

ARTICLE 61-200: SEWER

Section 61-201. Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Building Drain" shall mean 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 (5) feet or one and one-half (1.5) meters outside the inner face of the building wall.
- (b) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (c) "City" shall mean City of Jamestown, New York, and "Town" shall mean Town of Busti.
- (d) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- (e) "County Health Department" shall mean the Chautauqua County Health Department.
- (f) "DEC" or "NYDEC" shall mean the New York State Department of Environmental Conservation.
- (g) "Director" shall mean the Director of Public Works and/or of Water Pollution Control of the City of Jamestown, or his authorized deputy, agent, or representative.
- (h) "EPA" or "USEPA" shall mean the United States Environmental Protection Agency.
- (i) "Effluent" shall mean wastewater, after some degree of treatment, flowing out of any treatment device or facilities.
- (j) "Garbage" shall mean solid wastes from the domestic preparation, cooking, and dispensing of food, and from the handling and storage of produce.
- (k) "Health Commissioner" shall mean the Chautauqua County Health Commissioner.
- (l) "Hearing Board" shall mean that Board appointed according to the provisions of Article X.
- (m) "Industrial Wastes" shall mean those liquid wastes from industrial manufacturing processes, trades, or businesses which possess characteristics significantly different than normal sanitary sewage.
- (n) "Industry" shall mean any establishment which uses water in a product or generates a wastewater during the manufacturing of a product or the rendering of a service where such service results in the creation of a wastewater which differs substantially in character from normal domestic sewage.

(o) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(p) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(q) "Pollutants" shall mean or may be so defined now or hereafter by appropriate local, State, or Federal authorities or by the Commissioner as substances which may be present in wastewater, whether gaseous, liquid, or solid, the amount of which may contain soluble or insoluble material 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.

(r) "Premises" shall mean any parcel of real property including land, improvements, or appurtenances, such as buildings, grounds, etc.

(s) "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 (0.5) inch or one and twenty-seven one-hundredths (1.27) centimeters in any dimension.

(t) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(u) "Sanitary Sewage" shall mean wash water, culinary wastes, and liquid waste containing only human excreta and similar matter, flowing in or from a building drainage system or sewer originating in a dwelling.

(v) "Sanitary Sewer" shall mean a sewer which carries sanitary sewage, to which storm, surface, and groundwater are not intentionally admitted.

(w) "Sewage" shall mean a combination of the water-carried wastes from residences together with such ground, surface, and storm water as may be present.

(x) "Sewage Treatment Plant" shall mean any arrangement of and structures used for treating sewage.

(y) "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(z) "Sewer" shall mean a pipe or conduit for carrying sewage.

(aa) "Sewer System" shall mean all sewers, laterals, or other connections or plants which connect with or pertain to a connection with the sewers, plants, public works, and/or projects of the Department.

(bb) "Shall" is mandatory; "may" is permissive.

(cc) "Sludge" shall mean any discharge of water or sewage which in concentration of any given constituent or in quantity of flow exceeds for a period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) concentration of flows during normal operation.

(dd) "Storm Drain," sometimes termed "storm sewer," shall mean a sewer which carries storm and surface waters and drainage but excludes sewage.

(ee) "Toxic Substances" shall mean any substance, whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process, constitute a hazard to recreation in tile receiving waters of tile effluent from the sewage treatment plant, pose a hazard to men working in the sewer system, or constitute a hazard to fish or animal life.

(ff) "Wastewater" shall mean tile water-carried domestic, human, or animal wastes from residences together with such groundwater infiltration as may be present.

(gg) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or Intermittently.

(hh) "Zoning Officer" shall mean the zoning officer of tile Town of Busti or his duly authorized agent.

Section 61-205. Building Sewers and Connections

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof located in Town of Busti Sewer District Number 1 without first obtaining a written permit from tile Director of Public Works of the City of Jamestown or his agent and the Zoning Officer of the Town of Busti.

(b) Building sewer permits shall be issued solely for residential services.

