanitary sewer line. Sanitary sewer drains located in a basement or cellar may be connected to any lateral or trunk sanitary sewer line if the drainage therein conveyed is solely that of sanitary sewage and/or water coming from the water supply system of the subject premises. Any such sanitary sewer drain shall be properly trapped and the property owner shall be solely responsible for providing adequate protection against backflow and/or back pressure.

SECTION 5. Lateral Sanitary Sewer Size and Materials (Latest amendment: August 5, 1986 by LL No. 7-1986)

The lateral sanitary sewer shall be extra heavy hub and spigot pipe, thoroughly coated inside and outside with asphaltum or coal tar, with all joints made tarred oakum and molten lead properly caulked. In residential areas ASTM D3034-SDR 35 PVC Gravity Sewer Pipe and ASTM pipe D-1785 Schedule 40 and 80 PVC pipe may be substituted. Such lateral must enter the building under the basement floor level if possible. Size of said lateral sanitary sewer when not more than five (5) water closets shall be not less than four (4) inches inside diameter. When serving more than five (5) water closets the size of the sewer shall be increased to sufficient capacity to meet all regulations.

SECTION 6. Laying Lateral Sanitary Sewers

Where the sewer is to be laid in an earth bed, the machine excavation of the trench shall be stopped well above finished grade. The remainder of the trench shall be cut by hand and shaped to receive the pipe so that the lower third of the pipe rests on original unexcavated material except for the space required for making joints. The bed shall be freed of stones and unstable materials and low spots filled with select earth tamped into place. If the foundation material cannot be manipulated to form a suitable bed for the pipe, it shall be removed and a bed of sand or gravel shall be tamped into its place. The trench for house connection shall be open to its full depth for the entire length before any pipe is laid therein. No back-filling shall be made until the work is inspected and approved by the Inspector for the District.

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SECTION 7. Trenching and Excavations

Whenever it is necessary to leave the work, the end of the pipe line shall be securely closed with a tight fitting cover or plug. Any earth or other material entering the main sewer through the open end of the lateral or pipe shall be removed at the owner's or his agent's expense. No tunneling will be allowed except where permission is obtained from the Inspector, in which case, his directions must be carefully followed. All trenches must be properly protected by sufficient sheathing and bracing where necessary. Where pipes pass under the walls of any buildings there shall be a relieving arch constructed to prevent settlement of the masonry over the pipe. The owner or his agent shall erect and maintain barricades, lights and other safeguards necessary to effectively prevent injuries to persons. When the trench passes beneath a pavement the refilling shall follow the directions of the Town, State or County Superintendent of Highways. The earth fill over and around the pipes up to a depth of one foot over the pipes must be carefully selected and free from large stones, and shall be deposited in layers not exceeding six inches in thickness, each of which shall be well pounded, and rammed and compacted so that the dimensions may be used in refilling the remainder of the trench. This refilling shall be done in one foot layers, each layer being thoroughly compacted, and the surface of the trenches shall be finished off in a smooth and workmanlike manner. All settlement occurring after the trenches have been refilled must be filled in by the owner or his agent. Should he fail to do so, the refilling will be done under the direction of the Town Board and the cost of the work charged to him.

SECTION 8. Plugs

The end of each lateral, when the connection to the house is not completed, shall be securely plugged in a manner satisfactory to the Inspector of the District.

SECTION 9. Grade and Alignment

All lateral sanitary sewers must be laid straight and true, to both grade and alignment. Changes in direction shall be made by using Y branch or one-eighth bends and shall have a grade of not less than one-quarter ($\frac{1}{4}$) of an inch per running foot toward the public sewer. The following grades shall be considered the minimum and maximum acceptable grades.

	Minimum Grade	Maximum Grade
4"	1%	20%
6"	0.65%	12%
8"	0.40%	9%

Pipes shall be fitted together and matched so that when laid they will form a sewer with a smooth and uniform invert. All pipes shall be laid with bells uphill and the interior of the pipes shall be cleared of all dirt and foreign materials as the work progresses.

SECTION 10. Connection at Sewer

The connection of the main sanitary sewer shall be made at the "Y" provided for this purpose. This connection shall not be made at any other point without special permission from the Inspector.

SECTION 11. Cleanouts

Inside the building at the end of the lateral there shall be provided a 4" cleanout "Y". In no instance shall there be any connection to the lateral on the street side of the cleanout. Any lateral having bends greater than 1/16 shall have adequate cleanout at such bends. The size of the laterals shall be determined by computed flows by the Inspector.