

**ORDINANCES**  
**OF**  
**THE METROPOLITAN DISTRICT**  
**RELATING TO**  
**SEWERS**

**MDC**



This Compilation has been Published  
by the Office of the District Clerk of  
THE METROPOLITAN DISTRICT  
and Contains all Revisions Through January 1, 2008

**ORDINANCES**  
OF  
**THE METROPOLITAN DISTRICT**  
RELATING TO  
**SEWERS**



This compilation has been published by the Office of the District Clerk of The Metropolitan District and contains all revisions through January 1, 2008. Where adoption and effective dates are not noted, ordinance approval is November 6, 1961.

Any reference to the District Manager, to the Manager, or to the Manager of the Bureau of Public Works, shall be construed as referring to the Chief Executive Officer, as provided in Section B2d of the By-Laws of the District Board of The Metropolitan District, as approved on September 11, 2000.

Any reference to the Clerk of the Bureau of Public Works shall be construed as referring to the District Clerk, as provided in Section B2h of the By-Laws of the District Board of The Metropolitan District, as approved on September 11, 2000.

The Metropolitan District's Ordinances are divided into three categories — General, Sewerage, and Water Supply — and are published separately.

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## **S-1 PURPOSE AND DEFINITIONS**

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## **SEC. S1a     PURPOSE**

In order to ensure proper removal and disposal of sewage wastes and waste waters within The Metropolitan District; to ensure the proper operation and maintenance of public sewers, drains, sewage treatment plants and other drainage or sewerage works within said District; and to provide for keeping adequate records of sewers, drains and appurtenances and connections thereto, the following ordinance (comprising parts 1-11) regulating the construction, use, repair, alteration and discontinuance or abandonment of sewers, drains and appurtenances and connections thereto, including drains and pipes discharging directly or indirectly into said sewers or drains, and the substances to be discharged directly or indirectly into and through sewers, drains and appurtenances of the public sewer system and storm drainage system of The Metropolitan District, is enacted by The Metropolitan District Commission as provided by the charter of said District including special acts approved July 25, 1949 and July 26, 1949, and by the laws of the State of Connecticut.

## **SEC. S1b     DEFINITIONS**

Where and as the context will admit the following terms shall have the meaning indicated hereafter where used in this ordinance.

(1) "Sewage" shall mean wastewater, water-carried wastes, or a combination of them, discharged into and conveyed by sewers or intended or customarily so discharged and conveyed. Sewage may be further classified as follows:

(2) "Sanitary Sewage" shall mean the common waste water and water-carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries and similar facilities of business and industrial buildings. In general, sanitary sewage shall not include storm water from roofs, yards, streets or open spaces, water from land surfaces or brooks, clean waste or overflows from springs, wells, or subsoil drainage, large volumes of clean water from air conditioning or other cooling or condensing facilities, clean wastewater from hydraulically-operated contrivances and those wastes included within the definition of "industrial waste" next following.

(3) "Industrial Wastes" shall include the liquid or water-carried wastes of any industrial process not clearly included within the definitions of sanitary sewage, storm water, cooling water or subsoil drainage herein. In general, waste waters carrying any quantity of oils, grease, fats, abrasives, chemicals, residues of manufacturing processes, wastes from commercial food preserving or canning, from slaughter houses or meat processing plants, and similar substances, whether

dissolved, in suspension, or mechanically carried by water, shall be considered as industrial wastes.

(4) "Storm Water" shall include the runoff or discharge of rain and melted snow or other clean water from roofs, surfaces of public or private lands or elsewhere. For most purposes within the scope of this ordinance, storm water shall not include the flow of any natural brook, rivulet or stream even if the source of such water is storm runoff from land or other property once that runoff has entered the channel of such brook or natural watercourse. In general, storm water shall include only water which is sufficiently clean and unpolluted to admit of being discharged, without treatment or purification, into any natural open stream or watercourse without offense.

(5) "Cooling Water" shall include the 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 of being discharged, without treatment or purification, into any natural open stream or water course without offense.

(6) "Seepage" or "Subsoil Drainage" shall include water from the soil percolating into subsoil drains and through foundation walls, basement floors, or underground pipes or from similar sources.

(7) "Sewer" shall include the main pipe or conduit, manholes and other structures and equipment appurtenant thereto, provided to carry sewage, industrial wastes, storm water, cooling water or similar wastes, subject, in each particular case, to the purposes and limitations imposed upon the particular pipe or conduit or sewer. Where the context so indicates, the word "sewer" shall be restricted to pipes and conduits intended to convey sanitary sewage. Where the context so indicates, the word "sewer" shall be used only with respect to the main line of pipe or conduit, owned, controlled and maintained by a public municipal body for the conveyance of waste or sewage from several properties, and shall not be understood to include house connections or connections between the main sewer and individual properties, which house connections are maintained by the owners or tenants of the properties using them.

(8) "Sanitary Sewer" shall mean a sewer intended to convey only sanitary sewage, or, if so stipulated with respect to the particular sewer, sanitary sewage plus industrial or other wastes. In general, sanitary sewers shall not be intended to convey storm water nor more than very small quantities of cooling water.

(9) "Storm Drain" or "Storm Sewer" or "Drain," where the context so indicates or implies, shall mean a pipe, conduit, sewer or drain, with appurtenances, provided

and intended for the conveyance of storm water with or without other clean waste waters as may have been stipulated for any particular drain or sewer.

(10) "Combined Sewer" shall mean a sewer provided and intended to convey, in the same pipe, both sanitary sewage and storm water.

(11) "Overflow Sewer" shall mean a pipe or conduit, with appurtenances, provided to carry some part of flow entering or within any sewer in excess of the capacity of that sewer, or some portion of the flow within said sewer. In general, overflow sewers will only exist or have been provided in connection with and for excess flows from combined sewers.

(12) "Relief Sewer" or "Auxiliary Drain" shall mean a sewer or storm drain constructed to supplement the capacity of an existing sewer or drain either by conveying part of the wastes which would otherwise be conveyed by said existing sewer or drain, or to divert from and convey certain of the wastes, such as part or all of the storm water, which, prior to the construction of the auxiliary sewer or relief sewer, would have been discharged into and conveyed by said existing sewer. The particular wastes to be conveyed by any any such auxiliary sewer or drain, or relief sewer or drain, shall be determined by what wastes it was designed, laid out or intended to receive and convey as may appear in the records of the Bureau of Public Works or other body which created it.

(13) "House Connection" or "House Drain," where the context so indicates or implies, shall mean a pipe connecting a main sewer with a building, house, yard or other property, for the purpose of conveying sewage of any kind from said property to a main sewer. The term house connection or house drain, when used in that sense, shall include not only the pipe extending directly from the main sewer to the house, building, yard or other portion of the property in question, but also all other drain pipes connecting directly or indirectly thereto and discharging directly or indirectly thereinto, or intended to so connect or discharge. House connections and house drains shall, in general, be maintained by the owners of property served and shall have been constructed, in whole or in part, for or by the property owner or his predecessor.

(14) "House Connection Lateral" shall mean a pipe laid incidental to the original construction of a sewer from that sewer to some point at the side of the street, highway, or similar location, and there capped, having been provided and intended for extension and for use at some time thereafter as part of a house connection as defined in definition (13). When a house connection lateral has been connected with and extended for the purpose of installing a house connection, the lateral shall become and thereafter be a part of such house connection, to be maintained, etc., as provided for house connections.

(15) "District," as used herein, shall mean The Metropolitan District in Hartford County, and acting in any particular matter by the District Board or The Metropolitan District Commission, its Bureau of Public Works or its proper officer or officers, as may be proper in the particular instance.

(16) "Bureau" or "Bureau of Public Works" shall mean the Bureau of Public Works of The Metropolitan District acting by or through its officers as may be proper in the particular instance.

(17) "Manager" shall mean the Manager of The Metropolitan District, the Manager of the Bureau of Public Works of said District, or the Deputy Manager thereof, or the agents or representatives of said Manager or Deputy Manager, acting under and limited by the instructions, duties and authorities assigned by said Manager to said agent or representative.

(18) "Engineer" shall mean the Chief Engineer of the Bureau of Public Works or his duly authorized agent or representative acting according to and limited by the instructions, duties and authority assigned by said Chief Engineer to the particular agent or representative as the case may be.

(19) "Person," as used herein, shall include any individual person, party or group of persons associated together in any way, or any corporation or organization, and shall be referred to by the third person singular pronoun (he, his, him), which will be understood to include also groups of persons, corporations or other organizations, as the particular instance or use may indicate.

(20) "Property Owner" or "Owner of Property" or "Owner," as used herein, shall include both the owner of fee in any real estate and also all tenants, lessees or others in control or possession and use of the property in question, or any interest therein, and his, her, its or their agents or representatives as the interest, duties, powers or liabilities of each may be.

(21) \*"Drain Layer" or "Licensed Drain Layer" shall mean either an individual, partnership or corporation to whom the Bureau of Public Works shall have issued a license as such to install and repair sewers, sewer connections, house connections, etc., during the period when such license is valid as hereinafter provided, and the proper agents and representatives of such drain layer: or shall mean any person, firm or corporation holding a valid license to do such work issued by the State of Connecticut under Public Act #789 (1967), or as the same may be amended, and which work is defined thereby. The term drain layer may also be applied to town and city public works departments, the Connecticut State Highway Department and public utilities, when and in so far as they are engaged in installing, altering and repairing

sewers, drains or connections and appurtenances thereto under permit from the Bureau of Public Works or its agents. Drain Layers may be referred to herein by masculine singular pronoun irrespective of whether a corporation, a partnership or an individual of either sex.

\*(Adopted Nov. 13, 1967)

(Effective Nov. 23, 1967)

#### **SEC. S1c QUORUM OF THE BUREAU OF PUBLIC WORKS**

This section of the Ordinances has been eliminated.

(Adopted November 7, 2001)

(Effective November 17, 2001)

#### **SEC. S1d NOTICE OF PUBLIC HEARING**

The Bureau of Public Works shall not proceed to acquire or construct all or any part of a sewerage system until after a public hearing at which the affected property owners of the municipality shall have an opportunity to be heard concerning the proposed acquisition or construction. Notice of the time, place and purpose of such hearing shall be published at least ten days before the date thereof in a newspaper having a circulation in the municipality. It shall also be the duty of the Clerk of said Bureau to notify the persons interested by mail, ten days in advance of said hearing, in the manner now prescribed by General Statutes. The Bureau of Public Works may, at its discretion, hold additional hearings at any time during the proceedings of said Bureau.

(Adopted Oct. 4, 1971)

(Effective Oct. 14, 1971)

## **S-2 USE OF SEWERS**

### **PART 2, GENERAL SEWER ORDINANCE**

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S2q	Use of Combined Sewers
S2r	Use of Overflow Sewers

## **SEC. S2a PERMISSIBLE AND NON-PERMISSIBLE DISCHARGE**

No person or party shall discharge into or put into any public sewer or public drain of the District, or into any sewer, drain or fixture which thereafter discharges into any public sewer, drain or appurtenance thereof, any waste or substance other than such kinds or types of waters or water-carried wastes for the conveyance of which the particular sewer, drain or appurtenance is intended, designed or provided.

## **SEC. S2b CLASSIFICATION OF SEWERS**

If the proceedings by or under which any public sewer was laid out, constructed or conveyed to the municipality, described the kind or kinds of waste waters for which that particular sewer was intended, or what waste waters should be excluded therefrom, or what kind of a sewer (i.e., sanitary, storm, combined, overflow, relief sewer, etc.) the sewer was to be, such description shall be considered evidence as to which of the several kinds of sewer described in this ordinance said particular sewer shall be considered for purposes of determining what waste waters may be discharged thereinto or shall be excluded therefrom. Provided that if the original designation of said sewer or wastes to be conveyed by it has been legally changed since the original proceedings, such amended classification shall be applicable.

## **SEC. S2c DISCHARGE OF UNAUTHORIZED WASTES**

If wastes other than those for the conveyance of which a particular sewer was originally intended have been, at any time, discharged thereinto or conveyed thereby, that shall not constitute any amendment of the originally and formally expressed intended use for the sewer, unless the original designation shall have been amended by a competent municipal body.

## **SEC. S2d DETERMINATION OF CLASSIFICATION OF SEWER**

If the proceedings for the layout and construction of any particular sewer or for its acquisition by the municipality did not indicate what kind of sewer or drain it was to be or what wastes could or could not be discharged therein, the Manager shall consider the pertinent facts and shall determine what kind of sewer or drain the said sewer is to be considered for the application of the provisions of this ordinance and what waste or waste waters shall be permitted to be discharged thereinto or be excluded therefrom. Except as, and until, the determination so made by the Manager of the kind of sewer or kinds of wastes to be permitted in or excluded from any sewer shall have been altered or changed by vote of the Bureau of Public Works, or other

competent body, such determination by the Manager shall control the classification of the sewer and the kind of wastes which may be permitted to be discharged thereinto or to be excluded therefrom.