(1) The owner or his agent shall make application on a special form furnished by the Department of Public Works of the City of Jamestown which permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director of Public Works of the City of Jamestown.

(2) No permit applications for establishments discharging toxic, commercial, or industrial wastes shall be accepted or issued.

(c) All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the City of Jamestown and Town of Busti from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

(e) The size, slope, alignment, 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 code or other applicable rules and regulations of the City of Jamestown or the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and Water Pollution Control Federation Manual of Practice Number 9.

(f) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor in all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer within Town of Busti Sewer District Number 1.

(h) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Jamestown, or the procedures set forth in appropriate specifications of the American Society for Testing Materials and Water Pollution Control Federation Manual of Practice Number 9.

(1) All such connections shall be made gastight and watertight.

(2) Any deviation from the prescribed procedures and materials must be approved by the City of Jamestown Director of Public Works before installation.

(i) The applicant for the building sewer permit shall notify the Director of Public Works of the City of Jamestown or his agent, and the Zoning Officer, when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City of Jamestown Director of Public Works or his agent or representative unless the Jamestown Director of Public Works authorizes or directs that a Town of Busti official perform such supervision, in which event the Town of Busti Zoning Officer or his duly appointed representative shall supervise such connection.

(j) All excavations for building sewer installation shall be 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 of Busti.

Section 61-210. Prohibited Sewer Uses

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, toxic substances, or unpolluted industrial process waters to any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet.

(c) 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, used motor oil, or other flammable or explosive liquid, solid, or gas.

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

(3) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.) or sixty-five degrees Celsius (65° C.).

(4) Any water or waste containing eats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) Fahrenheit, or between zero degrees (0°) and sixty-five degrees (65°) Celsius.

(5) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower, or seventy-six hundredths (0.76) HP metric, or greater shall be subject to the review and approval of the Director of Public Works.

(6) Industrial or toxic wastes of any kind.

Section 61-215. Commercial and Industrial Use of Public Sewers

Any and all discharges of industrial and commercial wastes to the public sewer system of the Town of Busti Sewer District Number 1 shall be unlawful.

Section 61-220. Protection from Damage

(a) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure or appurtenance, or equipment which is a part of the sewer works.

(b) Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 61-225. Powers and Authority of Inspectors

(a) The Director of Public Works of the City of Jamestown, other duly authorized employees of the City of Jamestown bearing proper credentials and identification, and the Town of Busti Zoning Officer and his duly authorized agent shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance.

(b) Subject to the provisions of Subsection (a) of Section 61-235 of this ordinance, authorized employees of the EPA and the DEC shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing.

Section 61-230. Penalties

(a) Any person found to be violating any provision of this ordinance shall be served by the Town of Busti Sewer District Number 1 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.

(b) Any person who shall continue any violation beyond the time limit provided for in Subsection (a) of this Section shall be guilty of a misdemeanor, and in conviction thereof shall be fined in an amount not exceeding two hundred dollars (\$200.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this ordinance shall become liable to the City or Town for any expense, loss, or damage occasioned in the City or Town by reason of such violation.

Section 61-235. Hearing Board

(a) A Hearing Board shall be appointed as needed for arbitration of differences between the City of Jamestown Director of Public Works or Zoning Officer of the Town of Busti and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the Director of Public Works.

The cost of the arbitration will be divided equally between the Town of Busti Sewer District Number 1 and the sewer user.

(b) One member of the Board shall be a registered professional engineer; one member shall be a practicing sanitary engineer; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this ordinance.

(c) The members of the Board shall be appointed by the Town Board of the Town of Busti to serve for the duration of the controversy requiring arbitration.

The Town Board shall fix the compensation of Hearing Board members, which shall be payable by Town of Busti Sewer District Number 1.

(d) The findings of the Hearing Board shall not become effective until approved by the appropriate divisions of the New York State Department of Environmental Conservation and/or the United States Environmental Protection Agency.

Section 61-240. Validity

(a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(b) 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.

ADOPTED 6/15/81