## **SEC. S2e WASTES EXCLUDED FROM ALL SEWERS**

No person or property owner shall discharge or permit to be discharged, directly or indirectly, from any premises under his control into any public sewer of any kind or type, any of the following:

- (1) Any substance or object likely to damage, injure, destroy or cause an obstruction in any sewer, or appurtenance thereof, into which it may be discharged;
- (2) Any substance which may attack, damage or alter by either abrasion or chemical action the materials of which the sewer and its appurtenances are composed or built;
- (3) Sticks, stones of material size, coarse rubbish, rags, unground or unshredded garbage or refuse having particles more than one inch in their longest dimension, portions of any animal carcass more than one inch in longest dimension;
- (4) Any debris or substance which by depositing any considerable quantity of sediment, by coagulation, by congealing or by attaching itself to the lining of the sewer or to other substances being transported within the sewer is likely to cause an obstruction in any sewer or appurtenance;
- (5) Any gasoline, kerosene, alcohol, oil, tar, flammable or explosive gas or vapor or any substance which may generate or form any flammable, explosive or combustible substance, fluid, gas, vapor or mixture when combined with air, water or other substances commonly found in sewers; (See Section S2g).
- (6) Steam, water vapor or other substance at a temperature above 150F, or substance which, upon coming into contact with water or sewage, will generate steam or vapor within such sewer; (See Section S2g).
- (7) Any waste or waste water which is strongly acid, and which, when tested in the usual technical manner, has a "pH" less than 5.5 or which is strongly alkaline and has a "pH" more than 9.0; ("pH" means the logarithm of the reciprocal of the weight of the hydrogen ions in grams per liter of solution).

(8) Objectionable poisons, cyanides, or any substance likely to generate poisonous fumes that may interfere with, constitute a hazard to, or be dangerous to human beings or domestic animals;

(9) Any waste water or sewage containing considerable quantities of animal guts or tissues, entrails, offal, blood, feathers, hair, hides, scraps, unshredded vegetables, straw or cinders;

(10) Any water containing disinfectants, formaldehyde, toxic or poisonous substances in quantities sufficient to delay or interfere with sewage treatment and sludge digestion processes including the sedimentation, biological and chemical processes used by the District at its sewage treatment plants;

(11) Any considerable quantity of waste from an industrial or commercial process or processes containing more parts per million than the minimum indicated, by weight or by volume, for any of the following:

Unemulsified or undissolved oil, grease or similar materials .....	100 ppm
Cyanides .....	1.0 ppm
Copper, zinc, nickel or salts thereof .....	5 ppm
Iron, chromium, lead, tin, silver, mercury or other metals .....	5 ppm
or metallic salts .....	5 ppm
Hydrogen sulphide, sulfur dioxide, nitrous oxide or any halogen gas .....	10 ppm
Suspended solids other than above (i.e., solids that on the surface of or are in suspension in sewage which are removable by laboratory filtering) .....	600 ppm

(12) Any waste waters or sewage likely to cause damage, injury or loss to other persons or to the property of other persons who are lawfully entitled to use the sewer or sewers through which said wastes are discharged, or to any person or equipment engaged in sewage treatment and disposal for the District. This prohibition shall be understood as applying to the kind or character of wastes discharged into any sewer and as limiting the quantity of wastes or waters which may be discharged from any one parcel or plot of property and the rate or rates at which wastes are discharged to approximately the quantity of sewage or water which the sewer was intended to

receive from that particular parcel or plot or from a typical parcel of that size or area.

(13) Unusual biochemical oxygen demand (B.O.D.), chemical oxygen demand (C.O.D.), or chlorine demand in such quantities as to constitute a significant load and/or harmful effect on the MDC sewerage system including the sewage treatment plants.

(14) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits in applicable State or Federal regulations.

(Adopted June 3, 1968)

(Effective June 13, 1968)

## **SEC. S2f DETERMINATION FOR EXCLUSION**

In determining whether any waste discharged or proposed to be discharged into any public sewer or drain is to be excluded under Section S2e, and Sections S2l through S2n, inclusive, or any subdivisions of any of them, of this ordinance, consideration shall be given to the quantity, time or times, rate and manner of discharge, dilution and character of the waste in question, the size of the sewer or drain into which it is or is to be discharged, the probable quantity of other sewage in said sewer or drain at the time of discharge, the quantities of other objectionable wastes likely in said sewer or drain, and other pertinent facts. Minute quantities of a waste which would be objectionable in larger quantity may be permitted if sufficiently diluted when and as discharged, or if the quantity discharged is very small in comparison to the receiving sewer or drain and the flow therein at the time of discharge, upon specific permission from the Manager of the Bureau of Public Works; but any permission to discharge minute quantities of an otherwise excluded waste shall be revocable at any time by said Manager or his successor.

## **SEC. S2g PROTECTIVE DEVICES**

At all premises where wastes or substances specified to be excluded from sewers or drains by this ordinance are customarily present and liable to be discharged directly or indirectly into any public sewer or drain, suitable and sufficient piping layouts, oil or grease traps or separators, screens, sedimentation chambers, diluting devices, storage and regulating, treatment, cooling or condensing equipment and similar devices or equipment shall be provided, maintained and operated to insure that no waste, substance, or water required to be excluded from said sewer or drain shall be discharged thereinto in violation of the requirements of this ordinance.

## **SEC. S2h SAMPLING WELLS, TREATMENT DEVICES, ETC.**

At premises where any of the substances or wastes prescribed as being or to be excluded from any sewer or drain are present and liable to be discharged contrary to the limitations of this ordinance, the Manager or Chief Engineer of the Bureau of Public Works of said District may require that the owner of said premises provide, operate and maintain a sampling well or wells, a flow measuring device, manholes, catch basins or other suitable devices or treatment facilities on any or all house connection or drains from said premises near the point or points where said drains connect to any public sewer or drain. By means of said sampling well or wells, or other devices, the owner, owners and occupants of said premises and said Manager, Chief Engineer or the authorized representative of either, or any public officer charged with any duty involving the supervision of the disposal of waste waters may secure samples of or examine the wastes and waters discharged into said public sewer or drain and measure the quantities thereof for the purpose of ascertaining the compliance or non-compliance with the requirements of this ordinance.

## **SEC. S2i EXPENSE OF OPERATION OF SAMPLING WELLS AND OTHER DEVICES**

Sampling wells and other devices required by this section shall be provided, operated and maintained by the persons in control of the premises, where required, without expense or cost to said District. Such devices shall be subject to the approval of the Manager or Chief Engineer.

## **SEC. S2j ENTRY FOR INSPECTION**

The Manager or Chief Engineer, or any authorized representative of either of them, shall have the right to enter and inspect any part of any premises served by the public sewers and drains of said District upon which there may be reason to believe that violations of the requirements of this ordinance have occurred or are likely to occur, for the purpose of ascertaining facts as to such violation or suspected violation, or of obtaining samples of wastes, substances or waters being discharged into sewers or drains, or of inspecting devices provided to exclude such prohibited discharges.

## **SEC. S2k SUBMISSION OF PLANS FOR SAMPLING WELLS AND OTHER DEVICES**

To facilitate compliance with the requirements of this section, the Manager or Chief Engineer of the Bureau of Public Works may require that the owner or party applying for a permit to install a new connection to any sewer or drain, or to alter or extend an existing house connection shall, in any case where a sampling well, oil or grease

trap or separator, diluting device, or similar appurtenance is or may be required, furnish to said Manager or Chief Engineer as part of the application for said permit a plan or satisfactory description, or both, of the device (of whatever kind) which it is proposed to provide in accordance with the requirements of this section and description of the proposed operation thereof. Said plan, description, or both, shall become part of said application and the installation of the device in accordance therewith shall be a condition attached to the granting of said permit.

## **SEC. S2I      USE OF SANITARY SEWERS**

Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage as defined in Section S1b(2) of this ordinance and for diluted, water-carried industrial wastes which are not objectionable as provided hereinafter. Except as specifically provided for some particular sewer or location, no sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, any large continuous flow of water seeping into buildings or excavations from soils or other underground sources, flows of natural springs, or ground waters, surplus from flowing wells, the discharge from roofs, roof conductors, yard drains, street or highway drains.

## **SEC. S2m      COOLING WATER, ETC., IN SANITARY SEWERS**

No large quantity of cooling water, as defined in Section S1b(5) of this ordinance, or similar waste waters in large volumes or discharged in large quantity at one time shall be discharged into any sanitary sewer without specific permission from the Manager of the Bureau of Public Works. Such permission, if granted in any case, shall be revocable by said Manager or his successor at any time upon proper notice. In general, such permission shall not be granted at locations where there is conveniently available a storm drain, natural watercourse or other convenient and suitable means of disposal for such large volumes of clean waste water. Before permitting such discharge into a sanitary sewer at any given location the Manager shall consider whether the discharge in question may cause excessive flows in the sewer or sewers through which it is to be discharged and whether such discharge will occasion a burden on any pumping equipment, sewage treatment plant, or other appurtenance of the sewer system, out of proportion to the other needs of the community and to the contribution which the property from which the discharge comes makes or has made toward the costs of providing, maintaining and operating sewerage services by the District.

## **SEC. S2n USE OF STORM DRAINS**

Storm water drains, also referred to as storm drains, storm sewers, conduits or similar terms, are in general intended to be used for conveying surface and storm waters from streets, yards and other ground surfaces, from roofs and other places. They may also be used for conveying subsoil drainage waters, the flow of natural springs, ground water, surplus from flowing wells, clean cooling water as defined in Section S1b(5) of this ordinance, and, subject to approval by the Manager, inoffensive industrial wastes.

## **SEC. S2o PROHIBITED DISCHARGE INTO STORM DRAINS**

No person shall discharge or permit to be discharged from property under his control into a storm drain any waste or water which is polluted with organic or other matter which can decay, which is odorous, oily or unsightly or for any other reason is likely to or does give offense or cause damage or injury to nearby persons or property when discharged into an open natural stream. No waste water which is poisonous to persons, animals or fish, when discharged into a natural stream, shall be discharged through any storm drain. No coarse rubbish, sticks, large solids, offal, feathers, straw, cinders, ashes, scraps, leaves, oil, grease, combustible substance or similar materials shall be permitted to enter any storm drain. No material, the discharge of which into natural streams, ponds, or lakes is prohibited by state or federal law or regulations, shall be discharged into any storm drain.

## **SEC. S2p USE OF AUXILIARY OR RELIEF DRAINS**

When and/or where, because an existing combined sewer was not adequate to carry the storm water runoff from its tributary area, an auxiliary storm drain or overflow sewer has been built to divert storm water from the combined sewer or to dispose of the excess flow in a combined sewer and such auxiliary storm drain or overflow sewer is conveniently located with respect to any piece of property, the Manager of the Bureau of Public Works may, if he deems it to be in the public interest to do so, require that when a new building is erected upon said property adjacent to said auxiliary drain or overflow sewer or when an existing building is extensively remodeled in whole or in part, the storm or roof and other clean or unpolluted waste waters from said building or parts thereof shall be kept separate from the sanitary and other wastes from such building and that the storm, roof and surface water from said building shall be discharged into the said storm drain or overflow sewer, and that other wastes shall be discharged into the combined sewer, all of which shall be done irrespective of any rights to use the combined sewer which the owners of said property may have had prior to the construction of the auxiliary storm drain or

overflow sewer. Such diversion of storm or roof waters to the auxiliary storm drain or overflow sewer shall be made to avoid damage or injury to said property and its occupants and to others by the discharge of storm water into the existing combined sewer in excess of the capacity of such combined sewer to safely carry away the quantities of water which might otherwise be discharged into it, and said diversion shall be made, without compensation for the cost thereof, by the owners of the property in question.

#### **SEC. S2q USE OF COMBINED SEWERS**

A combined sewer, except as provided in Section S2p or as otherwise specifically provided in any particular case, may be used to receive and convey any sewage or waste waters which under the preceding sections of this ordinance may be lawfully discharged into either a sanitary sewer or a storm drain. No waste water or substance which is or has been excluded from both sanitary sewers and storm drains by the preceding sections of this ordinance shall be discharged, directly or indirectly, into any combined sewer. (See also Section S2p).

#### **SEC. S2r USE OF OVERFLOW SEWERS**

The Manager or Chief Engineer of the Bureau of Public Works, or the authorized representative of one of them, may, in his discretion, permit waters which by the preceding sections of this ordinance may legally be discharged into a storm drain to be discharged into an overflow, but he shall not be required to permit such discharge into an overflow sewer or structure if he deems that such discharge is not in the public interest. (See also Section S2p).

## **S-3 CONNECTIONS TO, AND WORK ON, SEWERS**

### **PART 3, GENERAL SEWER ORDINANCE**

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### **SEC. S3a ONLY AUTHORIZED PERSONS TO TOUCH SEWERS**

No unauthorized person shall open the cover of, enter or alter any manhole, catch basin or similar appurtenance of any public sewer, put anything therein or interfere therewith. No person shall insert or place in any public sewer, drain, manhole or other appurtenance thereof any sticks, rubbish or other material which said sewer, drain, manhole or appurtenance thereof was not intended to receive. No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the public sewer system of said District.

### **SEC. S3b ALTERATIONS TO SEWERS AND APPURTENANCES**

Should it become necessary to relocate, reset the top of or otherwise alter any sewer, drain, manhole, catch basin or other appurtenance thereof belonging to said Metropolitan District or in its charge, the person or party desiring such change to be made shall make a written request to that effect to the Manager of the Bureau of Public Works.

### **SEC. S3c CONNECTIONS TO SEWERS**

No person shall make any connection to any public sewer of the District or appurtenance thereof, or to any pipe or appurtenance discharging thereinto, or remove or disconnect any existing connection thereto, except as provided in this ordinance; provided, plumbing work and fixtures within buildings and similar structures may be built and connected as provided by local or state plumbing codes, laws and regulations and by permits issued thereunder.

### **SEC. S3d MATERIALS AND WORKMANSHIP FOR SEWERS, DRAINS, CONNECTIONS, ETC.**

The Manager of the Bureau of Public Works 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, house connections and other similar work and appurtenances thereto connected or intended to be connected or to discharge, directly or indirectly, to any public sewer or drain of the District. 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. So far as practicable, the standard requirements as established by said Manager under this section shall apply throughout said District insofar as each particular requirement shall be applicable to each location and condition. Until such time as the Manager or Chief Engineer shall have established other standards for work and materials on such sewers, drains, connections thereto and appurtenances thereto, the practices and customary requirements of the Bureau of Public Works with respect to such matters shall control as those practices and requirements were observed and followed prior to the enactment of this ordinance.

#### **SEC. S3e LOCAL CODES**

The requirements of local building and plumbing codes shall be observed with respect to piping and fixtures inside or immediately adjacent to buildings and within the areas of jurisdiction of said several codes, subject only to the general requirements of this ordinance. Pipe more than five feet outside the outer walls of any building or similar structure shall conform to the requirements of this ordinance as to permits, materials and workmanship.

#### **SEC. S3f SEPARATE CONNECTIONS FOR EACH BUILDING**

In general, each independent house or building, if set on an individual lot by itself, shall have a direct connection to the public sewer or drain serving it, separate from any other house drain serving any other house, building or structure set upon another parcel or lot of land. The Manager of the Bureau of Public Works in his discretion may permit variations of this requirement upon receipt of a written request to that effect from the owners of all the land in any way concerned.

#### **SEC. S3g MATERIALS FOR DRAINS**

All drains outside of buildings, except those which are within the control of town or city plumbing or building inspectors, shall be of vitrified tile, concrete, cast iron, asbestos-cement or plastic, with fittings, all as approved by the Chief Engineer.

(Adopted March 6, 1972)

(Effective March 16, 1972)

#### **SEC. S3h SIZES OF DRAINS**

In general, each principal drain from any house or building to any public sewer or drain shall not be less than 5" diameter if of cast iron or 6" inside diameter if of other

material, provided, where such house drain is an upstream extension of the soil pipe from inside the building, and is of cast iron laid in the same manner as is required by plumbing codes for soil pipes, pipe of the same size, kind, quality and grade as that required for soil pipe, but not less than 4" inside diameter, may be used if, where and as permitted by the Manager or Chief Engineer.

### **SEC. S3i SPECIFICATIONS FOR LAYING**

House connections and drain pipe, except as specially permitted otherwise by said Manager or Chief Engineer, shall be laid to a true rate of grade of not less than one foot per hundred feet and more if possible; shall have not less than three feet of cover at all points; shall be laid on firm, undisturbed soil or suitable foundation; shall be located at a sufficient distance from other parallel pipes to admit of altering or making repair to either line without disturbing the other; shall be well and tightly jointed and well cleaned inside after laying; shall consist of such straight pipe, bends, branches and other fittings as may be needed; and shall conform to all reasonable requirements for good construction. Pipe larger than the minimum size specified herein shall be used when and as the size of the structure, the areas of roofs and yards, numbers and kinds of fixtures to be drained and other conditions may make it necessary to provide proper drainage.

### **SEC. S3j LOCATION OF CONNECTIONS TO SEWERS**

Connections to public sewers and drains of the District shall be made only at such points and in such manner as shall have been indicated by the permit issued by said Manager to make such connection or as the Manager shall direct. In general, if any means such as a house connection lateral to the side of the street or road, or a Y-branch, slant, inlet or connection chimney in or on the main sewer or drain has been provided at or near the location where a connection is to be made, such lateral, Y, etc., as the case may be, shall be used wherever possible in lieu of cutting a new opening into the main sewer or drain. When no lateral or Y-branch is available near the point where a connection is to be made into a pipe sewer 12" or less in size, one pipe shall be removed from the sewer and a suitable Y-pipe inserted, if and in such manner as the said Engineer shall direct. If any connection more than 6" in diameter is to be made into any public sewer or drain of the District made of pipe, a new Y-branch or suitable fitting shall be inserted into the main sewer or drain or a manhole built, if and as directed by said Engineer. When it is necessary to cut an opening into any public sewer or drain or appurtenance thereof, such cutting shall be done only in the presence of and in the manner directed by the representative of said Engineer assigned to observe such work and any connection to said sewer or drain shall be made with such materials and in such manner as said representative shall direct.

### **SEC. S3k ENGINEER SHALL SUPERVISE AND INSPECT DRAIN WORK**

All connections to public sewers or drains and appurtenances thereto, all repairs and alterations to such sewers or to drains which are connected to or discharge, directly or indirectly, into such sewers or drains of the District or are intended to connect to or discharge, directly or indirectly, into such sewers or drains, shall be made under the supervision and inspection of representatives of or inspectors assigned to such work by the Chief Engineer. Said Chief Engineer shall assign from time to time competent inspectors or engineers to inspect and oversee such work. The services of such inspectors or engineers shall, in general, be available, if needed, between the hours of 8:30 A.M. and 4:00 P.M. on regular working days, Monday to Friday inclusive, provided two hours' notice of the need for such services is given to the office of said Engineer. Inspections will be made outside said hours on Saturdays, Sundays or holidays only by previous arrangement with said Engineer and only when, for good and sufficient reasons, the Engineer shall deem it necessary to perform such work outside the usual working hours. (See Section S3o).

### **SEC. S3I NOTIFICATION PRIOR TO INSPECTION**

The inspector or representative of the Chief Engineer shall be notified not less than two hours in advance of the time any connection is to be made to any public sewer or drain of said District, or to any existing drain, pipe or similar structure connected thereto and discharging therein, or intended to be so connected and to so discharge, and such connection shall be made only in the presence of said inspector or representative and according to his directions. Said inspector shall be afforded all reasonable opportunity to oversee the construction of all parts of any drain connected directly or indirectly, or intended to be so connected, to any public sewer or drain of the District and to obtain and record the location and other pertinent facts with respect to such drain or sewer. This same requirement shall apply to repairs or alterations to sewers, drains or pipes discharging thereto.

### **SEC. S3m RECORD OF CONNECTIONS BY ENGINEER**

The Chief Engineer shall keep a record of all connections made to public sewers or drains under this ordinance and all repairs and alterations made to sewers, house connections or drain connected to or discharging into public sewers or drains of the District or intended to so discharge. Licensed drain layers and others shall assist said Engineer to secure data needed for such records.

### **SEC. S3n ASSISTANCE OF ENGINEERS**

The Chief Engineer or his representatives shall assist in the installation, repair and alteration of connection to public sewers and drains and of house connections or drains discharging thereinto by furnishing such information as may be in his possession and proper to be furnished to the party performing such work, by taking levels and staking out grades for sewers, house connections or drains where he deems it expedient, and in similar ways.

### **SEC. S3o DISTRICT TO BE REIMBURSED FOR ENGINEERING**

The Manager may, in his discretion, in any case where the quantity or expense of work by District forces incidental to the construction, repair or inspection of any sewer or sewer connection warrants such a requirement, require that the owner of property concerned or the drain layer shall reimburse the District for the cost of services of District employees engaged in work or inspection incidental to said sewer or sewer connection. The Bureau of Public Works or the Manager may make a suitable provision for such reimbursement a condition precedent to the issuance of any permit for the construction, alteration or repair of such sewer or sewer connection, subject to such directions as the Bureau of Public Works may issue.

### **SEC. S3p ENDS OF DRAINS TO BE CLOSED**

Adequate precautions shall be taken to exclude from public sewers all water or other materials which may obstruct, damage or wrongfully fill the drain or any sewer into which they may be discharged directly or indirectly. To that end, the open ends of drains and sewer or drain connections shall be kept closed or protected during construction and during periods when work on any incomplete drain is suspended. If any drain shall have been laid to the site of a proposed building, catch basin or other structure prior to the time when the building, catch basin or structure is built, the end of the drain shall be kept closed to insure that no water or materials enter such drain during the interval prior to the construction of the building, catch basin or structure.

### **SEC. S3q SEALING DISCONTINUED HOUSE CONNECTIONS, DRAINS AND LATERALS**

When any building or structure, or portions thereof, or any catch basin or other inlet served by a connection to any public sewer or drain is destroyed, demolished, abandoned or altered in such manner that any house connection, house drain or drain is, or is to be, no longer connected to a plumbing system or portion thereof, or to any

other inlet permitted under this ordinance, such connection to the public sewer or drain shall be sealed off so that no water or other wastes shall be permitted to enter the public sewer or drain.

Such sealing shall be by bulkheading or capping and shall be performed at the street line or, if impracticable, at a point acceptable to the Manager. All such work shall be done by a licensed Drain Layer under permit from the District, and opportunity shall be afforded representatives of the Manager to inspect said sealing.

In the case of planned destruction, demolitions, abandonment or alterations, the District shall be notified in advance, a permit obtained, and said sealing accomplished prior to said destruction, demolition, abandonment or alteration. In case of unplanned destruction of building or structure, said sealing shall be accomplished at the earliest practicable time.

Such sealing shall be arranged for by the demolition contractor, but in any event it shall be the responsibility of the owner to see that the work is carried out in conformity with the provisions of this ordinance and to the satisfaction of the Manager.

(Adopted Dec. 7, 1970)

(Effective Dec. 17, 1970)

### **SEC. S3r      SEPARATE STORM AND SANITARY HOUSE CONNECTIONS**

When any new building is erected in an area served by combined sewers or by separate sanitary and storm sewers under the jurisdiction of the District, separate connections shall be made from said building to said combined sewer, or to said separate storm and sanitary sewers; one such connection shall be limited to such wastes as are permitted in sanitary sewers, and the second connection shall be used to convey such other flows as are permitted in storm sewers, all as set forth in Chapter S2 hereof.

(Adopted Dec. 4, 1961)

(Effective Dec. 14, 1961)

### **SEC. S3s      MAINTENANCE OF SEWER CONNECTIONS**

All sewer house connections on private property shall be maintained by, and at the expense of, the property owner.

(Adopted Oct. 11, 1965)

(Effective Jan. 1, 1966)

### **SEC. S3t SEWER STOPPAGES**

In the event of complaint regarding a sewer stoppage, the District will ascertain if the main sewer is clear, and any stoppages therein will be relieved as quickly as possible.

If the main (public) sewer is found by the District to be clear, the Owner will be so informed and he (the Owner) shall then, at his own expense, employ a licensed plumber, reputable cleaner or licensed drain layer to clear any stoppage in the sewer house connection.

If the licensed plumber, licensed drain layer or reputable sewer cleaner finds that the stoppage is within the sewer house connection located within the public street, and that the stoppage cannot be cleared by power rodding or snaking, he shall inform the District.

If upon investigation by the District forces, the stoppage is found in the portion of the sewer house connection located in the public street and the stoppage is of such nature that it could not have been cleared by power rodding or snaking, the condition will be corrected by the District or the District's contractor without additional charge to the Owner.

If, however, it is found that the stoppage could have been cleared by power rodding or snaking and is not due to faulty condition (disrepair) of the sewer house connection located within the public street, the Owner will be so informed and shall pay to the District the expense incurred by the District. The bill for such expense shall be paid promptly, and failure to do so shall result in the District taking such action as it deems appropriate.

Where necessary, the District will repair or renew from the main sewer to the street line (property line) any sewer house connection at no cost to the Owner.

It is to be understood that maintenance of the house connection as defined herein is entirely the Owner's responsibility.

(Adopted Oct. 11, 1965)

(Effective Jan. 1, 1966)

### **SEC. S3u REPAIR OF HOUSE CONNECTIONS CAUSING STREET CAVITIES**

Whenever the District is informed or learns that a cavity, depression or other abnormality in the public street is or may be caused by disrepair in the public sewer or house connection, the District will ascertain if the public sewer or the sewer house

connection within the public street is the cause of the street cavity, depression or other abnormality.

If the District determines that such cavity within the public street is caused or contributed to by disrepair in the public sewer or by disrepair in the sewer house connection within the said street, the District shall proceed to excavate and make the necessary repairs or have its contractor do so.

If it should be determined by the District that disrepair of a sewer house connection in private lands is the cause of any cavity, depression or other abnormality in the public street; or that any disrepair exists in the sewer house connection located in private lands, which disrepair allows or may allow the discharge of excluded or non-permissible wastes to the public sewer; or that any house connection is not being properly maintained; the Owner shall engage a licensed drain layer to make the necessary correction at no expense to the District.

(Adopted Oct. 11, 1965)

(Effective Jan. 1, 1966)

## **S-4 LICENSES AND PERMITS**

### **PART 4, GENERAL SEWER ORDINANCE**

<u>Section</u>	<u>Section Title</u>
S4a	Authorization to Work on Drains
S4b	Work by Plumbers, etc., Under Local Codes
S4c	Licensing of Drain Layers
S4d	Surety Bond and Insurance
S4e	Conduct of Drain Layer
S4f-1	Suspension of District License
S4f-2	Suspension of License Issued Under Public Act #789 (1967), Or As The Same May Be Amended by State of Connecticut
S4g	Drain Layer Responsible
S4h	Permits Required for All Work
S4i	Applications for Permits
S4j	Records of Permits and Work Thereunder
S4k	Issuance of Permit
S4l	Permits to Be on Premises
S4m	Revocation of Permit

## SEC. S4a AUTHORIZATION TO WORK ON DRAINS

To insure compliance with the foregoing sections of these ordinances and to facilitate the supervision of the construction, operation and repair of sewers and drains and the keeping of records thereof, no person other than those described hereinafter shall construct, repair, alter or remove any sewer, house connection or drain connected to or with or discharging directly or indirectly to or into, any public sewer or drain of said District or intended to discharge thus at some future time, regardless of whether said work is located in a public street or in public or private land. The following may, as indicated, construct, repair, alter or remove sewers and drains, subject to supervision and approval by the Manager of the Bureau of Public Works.

(1) Regular forces of a contractor employed by the Bureau of Public Works operating under orders of said Manager and in the performance of work for said Bureau;

(2) Regular forces of the Water Bureau of said District and regular forces of any city or town within said District or the State Highway Department operating under and subject to permit for the particular job to be issued by said Manager, and while engaged in the regular work and operations of said Water Bureau, public works department of said city or town or State Highway Department;

(3) Regular forces of any public utility corporation authorized by state law to construct, maintain and operate pipes or ducts within public highways within said District, while engaged in work incidental to the regular structures of said utility company and operating under and subject to the conditions of a permit for the particular job issued by said Manager;

(4) Any person, firm or corporation which shall have been licensed under this ordinance by the Bureau of Public Works of said District to perform work of the type in question during the period provided in such license and when operating under and subject to the conditions of a permit for the particular job and issued therefor by the Manager of the Bureau of Public Works or his authorized representative;

(5) \*Any person, firm or corporation holding a valid license, issued by the State of Connecticut under Public Act #789 (1967), or as the same may be amended to perform the work defined under said Public Act and when operating under and subject to the conditions of a permit for the particular job and issued therefor by the Manager of the Bureau of Public Works or his authorized representative.

\*(Adopted Nov. 13, 1967)

\*(Effective Nov. 23, 1967)

#### **SEC. S4b      WORK BY PLUMBERS, ETC., UNDER LOCAL CODES**

The limitations as to persons who may construct, alter or repair house connections, drains and sewers, as provided in Section S4a, shall not restrict the usual work of plumbers or others when operating in accordance with local plumbing and building codes of the several cities or towns within the District and when they are working on pipes within or not more than six feet outside the walls of a building or similar structure; provided, no plumber or other person shall make any connection to a public sewer or drain of said District without a permit therefor, even if said sewer or drain is located under or immediately adjacent to any building or similar structure; and provided, all drains and fixtures within said building or structure and all use made of them shall conform to the requirements of this ordinance as to what may and may not be permitted to be discharged into public sewers and drains.

#### **SEC. S4c      LICENSING OF DRAIN LAYERS**

The Bureau of Public Works may license as a drain layer any person, firm or corporation believed by it to be suitable and competent, who shall have applied to it on forms to be provided for that purpose and who shall have furnished the surety bond (and insurance) required by Section S4d of this ordinance. Every application for a license as drain layer shall state the name of the drain layer (in case of partnerships or trade names, both the name under which the firm does business and names of all individual members of the firm) and the business address of the prospective licensee together with such other information as the Bureau of Public Works may properly require. Should any licensed drain layer change his, their or its name, composition of firm or business address during the term of his, their or its license, he, they or it shall immediately notify said Bureau in writing, giving both old and new name, address, etc., as the case may be.

The Bureau of Public Works will recognize a valid license issued by the State of Connecticut under Public Act #789 (1967), or as the same may be amended, in lieu of the above license to perform work defined in said Public Act and governed by this ordinance.

(Adopted Nov. 13, 1967)

(Effective Nov. 23, 1967)

#### **SEC. S4d      SURETY BOND AND INSURANCE**

Before any drain layer may receive a permit to do work governed by this ordinance he shall file with the Bureau of Public Works a satisfactory bond and protective liability insurance policy in the name of The Metropolitan District together with satisfactory

insurance policies or certificates to the effect that he is properly insured against claims by employees or the public and against liabilities to be assumed under the terms of the Drain Layer's Permit. Said bond and said certificate shall be on forms to be provided by and satisfactory to the Bureau of Public Works. The surety bond shall be in the sum of not less than five thousand dollars. The insurance shall be not less than \$100,000 for each person and not less than \$300,000 for each accident, and property insurance shall be not less than \$25,000. Changes in insurance limits may be made by the Personnel, Pension and Insurance Committee.\*\* The bond and insurance, in combination, shall provide that The Metropolitan District, the State of Connecticut and any city or town within said District and their respective agents shall be indemnified and saved harmless from all suits and actions of every name and description brought against any of said public bodies or their agents, for or on account of any injuries or damages received or sustained by any person or property in consequence of or resulting from any work performed by the drain layer, his agent or servants, or from any act or omission of the drain layer, his servants or agents, while operating under the permit issued or from any negligence regarding said work; that the drain layer shall reimburse The Metropolitan District for any expense to said District or its agents arising from any injury or damage to any sewer or drain or other property of said District or by reason of any violation of the drain layer or his agents or employees of any requirement of this ordinance; that the drain layer shall faithfully execute in all respects all work performed under the Permit issued; that the drain layer shall restore the portion of any street or public place in which the drain layer may have made an excavation incidental to work under said Permit to as good condition as it was prior to said work and also shall keep said street or public place in like good condition to the satisfaction of the proper city, town or other public officer in charge thereof for a period of not less than one year after said restoration; that the drain layer shall reimburse any town or the state for the expense of repairs to such street or public place made necessary by reason of excavation made by the drain layer; and that the drain layer shall comply in all respects with the rules, regulations, laws, ordinances, etc., relative to work in such streets or public places and with the terms of the permits which may be issued to the drain layer by any of the foregoing public bodies and shall pay all fines imposed on the drain layer for violation of this ordinance or of such rules and regulations.

\*\* Authorization transferred to the Personnel, Pension and Insurance Committee as provided in Section B3h of The Metropolitan District By-Laws, effective January 7, 1985.

#### **SEC. S4e CONDUCT OF DRAIN LAYER**

Each licensed drain layer shall be responsible for the faithful and safe performance of all work performed under the license or permits issued to him and for the conduct of

all work by his employees or agents. No work shall be sublet by a licensed drain layer under any permit in any manner to divest said drain layer of full control and responsibility for all parts of said work. Only competent men shall be employed on work performed under such license and only suitable materials conforming to the standards established by the Manager of the Bureau of Public Works shall be furnished or used on such work.

(Adopted Oct. 3, 1966)

(Effective Oct. 13, 1966)

#### **SEC. S4f-1 SUSPENSION OF DISTRICT LICENSE**

Should the Manager find that any licensed drain layer has failed to conform to the requirements of this ordinance and to the conditions of any permit issued thereunder, or that such drain layer has not been faithful in the performance of work or furnishing materials under his license, the Manager may suspend such license until the next meeting of the Bureau of Public Works and shall report the matter to such meeting. Such suspended drain layer and any complainant in said matter shall be notified of such meeting and afforded an opportunity to be heard on the matter at that time. The Bureau of Public Works may, after said opportunity to be heard has been provided, revoke such license, or may extend the suspension of such license for such period or limit the activities of such drain layer in such manner as may appear to be to the public interest.

(Adopted Oct. 3, 1966)

(Effective Oct. 13, 1966)

#### **SEC. S4f-2 SUSPENSION OF LICENSE ISSUED UNDER PUBLIC ACT #789 (1967), OR AS THE SAME MAY BE AMENDED BY STATE OF CONNECTICUT**

Should the Manager find that any drain layer licensed under Public Act #789 (1967), or as the same may be amended, and doing work governed by this ordinance has failed to conform to the requirements of this ordinance and to the conditions of any permit issued thereunder; or that such drain layer has not been faithful in the performance of work or furnishing materials under his permit issued by the District, the Manager may suspend work under any permit issued to such drain layer and recommend to the State of Connecticut that the drain layer's license issued under Public Act #789 (1967), or as the same may be amended, be suspended or revoked as provided under the Act. Work under any permit suspended by the District shall not resume until:

- (1) The District is notified by the State that the license has not been suspended or revoked;or

- (2) If the license has been suspended or revoked that said license has been restored;  
or
- (3) In the event that the license has been suspended or revoked that the property owner requests in writing that the work resume under another licensed drain layer. In such event the District may, in its discretion, issue a permit for same.

(Adopted Nov. 13, 1967)

(Effective Nov. 23, 1967)

#### **SEC. S4g DRAIN LAYER RESPONSIBLE**

Each licensed drain layer shall save The Metropolitan District, its agents and servants, the City of Hartford, the several towns and political subdivisions thereof, and the State of Connecticut harmless from all loss or claims for loss, damage or injury arising from the operation of such drain layer under any permits issued under his license or any negligence or failure on the part of such drain layer in guarding, protecting or conducting the work thereunder or from damage to or obstructions or disturbance of any highways, pavements, walks, pipes, sewers, drains, etc., caused by such work.

#### **SEC. S4h PERMITS REQUIRED FOR ALL WORK**

No person, other than those working for and under the direction of the Bureau of Public Works, shall make any excavation for or construct, install, lay, repair, alter or remove any sewer, drain, sewer or drain connection, or appurtenance thereof, within The Metropolitan District, which sewer drain, etc., is in any way connected to or discharges directly or indirectly to or into any public sewer or drain of said District, or is intended at some future time to be so connected or so discharge, until said person or party shall have applied for and secured from the Manager or his authorized representative a permit for doing such work. Such permits may be issued only to those qualified to perform such work as provided in Section S4a of this ordinance. The Manager of the Bureau of Public Works may authorize competent representatives in one or more towns within the District to act for him in receiving applications for permits and issuing such permits.

#### **SEC. S4i APPLICATIONS FOR PERMITS**

Every application for a permit shall be made in writing on forms to be provided by the Bureau of Public Works for that purpose and shall be signed by the licensed drain layer or other qualified person or party, or an authorized agent thereof. The application shall state the location and ownership of the property to be served by the

sewer or drain in question, the post office address of said property owner, a brief description of the work to be done, and shall contain an agreement that the permittee will do the work in accordance with the requirements of The Metropolitan District and local laws, ordinances, regulations and permits as those laws, etc., may apply to the particular location or work and will save said District and others harmless from damages, loss, damage claims, etc., in accordance with the terms of the drain layer's surety bond (and insurance) provided for in Section S4d hereof; all in such form and detail as may be directed by the Bureau of Public Works in the form provided. The Manager, in his discretion, may require as a prerequisite to the issuance of any permit that he be furnished evidence (a) that any and all necessary permits, etc., to open public streets, public or private grounds or property have been or will be issued; (b) that the agent of the applicant is properly authorized to sign the application in question; (c) that the devices or provisions to prevent the entry into public sewers or drains of any substances forbidden entry by this ordinance will be provided, maintained and operated as required by Section S2g through k hereof; and any other information or proof pertinent to the particular job in question.

#### **SEC. S4j RECORDS OF PERMITS AND WORK THEREUNDER**

All completed applications for permits and a record of work performed under every permit issued thereupon shall be kept as permanent records of the Bureau of Public Works.

#### **SEC. S4k ISSUANCE OF PERMIT**

Each permit to construct, alter or repair any sewer, house connection or drain under this section shall be issued only after an application as hereinbefore provided. It shall state the location and character of the work to be performed thereunder; the person granted permission to perform such work; a time limit within which the work must be performed and at the expiration of which the privileges for construction under the permit shall terminate, unless such time limit shall have been extended in writing by the Manager; shall indicate the general character of wastes which may be discharged into the sewer in question; and any other pertinent information or conditions. Permits shall not be transferable or assignable by the permittee.

#### **SEC. S4l PERMITS TO BE ON PREMISES**

Permits shall be kept on the premises where and at all times when work is in progress and shall be shown to any proper person asking to see the same. All persons

operating under such permits shall be held responsible for conformity to the requirements thereof and of this ordinance.

#### **SEC. S4m REVOCATION OF PERMIT**

Any permit may be suspended, cancelled or terminated by the Manager on written notice to the permittee for violation of the conditions thereof or for violation of the requirements of this ordinance or of the standards and specifications established by said Manager for such work as provided by this ordinance, or for other reasons in the public interest. Suspension, cancellation or termination of a permit may cover all or any portion of the work contemplated thereunder as the Manager may direct. Suspension, cancellation or termination of a permit shall not entitle the permittee to any compensation or reimbursement from The Metropolitan District or its agents for any alleged loss or expense incurred thereby, and permits shall be issued only on this condition.

## **S-5 ENFORCEMENT**

### **PART 5, GENERAL SEWER ORDINANCE**

<u>Section</u>	<u>Section Title</u>
S5a	Violation: Inspection and Correction Thereof
S5b	Assistance and Procedure in Suspected Violations
S5c	Procedure Upon Failure to Correct Violation
S5d	Penalty for Violation
S5e	Interpretation of Requirements, etc.
S5f	Appeal from Interpretation
S5g	Validity of Provisions

## **SEC. S5a VIOLATION: INSPECTION AND CORRECTION THEREOF**

If any person shall construct, install, alter or repair any sewer or drain or connection to any public sewer or drain of The Metropolitan District in violation of the requirements of this ordinance, or, having obtained a permit as provided in this ordinance, shall construct, install, alter or repair a sewer, drain or connection thereto without having given the Engineer and his representatives adequate notice, time, opportunity and assistance, during regular working hours, to inspect such sewer, drain, connection and the work and materials used thereon, said Manager may, in his discretion, order or direct the person who constructed, installed, altered or repaired such sewer, etc., and/or the owner of any property in which such sewer, etc., may be located or which may be served thereby, or in whose interest and employ said work was done, to uncover and fully expose any or all portions of such sewer, drain or connection and afford said Engineer and his representatives adequate opportunity to examine and inspect such sewer, etc., and to secure such records thereof as may be proper. If such sewer, drain or connection and the appurtenances thereof shall be found not to be in full accord with the requirements of this ordinance and the standards established under its provisions, then said Manager may order and direct such person, owner or lessee to make such changes in or additions to or remove portions of appurtenances of such sewer, etc., as may be necessary to insure that such sewer, etc., will conform to the requirements of this ordinance and of the standards established under its provisions. All of such work shall be performed by said person, owner or lessee without delay and without expense to The Metropolitan District.

## **SEC. S5b ASSISTANCE AND PROCEDURE IN SUSPECTED VIOLATIONS**

If the Manager of the Bureau of Public Works shall have reason to believe that a sewer, drain, or any part or appurtenance thereof, which is connected to or discharges into any public sewer or drain of The Metropolitan District, has been constructed, repaired or altered or is or has been used, operated or maintained, or that substances are being or recently have been discharged through the same in violation of the requirements of this ordinance or of the standards established under its provisions, said Manager shall inquire into the matter. Said Manager may require that the owner, lessee or tenant of the property where such sewer, etc., may be located or of property served by such sewer, etc., assist said Manager and his representatives in such inquiry and permit them to examine such sewer, etc., and observe the manner in which such sewer, etc., is used, operated or maintained and the wastes discharged through the same. If said Manager shall find on such inquiry that there exists good reason to believe that the requirements of this ordinance have not been or are not being complied with, he may require that the owner, lessee or tenant of said property furnish said Manager with adequate proof that said

requirements are being conformed to and will continue to be complied with. If it shall appear that said requirements have not been or are not being conformed to or complied with or that good reason exists to believe that they may not thereafter be conformed to or complied with, said Manager may order and require that such owner, lessee or tenant shall immediately take such measures, provide and install such appurtenances or make such changes in such sewer, etc., or the manner of using and maintaining the same as will insure that said requirements will be conformed to or complied with thereafter. All assistance, proof, changes and new appurtenances required by this section to be furnished or provided by the owner, lessee or tenant of property in question shall be promptly furnished by such owner, lessee or tenant without expense to The Metropolitan District.

#### **SEC. S5c PROCEDURE UPON FAILURE TO CORRECT VIOLATION**

If any person, after proper order or direction from the Manager of the Bureau of Public Works, fails to take the remedial steps or perform the acts required by Sections S5a and S5b of this ordinance, or fails thereafter to use, operate and maintain any connection with the public sewers of the District, or appurtenance thereof, as required by this ordinance, the Bureau of Public Works, by such agents and/or facilities as it may choose, may disconnect the house connection or drain which was wrongfully connected, altered, repaired or used, or through which improper wastes were discharged into the public sewer system from the public sewer or drainage system of the District. In disconnecting such drain or house connection, the District may, if necessary, interfere with or cut off drainage from other portions of the property whereon such violation of the ordinance has occurred or of any adjacent property which is served by such house connection or drain. If the Bureau of Public Works shall have disconnected a house connection or drain from the public sewer system, as above provided, the District may collect the cost of making such disconnection from any person responsible for or wilfully concerned in or who profited by such violation of the requirements of this ordinance. If the Bureau of Public Works has disconnected any property from the public sewer system, as above provided, it may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation of this ordinance until the claim of the District for the cost of making such disconnection shall have been paid in full plus interest and the reasonable overhead and any legal expenses incurred by the District in connection therewith.

#### **SEC. S5d PENALTY FOR VIOLATION**

Any person violating any provision of this ordinance may be proceeded against and fined not exceeding fifty dollars or imprisoned not more than thirty days, or both, as

provided in an act amending the charter of The Metropolitan District approved July 26, 1949. Each day that any violation of this ordinance continues and each day that any person continues to discharge improper wastes or substances into any public sewer or drain shall be deemed a separate offense for the purpose of applying the above penalties.

#### **SEC. S5e      INTERPRETATION OF REQUIREMENTS, ETC.**

The provisions of this ordinance with respect to the meaning of technical terms and phrases, the classifications of different kinds or types of sewers, the restrictions as to what wastes may be discharged into sewers, the regulations with respect to making connections to sewers and other technical matters shall be interpreted and administered by the Manager, and, acting under and for him, by the Engineer. Details as to sewer use, sewer connections, etc., not otherwise regulated or described by some provision of this ordinance shall continue as heretofore established by local custom and practice, as interpreted by the Manager or Engineer.

#### **SEC. S5f      APPEAL FROM INTERPRETATION**

Any person who may be aggrieved by any interpretation of any provision of this ordinance made by the Manager or Engineer or by an order issued by the Manager or Engineer under authority conferred by this ordinance, or by any requirement of this ordinance, or by any classification of any sewer, drain or any waste water proposed to be discharged into any sewer or drain, made by the Manager or Engineer, may appeal from such interpretation, order, classification or requirement to the Bureau of Public Works. Any such appeal shall be in writing, addressed to the Bureau of Public Works, setting out the matter in reasonable detail and completeness. Said Bureau shall consider any such appeal made to it and, if so requested by any such person interested therein, shall afford all interested parties an opportunity to be heard by the Bureau or by a committee thereof. Thereafter, said Bureau shall take such action in the matter of the appeal as may to it appear proper, and, in its discretion, may alter the interpretation, order or requirement of the Manager or Engineer in whole or in part. Until such time as said Bureau shall have received and considered an appeal and shall have voted to change the interpretation, order or requirement of the Manager or Engineer, such interpretation, order or requirement of the Manager or Engineer shall be observed and remain in full force and effect.

**SEC. S5g      VALIDITY OF PROVISIONS**

If any provision, requirement, or section of this ordinance, or any interpretation thereof by the Manager or Engineer shall be adjudged invalid or unenforceable by reason of conflict with some other provisions of law, such adjudication shall not affect the validity of any other provision hereof, but all other provisions, sections and requirements of this ordinance shall be deemed valid and effective and shall remain in full force and effect.

## **S-6 PROCEDURE, LAYOUT AND ASSESSMENT OF SEWERS, ETC.**

### **PART 6, GENERAL SEWER ORDINANCE**

<u>Section</u>	<u>Section Title</u>
S6a	Publication of Layout
S6b	Nature of Layout
S6c	Reference for Assessment
S6d	Determination of Costs
S6e	First Publication of Assessment
S6f	Adoption and Publication of Assessment Following Hearing
S6g	Report to District Board
S6h	Procedure upon Passage of Layout
S6i	Procedure upon Completion of Work
S6j	Method of Publication

## **SEC. S6a PUBLICATION OF LAYOUT**

Whenever any vote or resolution shall be offered to the District Board proposing to lay out, construct or establish any public improvement which by charter provision is included in the functions of the Bureau of Public Works and for the cost of which The Metropolitan District under its charter may assess benefits, such vote shall not be passed by the District Board until said Board has caused the proposed vote or resolution and a certificate that the same is pending in the proceedings of said Board, attested by the District Clerk, to be published in the manner hereinafter specified, with a notice appended to such published vote or resolution, to all persons to file a written statement of their objections, if any they have, with the Clerk of the Bureau of Public Works within ten days, inclusive, from the day of the first publication of said notice. Nothing in this section, however, shall apply to mere repairing or reconstructing any existing public work or improvement once completed.

## **SEC. S6b NATURE OF LAYOUT**

Every such proposed vote or resolution shall briefly and intelligibly state the general character and description of the proposed improvements, but need not contain definite measurements, courses, or termini. It may embrace one or more of the several kinds of local improvements specified in the District charter.

## **SEC. S6c REFERENCE FOR ASSESSMENT**

The District Board, upon ordering publication of any such vote or resolution, shall at the same time order the Bureau of Public Works to prepare and publish as hereinafter provided an assessment for benefits and damages upon the persons or land benefited or damaged.

## **SEC. S6d DETERMINATION OF COSTS**

For purposes of determining the costs of any sewer project, which cost is to be paid in whole or in part by an assessment of benefits as provided by the District Charter, the Bureau of Public Works shall determine the total of all expenses incurred, or likely to be incurred, incidental to said sewer project. Said total shall include actual cost, as nearly as can be determined, of all engineering services for preliminary preparation, design, preliminary assessments, execution and accounting of or for said project, all costs for legal notices, adjustments and the like, all payments for damages to any party or for rights-of-way, easements and similar purposes, all payments to contractors or others, for labor, equipment and materials used for

constructing said project, all previously deferred assessments, if any, laid by the District on property assessed for said project, and any and all other costs and expenses which the District has incurred or will be likely to incur on account of said project. Said total shall also include all interest which the District shall become obligated to pay for borrowed funds used to finance the construction of any such sewer project, which interest shall accrue over a period, computed to the nearest whole month, extending from the date of award of the contract for such project to the date which the District Manager or a Deputy Manager of the Bureau of Public Works has certified as being the date upon which connections to all of the sewers in said project have been authorized. The amount of such interest shall be computed by applying to the total cost of such project, without interest, the rate of interest applicable to the last note for financing construction under the Assessable Sewer Fund which shall have been issued prior to the date of award of the contract for such project.

(Adopted April 2, 1962)

(Effective April 12, 1962)

#### **SEC. S6e FIRST PUBLICATION OF ASSESSMENT**

It shall thereupon be the duty of the Bureau of Public Works to prepare a schedule of estimated benefits and damages and upon completion thereof to publish a notice, in the manner provided in Section S6j hereof, briefly setting forth the limits of the proposed assessments by streets or otherwise, together with the rates per foot or other criteria upon which the assessment may be based, and notifying all persons interested that said schedule of estimated benefits and damages is on file and may be examined in the office of the Bureau of Public Works and that they shall file a written statement of their objections, if any they have, with the Clerk of the Bureau of Public Works within ten (10) days from the date of the first publication.

(Adopted Dec. 6, 1976)

(Effective Dec. 16, 1976)

#### **SEC. S6f ADOPTION AND PUBLICATION OF ASSESSMENT FOLLOWING HEARING**

Following the public hearing, as required by Section S1d hereof, the Bureau of Public Works may adopt said schedule of benefits and damages, or any modification thereof, as the assessment against the persons or land benefited or damaged, and, upon its adoption, shall cause the same to be published, as hereinafter provided, together with a brief notice of the manner and time of taking appeals to the Court of Common Pleas.

(Adopted Oct. 4, 1971)

(Effective Oct. 14, 1971)

## **SEC. S6g      REPORT TO DISTRICT BOARD**

After publication of the assessment, but not until after the expiration of the time allowed by law within which appeals may be taken, the Bureau of Public Works shall report its findings to the District Board. Said report shall include a brief resume of the proceedings on the matter, with a copy of the assessment, together with a brief statement of the proceedings at all hearings, and shall, at the conclusion, state the recommendations of said Bureau to the District Board.

## **SEC. S6h      PROCEDURE UPON PASSAGE OF LAYOUT**

Upon the passage by the District Board of any vote or resolution to layout or construct any works covered by the provisions of this ordinance, said Board shall direct the Bureau of Public Works to proceed with such layout or construction, and shall authorize said Bureau to make and enter into any necessary contracts, through the Board of Contract and Supply, or otherwise, as now provided, or as may be later prescribed by vote or ordinance for the regulation of such functions.

It shall be the duty of the Clerk of the Bureau of Public Works to have the necessary caveats or certificates prepared and delivered for record to the Town Clerk of the Town in which the property subject to said lien is located, within thirty (30) days of the passage by the District Board of said vote or resolution.

## **SEC. S6i      PROCEDURE UPON COMPLETION OF WORK**

Upon the final layout or completion of the construction of any work or improvement made under the provisions of this ordinance, the Bureau of Public Works shall give notice thereof, by publication, in the manner provided in the Charter and that benefits assessed therefor are due and payable, as provided by said charter, and the Clerk of the Bureau of Public Works shall thereafter file certificates of liens covering the properties so assessed within the time and in the manner provided by said charter. If the actual cost of the construction of any such work or improvement shall be less than the sum assessed upon the parties benefited, such publication shall contain a statement of the proportionate deduction to be made from said assessment except where flat-rate assessments were used.

(Adopted March 6, 1972)

(Effective March 16, 1972)

## **SEC. S6j      METHOD OF PUBLICATION**

Whenever as herein provided any vote or resolution, schedule of estimated benefits and damages, assessment, notice of public hearing, or other notice under these proceedings is to be published, it shall be done as follows: The vote, resolution, schedule, assessment or notice shall be published once in the daily newspaper regularly published within the limits of The Metropolitan District. Whenever there is published any vote, resolution, schedule, assessment or notice in connection with work under which property in any town in the District other than Hartford will be assessed there shall be, whenever convenient or possible, in addition to the publication herein outlined, a brief notice inserted in the same issue as the regular publication and in the space regularly assigned to the news of said town, other than Hartford, calling attention to the full publication to be found elsewhere in the same newspaper. An error in or the omission of such additional notice, however, shall in no way affect the validity of any proceedings, and the regular publication as hereinabove outlined shall be considered as sufficient and ample public notice, without said additional notice. In lieu of said additional notice, a notice may be inserted in a weekly or other regularly published newspaper, published in the town, other than Hartford, in which property is to be assessed under the proceedings in question, and said notice may call attention to the regular publication in the daily newspapers, or may be a copy thereof.

(Adopted Dec. 6, 1976)

(Effective Dec. 16, 1976)

## **S-7 DEFERRED ASSESSMENTS FOR SEWERS**

### **PART 7, GENERAL SEWER ORDINANCE**

<u>Section</u>	<u>Section Title</u>
S7a	Purpose of Ordinance
S7b	Sewer Districts
S7c	Deferral of Costs to Other Districts
S7d	Assessment of Deferred Costs
S7e	Collection of Deferred Costs from Developers in Lieu of Assessment
S7f	Deferred Assessments
S7g	Cemetery Land
S7h	Connections in Deferred Assessment Areas
S7i	Collection of Deferred Assessments
S7j	Amount of Connection Charge, Deferred Assessments
S7k	Caveats and Liens, Deferred Assessments
S7l	Nature of Caveats
S7m	Connections to Sewers Built by Developers
S7n	Reimbursement to Developers
S7o	Connections to Land Not Previously Assessed

<u>Section</u>	<u>Section Title</u>
S7p	Connection Charges, Developers' Sewers and Unassessed Property
S7q	Deferral of Costs with Flat-Rate Assessment
S7r	Determination of Connection Charge
S7s	Installment Payments of Sanitary Sewer Connection Charges

## **SEC. S7a      PURPOSE OF ORDINANCE**

In accordance with the provisions of the charter of The Metropolitan District the following procedure is established for deferring costs of trunk or main sewers to such time or times as an extension of such trunk or main sewer shall be laid out, assessed and built to serve one or more other districts.

## **SEC. S7b      SEWER DISTRICTS**

In making assessments upon property benefited the Bureau of Public Works may divide the total territory to be drained by a sewer or sewer system into districts and may assess the property benefited in each district separately, those districts receiving the more immediate benefits to be assessed first and the less congested districts at such time or times thereafter as shall be determined by said Bureau.

## **SEC. S7c      DEFERRAL OF COSTS TO OTHER DISTRICTS**

Whenever the Bureau of Public Works shall determine that the cost of a sewer for which a layout is proposed will exceed the benefit to the area to be sewered immediately and directly, and when such excess cost is due to increased size or depth of such sewer or to other costs which are necessary or incidental in order that such sewer, or the sewer system of which it is part, may be suitable for extension in the future to serve one or more other districts which could naturally drain into such sewer or sewer system, said Bureau may elect either (a) to assess said excess cost as part of the pending layout procedure as an outlet benefit in any district to be served by extensions of such sewer or sewer system being laid out, or (b) to pay for such excess cost from the Assessable Sewer Fund and defer the assessment of said excess cost until such time when the benefits shall be more immediate.

If said Bureau shall elect to proceed under (b) herein and shall defer the assessment of costs of outlet benefits, the procedure shall be as provided in an ordinance of The Metropolitan District Commission on Procedure of the Bureau of Public Works, except that properties which are located in any district on which outlet costs shall have been deferred shall not be included in newspaper publications or other notices required under said ordinance for the layout of such sewer and the assessment of benefits therefor, and no special notices shall be sent to the owners of such properties, but such owners shall be notified, in accordance with the provisions of said ordinance, of any proceedings instituted by said Bureau acting under the authority of the District Board for the actual assessment of such deferred excess costs upon such properties. No caveat or lien shall be placed on the land records against any property located in the district on which outlet costs have been deferred until after the passage by the

District Board of a resolution laying out and ordering the construction of any extension of such sewer or sewer system, in the cost of which such deferred costs are to be included as part of the assessment to be made against such property.

**SEC. S7d ASSESSMENT OF DEFERRED COSTS**

Whenever the Bureau of Public Works shall determine that the cost of any sewer for which a layout is pending and for which a benefit assessment is to be made shall include a portion of the cost of a sewer previously built which was paid for by the District from the Assessable Sewer Fund, said Bureau shall determine the proportion of the previously deferred costs of such sewer which will benefit properties served by the sewer being laid out and shall include such proportion of such deferred costs as a part of the cost of the sewer being laid out and assessed, subject, however, to the right of remonstrance, hearing and appeal as provided in said ordinance on Procedure of the Bureau of Public Works.

**SEC. S7e COLLECTION OF DEFERRED COSTS FROM DEVELOPERS IN LIEU OF ASSESSMENT**

Whenever a sewer is to be built by Developer or Owner in any area or district in which costs have been deferred as hereinbefore provided, or whenever said sewer is built in advance of the availability of a District sewer outlet, such deferred cost or such share of the cost of the future outlet sewer shall be paid by the Developer or Owner as provided in Section S8f.

**SEC. S7f DEFERRED ASSESSMENTS**

Whenever a sewer is laid out and assessed by the District, where in the opinion of the Bureau of Public Works, there is not immediate need of (local) sewer service, and whenever the Bureau of Public Works determines that at the time of completion of said sewer there would not be sufficient immediate benefit accruing to said lands, and that such benefits will not substantially accrue until there is a change in conditions of need, of accessibility, in zoning restrictions, or in use, or in other conditions, the Bureau may defer the assessment and the collection of the same until the growth and development of the area warrants, or until use is made of said sewer by abutting property.

(Adopted March 6, 1972)

(Effective March 16, 1972)

## **SEC. S7g CEMETERY LAND**

Whenever a sewer is laid out and assessed by the District through or adjacent to land held for cemetery purposes or in a highway abutting such land, and whenever the Bureau of Public Works determines that at the time of completion of said sewer there would not be immediate benefit accruing to said land and that such benefits will not accrue until there is change in conditions or use, the said Bureau may under the provisions of Chapter 9, Section 6 of its Charter defer the collection and assessment of the same.

## **SEC. S7h CONNECTIONS IN DEFERRED ASSESSMENT AREAS**

When an assessment for a sewer on any land has been deferred as provided in the two foregoing sections, connections from such land to the said sewer shall not be permitted until:

(a) the Bureau of Public Works has determined that the conditions have altered due to change in accessibility, zoning, use, or to the establishment or dedication of streets or to the approval of subdivisions by a local planning body, or in some other manner sufficient for normal benefit to accrue to the land or any part thereof, and the said Bureau has declared that the assessment on such land is due and payable and given proper notice thereof, or

(b) When an owner or developer requests in writing that the deferred assessment become due and payable.

(Adopted July 6, 1987)

(Effective July 16, 1987)

## **SEC. S7i COLLECTION OF DEFERRED ASSESSMENTS**

When, under the provisions of Section S7h hereof, an assessment is declared due and payable, it shall be collectible in the same manner and in the same amount as would be established and collected under the schedule of flat rate assessment, Sec. S10d, prevailing at the time the assessment is declared due and payable. The owner may elect to extend the payment of the assessment over a period of years as provided in Section S9d or S9e of this Ordinance.

(Adopted June 2, 1969)

(Effective June 12, 1969)

## **SEC. S7j AMOUNT OF CONNECTION CHARGE, DEFERRED ASSESSMENTS**

The amount of a sanitary sewer connection charge to be paid in lieu of assessment shall be in amount equal to the final assessment rate of the original final assessment, applied to the frontage, or acreage, as the case may be, of said land, or such part of such land as, in the opinion of the Bureau of Public Works, is benefited at the time of connection.

## **SEC. S7k CAVEATS AND LIENS, DEFERRED ASSESSMENTS**

To notify an owner or prospective buyer of land upon which there is an assessment for a sewer laid, but deferred as provided in Section S7f et seq., a caveat shall be filed within thirty days of the passage of the resolution laying out the sewer; and the benefits, though deferred, shall be a lien upon the land on account of which they were assessed, which lien shall commence and attach to such land from the time of passage by the District Board of the vote laying out the said sewer, but the same shall not remain a lien thereon for a longer period than three months from the date of last publication of notice that the benefits assessed therefor, but deferred, are then due and payable, unless a certificate of lien is delivered for record in the manner provided in the ordinance of the District and in Chapter 9, Section 19 of the Charter.

## **SEC. S7l NATURE OF CAVEATS**

Such caveats shall indicate the nature and amount of the deferred assessment, the land so assessed, and the provisions for future payment, whether by later declaration by the Bureau of Public Works that assessments are due and payable, or by payment of a connection charge, in which case the caveat and lien will be released on such land or portion of which as payment in lieu of assessment has been made.

## **SEC. S7m CONNECTIONS TO SEWERS BUILT BY DEVELOPERS**

Whenever a sewer has been built for the District under a Developer's Permit-Agreement serving land owned by others, no connection shall be permitted by the District to said sewer unless, said owner first signs a form of agreement waiving the District's usual sewer layout and assessment procedures and pays a sanitary sewer connection charge in Full or arranges to pay said sanitary sewer connection charge in the manner provided for in Section S7s herein, or, the District Board has passed a layout and assessment covering the section of sewer in question. Such agreement signed by the land owner shall be recorded in the land records of the town in which the land is situated. The Chairman or Vice Chairman of the Bureau of Public Works is

authorized to sign all such agreements on behalf of The Metropolitan District. The Chairman of the Bureau of Public Works may, at his or her discretion, authorize the District Clerk to sign all such agreements on behalf of The Metropolitan District.

(Adopted June 5, 2000)

(Effective June 15, 2000)

#### **SEC. S7n REIMBURSEMENT TO DEVELOPERS**

The Bureau of Public Works is empowered at its discretion to include in agreements with developers or other owners for the construction of sewers by and at the expense of such developers or owners, as now provided by ordinance, provisions for reimbursement of said developers or owners from sanitary sewer connection charges collected, or to be collected, immediately following execution of the agreement with the land owner, as provided in Section S7m hereof, for the cost of sewers constructed by them in sections of highways on which lands owned by them do not abut, such reimbursement not to exceed the cost of construction within such sections of highways, and limiting the time within which such reimbursement may occur to such time as the said Bureau may deem expedient for the particular case, but no reimbursement shall be made after ten years from the date of incorporation of the particular sewer into the public system. Expiration of the time for reimbursement to the developer shall not release subsequent permittees from paying a connection charge to the District.

(Adopted Nov. 10, 1980)

(Effective Nov. 20, 1980)

#### **SEC. S7o CONNECTIONS TO LAND NOT PREVIOUSLY ASSESSED**

Whenever a sewer has been laid out and constructed by the District to serve a particular section of highway or a particular area, no connection shall be permitted thereto for any land which has not been assessed therefore or has not shared in an equitable manner in the expense thereof, unless prior to such connection, the owner of such land first signs a special agreement, and pays a sanitary sewer connection charge in full or arranges to pay said sanitary sewer connection charge in the manner provided for in Section S7s herein. Such special agreement signed by the land owner shall be recorded in the land records of the town in which the land is situated. The Chairman or Vice Chairman of the Bureau of Public Works is authorized to sign all such agreements on behalf of The Metropolitan District. The Chairman of the Bureau of Public Works may, at his or her discretion, authorize the District Clerk to sign all such agreements on behalf of The Metropolitan District.

(Adopted June 5, 2000)

(Effective June 15, 2000)

**SEC. S7p CONNECTION CHARGES, DEVELOPERS' SEWERS AND UNASSESSED PROPERTY**

The amount of the connection charge for connections under Sections S7m-o, incl. hereof shall be computed in the same manner as if the property were being assessed using as a basis for such computations actual or adjusted frontage and acreage of property to be connected or other relevant factors and a lateral or inlet charge, all based on current rates in effect at the time of payment of the connection charge.

Such connection charges, including those deferred in par. (b) of Section S7h hereof, shall be paid to the Treasurer of The Metropolitan District and credited by him to the proper account in the Assessable Sewer Fund, as established by ordinance.

(Adopted March 6, 1972)

(Effective March 16, 1972)

**SEC. S7q DEFERRAL OF COSTS WITH FLAT-RATE ASSESSMENT**

Whenever the cost of a sewer project exceeds the sum to be collected by the flat-rate assessment on properties benefited and whenever the Bureau of Public Works shall determine that said excess cost was due to increased size or depth of such sewer or to other costs which are necessary in order that such sewer, or the sewer system of which it is a part, may be suitable for extension in the future, said Bureau may elect to defer said excess cost for later collection, not from a particular area or areas, but by inclusion in the flat-rate schedule applicable to all areas, or from payments of outlet charges or connection charges.

Whenever costs have been or will be deferred under the provisions of Secs. S7a through S7c of the Ordinances such deferred costs shall be collectible as stated hereinbefore and not as a cost to provide sewer service to a particular area or areas.

(Adopted Nov. 14, 1966)

(Effective Nov. 24, 1966)

**SEC. S7r DETERMINATION OF CONNECTION CHARGE**

The Bureau of Public Works shall from time to time determine and adopt schedules of connection charge rates for frontage, acreage, lateral or inlet or other relevant factors.

(Adopted March 6, 1972)

(Effective March 16, 1972)

## **SEC. S7s      INSTALLMENT PAYMENTS OF SANITARY SEWER CONNECTION CHARGES**

The land owner against which a sanitary sewer connection charge has been levied in conformance with sections S7m and S7o herein, may choose to pay such sanitary sewer connection charge in full at the time the agreement is signed or may choose to pay such charge in installments. If payment is to be made in installments, such payment shall be made in accordance with the payment provisions of Section S9d herein with payments being made in sixteen (16) annual installments over a period of fifteen (15) years, except that the first payment shall be made at the time the agreement, required in Sections S7m and S7o herein, is signed and all subsequent payments to be made on annual basis on the fifteenth (15th) day of the month beginning one year after date of the first payment if such payment is made on the fifteenth (15th) day of the month or on the fifteenth (15th) day which falls immediately after the first payment. All other provisions of Sections S9d, S9f and S9g herein shall apply including the first payment as principal, the annual interest rate to be applied on the unpaid balance and the interest rate to be applied to such payments which are delinquent. In the event that the land owner chooses to pay the sanitary sewer connection charge in installments the District shall include as a part of the agreement to be signed by said land owner a lien, to be filed in the land records of the town in which said land is situated, to secure payment of the sanitary sewer connection charge which is to be paid in installments, describing said land to be benefited by such sanitary sewer connection charge, and signed by the Clerk of the District.

(Adopted Dec. 7, 1981)

(Effective Dec. 17, 1981)

## **S-8 CONSTRUCTION OF SEWERS BY DEVELOPERS**

### **PART 8, GENERAL SEWER ORDINANCE**

<u>Section</u>	<u>Section Title</u>
S8a	Agreements with Developers Authorized
S8b	Provisions of Agreements
S8c	Insurance Required
S8d	Bond May Be Required
S8e	Rights-Of-Way
S8f	Payment of Outlet Charge by Developer
S8g	Acceptance of Developers Sewers

## **SEC. S8a      AGREEMENTS WITH DEVELOPERS AUTHORIZED**

The Bureau of Public Works is authorized to empower the District Clerk or designee to enter into agreements on behalf of The Metropolitan District with developers, contractors or other owners of land for the construction of sewers or drains by and at the expense of such developers, contractors or owners, which sewers may become part of the public sewer system under the conditions hereinafter stipulated, and the said Bureau is empowered to make, from time to time, any necessary regulations stipulating the terms and conditions of said agreements not inconsistent with the provisions of this ordinance. The Chairman or Vice Chairman of the Bureau of Public Works is authorized to sign all such agreements on behalf of the District. The Chairman of the Bureau of Public Works may, at his or her discretion, authorize the District Clerk to sign all such agreements on behalf of the District. The terms and the text of a standard form of agreement for work under this ordinance or any variations of said standard form to apply to any particular project thereunder shall be as approved by the District Counsel. In cases where, in staff's opinion, special circumstances are involved, the Administration must bring the matter to the Bureau of Public Works for approval.

(Adopted June 5, 2000)

(Effective June 15, 2000)

## **SEC. S8b      PROVISIONS OF AGREEMENTS**

The Bureau of Public Works shall specify in the terms of such agreements, or on plans which are made a part thereof, the limits, sizes and grades of the sewers or drains to be built and the nature of and limitations on the wastes or liquids to be conveyed. All the terms of and all subsequent amendments to the General Sewer Ordinances, (Parts 1-5) shall be applicable to work done under such agreements. Such agreements shall provide that the full cost of construction of the sewer and all expense incidental thereto shall be borne by the developer or owner who shall, before commencing any work, deposit with the Clerk of the Bureau of Public Works a sum deemed by the Chief Engineer of said Bureau to be sufficient to defray the cost of preliminary surveys, of the preparation of designs and plans, of other expenses of preliminary engineering, of inspection, supervisory engineering, grade staking, measuring, testing and all other expenses of the District incurred prior to or during construction, or during any maintenance period stipulated, including allowances for pension, insurance and similar costs related to payroll. Such agreements shall also provide that, in case said deposit proves to be insufficient at any time during the progress of the work, further deposit shall be made upon notification by the Clerk of said Bureau, and that upon acceptance of the sewer or drain, any unexpended portion of said deposit shall be returned to the developer or owner.

#### **SEC. S8c INSURANCE REQUIRED**

All such agreements shall provide that the developer or owner or the contractor engaged by the developer or owner to perform the work shall assume all risks and hold the District and the town in which the work is located harmless from any and all claims for damage arising from the work or its conduct. To secure such risks, adequate liability, property damage and compensation insurance in amounts fixed by the District shall be required of the developer or owner or contractor performing the work who shall furnish proper and acceptable certificates of insurance before starting work.

#### **SEC. S8d BOND MAY BE REQUIRED**

The Bureau of Public Works, whenever in its opinion there is possibility of loss by the District by reason of failure of the owner or developer to complete the work contemplated in the agreement, or any part thereof, or to comply with any maintenance requirements, may require as a part of said agreement that adequate bond or other surety acceptable to the District be submitted to insure completion and maintenance of the work.

#### **SEC. S8e RIGHTS-OF-WAY**

Such agreement shall require, whenever the work is not in a duly accepted public highway, that adequate rights-of-way be conveyed to the District prior to the start of construction of such sewer or drain, the terms of conveyance being subject to approval of the District Counsel.

(Adopted March 6, 1972)

(Effective March 16, 1972)

#### **SEC. S8f PAYMENT OF OUTLET CHARGE BY DEVELOPER**

The Bureau of Public Works may establish and revise a schedule of fair and reasonable charges for outlet into the District sewerage system of any sewer or drain constructed under the terms of a Developer's Agreement. However, said Bureau may vary the amount of outlet charge to be collected from a developer when in its opinion the use of the established schedule of charges would not be fair and reasonable.

Outlet charges may be paid by developers at the time of execution of the Developer's Permit-Agreement or deferred until the time that house connection permits are issued.

The amount of outlet charge to be paid by a developer, at the time of execution of the Developer's Permit-Agreement shall be set forth in the vote of the Bureau of Public Works granting permission to said developer to construct said sewer or drain.

When a developer elects to defer payment of the outlet charge, the amount of the deferred outlet charge payable when the house connection permit is issued shall be in accordance with the established schedule of charges in effect at that time.

The developer shall pay to the District a flat charge per lot or per parcel of land at the time of execution of the Developer's Permit-Agreement to cover the additional administrative and recording fees associated with the deferment of charges.

All outlet charges shall be paid to the Treasurer of The Metropolitan District and credited by him to the proper amount in the Assessable Sewer Construction Fund.

(Adopted Nov. 9, 1983)

(Effective Nov. 19, 1983)

#### **SEC. S8g      ACCEPTANCE OF DEVELOPERS SEWERS**

After certification by the Chief Engineer of the Bureau of Public Works that any sewer or drain constructed under the terms of this Ordinance has been completed in accordance with the plans, specifications and standards of the District and that the maintenance period fixed in the agreement has expired, and that all roadways, curbs, walks and other surfaces and appurtenances disturbed by the work have been properly restored, or that adequate security by bond or otherwise has been furnished to assure such restoration, the District Board, upon recommendation by the Bureau of Public Works, may by resolution incorporate said sewer or drain into the Public Sewer System, to become effective as specified in such resolution.

## **S-9 COLLECTION OF ASSESSMENTS**

### **PART 9, GENERAL SEWER ORDINANCE**

<u>Section</u>	<u>Section Title</u>
S9a	Assessments Forwarded to Treasurer
S9b	Collection of Assessments
S9c	Installment Payments (Layouts Prior to 1967)
S9d	Installment Payments (Layouts After January 1, 1967)
S9e	Cash Payments
S9f	Interest Charge on Delinquent Sewer Installments (Effective With Installments Delinquent On and After July 1, 1975)
S9g	Interest Charge on Delinquent Sewer Installments (Effective With Installments Delinquent On and After January 1, 1982)

## **SEC. S9a ASSESSMENTS FORWARDED TO TREASURER**

After the final layout or completion of the construction of any public work or improvement under the supervision of the Bureau of Public Works, when said Bureau is ready to give notice thereof by publication and that benefits assessed therefor are due and payable, it shall deliver to the Treasurer of the District the description of the properties assessed, with the names of the owners and the amounts of such assessments in advance of such publication and the Treasurer shall prepare and send notices to each of the owners whose properties have been so assessed, stating the amount of the assessment and when the same is due and payable.

(Adopted Nov. 14, 1966)

(Effective Nov. 24, 1966)

## **SEC. S9b COLLECTION OF ASSESSMENTS**

Collection of assessments for any public work or improvement under the supervision of the Bureau of Public Works the layout for which was ordered published by the District Board prior to January 1, 1967 shall be as provided in Section S9c. Collection of any such assessment the layout for which was ordered published by the District Board after January 1, 1967 shall be as provided in Sections S9d-S9e.

(Adopted Nov. 14, 1966)

(Effective Nov. 24, 1966)

## **SEC. S9c INSTALLMENT PAYMENTS (LAYOUTS PRIOR TO 1967)**

The first installment shall be paid within thirty days after the same is declared by publication to be due and payable and if so paid, said installment shall be without the addition of any interest charge. Each year thereafter for a period of fifteen (15) consecutive years one installment shall be due and payable on the same month and day as the due date of the first installment.

(Adopted Nov. 14, 1966)

(Effective Nov. 24, 1966)

All unpaid balances shall bear interest at the rate of three per cent per annum, provided that on any installment payment or portion thereof not paid within thirty days of its due date all interest due on said installment or portion thereof shall be at the rate of nine (9) per cent per annum to the date of its payment.

(Adopted July 7, 1969)

(Effective July 17, 1969)

Any owner so desiring may, within sixty days of the due date as published, pay the entire amount of the assessment without the addition of interest thereto, and any owner may make advance payments on any future installment.

This ordinance shall become effective July 1, 1963,\* and, in the case of any assessments which became due and payable by publication prior to said date the number of future installments due, exclusive of installments delinquent July 1, 1963, shall be adjusted to a total period of fifteen (15) years from due date of the first installment, and all interest accrued after said effective date shall be as prescribed hereinbefore.

(Adopted Nov. 14, 1966)

(Effective Nov. 24, 1966)

\* Originally adopted June 3, 1963.

#### **SEC. S9d     INSTALLMENT PAYMENTS (LAYOUTS AFTER JANUARY 1, 1967)**

The assessment payable by any owner for a public work or improvement shall be payable in sixteen (16) annual installments over a period of fifteen (15) years.

All installment payments shall be substantially equal in amount with the first installment being principal only, and the remaining fifteen (15) installments consisting of varying amounts of principal and interest.

The first installment shall be paid within thirty days after the same is declared by publication to be due and payable and if so paid, said installment shall be without the addition of any interest charge. Each year thereafter for a period of fifteen (15) consecutive years one installment shall be due and payable on the same month and day as the due date of the first installment.

(Adopted Nov. 14, 1966)

(Effective Jan. 1, 1967)

All unpaid balances shall bear interest at a rate to be established by the District Board upon recommendation of the Board of Finance, provided that on any installment payment or portion thereof not paid within thirty days of its due date all interest due on said installment or portion thereof shall be at the rate of nine (9) per cent per annum to the date of its payment.

(Adopted July 7, 1969)

(Effective July 17, 1969)

**SEC. S9e CASH PAYMENTS**

Any owner so desiring, within sixty days after an assessment is declared by publication to be due and payable, may pay the entire amount of the assessment without the addition of interest thereto. Any owner may make advance payment on any future installment.

(Adopted Nov. 14, 1966)

(Effective Nov. 24, 1966)

**SEC. S9f INTEREST CHARGE ON DELINQUENT SEWER INSTALLMENTS (EFFECTIVE WITH INSTALLMENTS DELINQUENT ON AND AFTER JULY 1, 1975)**

Any sewer installment or portion thereof delinquent on or after July 1, 1975 shall bear interest at the rate of twelve (12) per cent per annum as established by Connecticut General Statute 7-254, as amended by Public Act No. 75-296.

(Adopted Oct. 6, 1975)

(Effective Oct. 16, 1975)

**SEC. S9g INTEREST CHARGE ON DELINQUENT SEWER INSTALLMENTS (EFFECTIVE WITH INSTALLMENTS DELINQUENT ON AND AFTER JANUARY 1, 1982)**

Any sewer installment or portion thereof delinquent on or after January 1, 1982 shall bear interest at the rate of fifteen (15) percent per annum as established by Connecticut General Statutes 7-254 and 12-146 as amended by Public Act No. 81-44.

(Adopted Dec. 7, 1981)

(Effective Dec. 17, 1981)

# **S-10 PROCEDURE, LAYOUT AND ASSESSMENT OF SEWERS, ETC. WITH FLAT-RATE ASSESSMENT**

## **PART 10, GENERAL SEWER ORDINANCE**

<u>Section</u>	<u>Section Title</u>
S10a	Reference for Assessment
S10b	Determination of Flat Rates
S10c	Determination of Costs
S10d	Publication of Assessment After Hearing
S10e	Publication of Layout
S10f	Report to District Board
S10g	Procedure Upon Passage of Layout and Authorization of Construction
S10h	Procedure Upon Completion of Sewer
S10i	Method of Publication
S10j	General Provisions

## **SEC. S10a REFERENCE FOR ASSESSMENT**

The District Board shall refer all petitions to the Bureau of Public Works and shall order the Bureau to prepare and publish, as hereinafter provided, an assessment for benefits and damages upon the persons or land benefited or damaged.

The Bureau of Public Works, whenever it deems it to be appropriate, may use the flat-rate method of assessment as authorized in No. 104 of the Special Acts of 1963.

(Adopted July 6, 1987)

(Effective July 16, 1987)

## **SEC. S10b DETERMINATION OF FLAT RATES**

The Bureau of Public Works shall determine and adopt schedules of flat-rates of assessment for the construction of sewers and house connection inlets. Such schedules shall be determined at least once each year and shall be reported to the District Board at the next meeting of said board. Such flat-rate schedules shall be in effect for layouts ordered published by the District Board after the adoption of the same and shall remain in effect until the next determination thereof.

In determining such schedules of flat rates, consideration shall be given to costs, as determined by the provisions of Sec. S10c, of sewers constructed in recent years and the estimated costs of proposed sewer projects, previously deferred outlet sewer costs and the characteristics of the properties and areas expected to be improved. No assessment shall be made against any property in excess of the special benefit deemed to accrue to such property.

(Adopted July 6, 1987)

(Effective July 16, 1987)

## **SEC. S10c DETERMINATION OF COSTS**

For purposes of determining the cost of any sewer project, which cost is to be paid in whole or in part by the method of assessment of benefits as provided by the District Charter, the Bureau of Public Works shall determine the total of all expenses incurred, or likely to be incurred, incidental to said sewer project. Said total shall include actual cost, as nearly as can be determined, of all engineering services for preliminary preparation, design, preliminary assessments, execution and accounting of or for said project, all costs for legal notices, adjustments and the like, all payments for damages to any party or for rights-of-way, easements and similar purposes, all payments to contractors or others, for labor, equipment and materials used for constructing said project, and any and all other costs and expenses which

the District has incurred or will be likely to incur on account of said project. Said total shall also include all interest which the District shall become obligated to pay for borrowed funds used to finance the construction of any such sewer project, which interest shall accrue over a period, computed to the nearest whole month, extending from the date of award of the contract for such project to the date which the District Manager or his designee has certified as being the date upon which connections to all of the sewers in said project have been authorized. The amount of such interest shall be computed by applying to the total cost of such project, without interest, the rate of interest applicable to the last note for financing construction under the Assessable Sewer Fund which shall have been issued prior to the date of award of the contract for such project.

(Adopted July 6, 1987)

(Effective July 16, 1987)

#### **SEC. S10d PUBLICATION OF ASSESSMENT AFTER HEARING**

Following the public hearing as required by Section S1d hereof, the Bureau of Public Works may adopt a schedule of benefits and damages, or any modifications thereof, as the assessment against the persons or land benefited or damaged, and, upon its adoption, shall cause the same to be published, as hereinafter provided, together with a brief notice of the manner and time of taking appeals to the Superior Court.

(Adopted July 6, 1987)

(Effective July 16, 1987)

#### **SEC. S10e PUBLICATION OF LAYOUT**

Whenever any vote or resolution shall be offered to the District Board to lay out, and construct or establish any public improvement which by charter provision is included in the functions of the Bureau of Public Works and for the cost of which The Metropolitan District under its charter may assess benefits, such vote shall not be passed by the District Board until said Board has caused the proposed vote or resolution and a certificate that the same is pending in the proceedings of said Board, attested by the District Clerk, to be published in the manner hereinafter specified, with a notice appended to such published vote or resolution, to all persons to file a written statement of their objections, if any they have, with the clerk of the Bureau of Public Works within ten days, inclusive, from the day of the first publication of said notice. Every such proposed vote or resolution shall briefly and intelligibly state the general character and description of the proposed improvements, but need not contain definite measurements, courses, or termini. It may embrace one or more of the several kinds of local improvement specified in the District Charter. Nothing in

this section, however, shall apply to mere repairing or reconstructing any existing public work or improvement once completed.

(Adopted July 6, 1987)

(Effective July 16, 1987)

#### **SEC. S10f REPORT TO DISTRICT BOARD**

After publication of the assessment and layout of the public improvement, but not until after the expiration of the time allowed by law within which appeals may be taken, the Bureau of Public Works shall report its findings to the District Board.

Said report shall include a brief resume of the proceedings on the matter, together with a brief statement of the proceedings at all hearings, and shall, at the conclusion, state the recommendations of said Bureau to the District Board.

(Adopted July 6, 1987)

(Effective July 16, 1987)

#### **SEC. S10g PROCEDURE UPON PASSAGE OF LAYOUT AND AUTHORIZATION OF CONSTRUCTION**

Upon the passage by the District Board of any vote or resolution to layout and construct any works covered by the provisions of this ordinance, said Board shall direct the Bureau of Public Works to proceed with such layout and construction, and shall authorize said Bureau to make and enter into any contracts necessary for the construction thereof.

It shall be the duty of the District Clerk to have the necessary caveats or certificates prepared and delivered for record to the Town Clerk of the town in which the property subject to said lien is located, within thirty (30) days of the passage by the District Board of said vote or resolution.

(Adopted July 6, 1987)

(Effective July 16, 1987)

#### **SEC. S10h PROCEDURE UPON COMPLETION OF SEWER**

After the completion of the construction of any sewer under the provisions of this chapter, the Bureau of Public Works shall give notice thereof, and notice that benefits assessed therefor, are due and payable by publication in the manner provided by said Charter, and the District Clerk shall thereafter file certificate of liens covering the properties so assessed within the time and in the manner provided by said Charter.

(Adopted July 6, 1987)

(Effective July 16, 1987)

## **SEC. S10i METHOD OF PUBLICATION**

Whenever as herein provided any vote or resolution, schedule of benefits and damages, assessment, notice of public hearing or other notice under these proceedings is to be published, it shall be done as follows: The vote, resolution, schedule, assessment or notice shall be published once in a daily newspaper regularly published within the limits of The Metropolitan District. Whenever there is published any vote, resolution, schedule, assessment or notice in connection with work under which property in any town in the District other than Hartford will be assessed there shall be, whenever convenient or possible, in addition to the publication herein, outlined, a brief notice inserted in the same issue as the regular publication and in the space regularly assigned to the news of said town, other than Hartford, calling attention to the full publication to be found elsewhere in the same newspaper. An error in or the omission of such additional notice, however shall in no way affect the validity of any proceedings, and the regular publication as hereinbefore outlined shall be considered as sufficient and ample public notice, without said additional notice. In lieu of said additional notice, a notice may be inserted in a weekly or other regularly published newspaper, published in the town, other than Hartford, in which property is to be assessed under the proceedings in question, and said notice may call attention to the regular publication in the daily newspaper, or may be a copy thereof.

(Adopted July 6, 1987)

(Effective July 16, 1987)

## **SEC. S10j GENERAL PROVISIONS**

The provisions of this chapter shall be inclusive in that it shall be applicable to all layouts for which flat-rate method of assessments or actual cost method of assessments are to be laid.

(Adopted July 6, 1987)

(Effective July 16, 1987)

# **S-11 SEPARATION OF EXISTING PRIVATE COMBINED SEWER HOUSE CONNECTIONS**

## **PART 11, GENERAL SEWER ORDINANCE**

<u>Section</u>	<u>Section Title</u>
S11a	Notice
S11b	Publication
S11c	Written Notice to Owner
S11d	Separation in Private Properties
S11e	Procedure

#### **SEC. S11a NOTICE**

Whenever the District shall have authorized or completed a separated public sewer system in an area of its jurisdiction, replacing a public combined sewer with a separate public sanitary sewer and a separate public storm drain, the District may at an appropriate time give notice thereof, in the manner as hereinafter provided.

(Adopted June 3, 1968)

(Effective June 13, 1968)

#### **SEC. S11b PUBLICATION**

Notice of the fact that a separate public sanitary sewer and a separate public storm drain have been authorized or completed in a defined area in the District shall be published once in a daily newspaper regularly published within the limits of The Metropolitan District.

(Adopted Dec. 6, 1976)

(Effective Dec. 16, 1976)

#### **SEC. S11c WRITTEN NOTICE TO OWNER**

At the time of Publication of Notice as provided in Sec. S11b, the District may also send by registered or certified mail appropriate Notice to each owner that is directly served by the authorized or completed separated sewer system. Such notice to owner shall include a copy of Sections S11a, b, c, d and e of the Sewer Ordinance.

(Adopted June 3, 1968)

(Effective June 13, 1968)

#### **SEC. S11d SEPARATION IN PRIVATE PROPERTIES**

After five years from the date of Notice as provided in Sec. S11a, in the area designated, only sanitary sewage shall be discharged to the public sanitary sewer and only storm drainage shall be discharged to the storm drain, except that any existing subsoil drainage may be exempt from this requirement. In exceptional cases, the five-year period may be extended by vote of the Bureau of Public Works.

(Adopted June 3, 1968)

(Effective June 13, 1968)

## SEC. S11e PROCEDURE

Within five years from the date of Notice as provided in Sec. S11a, the District shall offer to perform the necessary work within the private property, to effect the discharge of only sanitary sewage into the public sanitary sewer and the discharge of only storm drainage into the public storm drain without expense to the property owner.

Such necessary work, as provided herein, shall include all plumbing changes or alterations and new sanitary sewer house connection and storm drain connection piping required to effect the separation. The Bureau of Public Works is empowered to enter into an agreement on behalf of The Metropolitan District with each owner to do such necessary work, and the form and content of such agreements shall be as approved by District Counsel.

(Adopted June 3, 1968)

(Effective June 13, 1968)

## **S-12 SEWER USER CHARGES**

### **PART 12, GENERAL SEWER ORDINANCE**

<u>Section</u>	<u>Section Title</u>
S12a	Purpose
S12b	Sewer User Charge System
S12c	Definitions
S12d	Volume of Sewage Discharged
S12e	Sewer Usage Reporting Procedure
S12f	Measurement of Wastes-Certification
S12g	Estimate of Wastes for Users with Inadequate Measurement Facilities
S12h	Inspection by the District
S12i	Non-Municipal Tax Exempt User Reporting Option
S12j	Unit Charges for Computing the Sewer User Charge
S12k	Charges
S12l	Billing of Sewer User Charge
S12m	Payment of Sewer User Bill
S12n	Unpaid Sewer User Charge Constitutes Lien
S12o	Shut Off for Non-Payment
S12p	Late Filing/Reporting Fees

<u>Section</u>	<u>Section Title</u>
S12q	User Appeal Procedure
S12r	Enforcement
S12s	Validity
S12t	Cost of Service Study
S12u	First Year Implementation - 1982
S12v	Non-District Sewer Use Customers
S12w	Payment of Miscellaneous Sewer Bills
S12x	Special Sewer Service Charge for Capital Improvements to the Sewerage System

## **SEC. S12a PURPOSE**

The purpose of this Section of the Sewer Ordinance is to establish a Sewer User Charge System including the cost of recovery by The Metropolitan District for the District Sewer System costs. It is also the intent that the Sewer User Charge System comply with the Federal Water Pollution Control requirements. This Section of the Sewer Ordinance shall be an integral part of the District's Ordinance and its Charter in the application, administration and enforcement thereto.

(Adopted November 4, 1981)

(Effective November 14, 1981)

## **SEC. S12b SEWER USER CHARGE SYSTEM**

The Adjusted Ad Valorem method of cost recovery is the District's Sewer User Charge System. This method shall recover the sewer system costs from three (3) "User Classifications" based upon the proportionate sewer flow from each User Classification. The User Classifications are: (1) Low Flow Users; (2) High Flow Users; and (3) Non-Municipal Tax Exempt Users.

(Adopted November 4, 1981)

(Effective November 14, 1981)

## **SEC. S12c DEFINITIONS**

Where, and as the context will admit, the following terms shall have the meanings indicated hereafter where used in this Ordinance and are in addition to those defined in Part 1, General Sewer Ordinance, Section S1b, Definitions:

(1) "HIGH FLOW USER"

A User which discharges sewage exceeding a sewer flow of 25,000 gallons per day on an annual basis (12,200 ccf per year).

(2) "LOW FLOW USER"

A User which discharges to the sewer a flow of no more than 25,000 gallons per day on annual basis (12,200 ccf per year).

(3) "NON-MUNICIPAL TAX EXEMPT USER"

A User which pays no Ad Valorem taxes, or receives substantial credits in paying such taxes including, but not limited to, Users exempt from Ad Valorem taxes and all Federal, State, and local governmental users, but excluding publicly-owned facilities performing local municipal government functions which discharge only sanitary sewage.

- (4) "B.O.D."  
Biochemical Oxygen Demand - the amount of oxygen required by bacteria while stabilizing decomposable organic matter under aerobic conditions for five days. The determination of BOD shall be performed in accordance with the procedures prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater." BOD is the most common measure of sewage strength and generally represents the quantity of oxygen required to stabilize biologically the organic portion of the waste.
- (5) "C.O.D."  
Chemical Oxygen Demand - the oxygen equivalent of the organic matter in sewage that can be oxidized by a strong chemical oxidizing agent in an acidic medium. The determination of COD shall be performed in accordance with the procedures prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater." This measure of sewage strengths is commonly used to measure organic compounds in industrial wastes and sewage that are toxic to biological life.
- (6) "SUSPENDED SOLIDS"  
Solids measured in mg/liter, which may be in suspension, floatable, or settleable and are removable by laboratory filtering as prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater".
- (7) "AEROBIC PROCESS"  
A biological treatment process that occurs in the presence of oxygen.
- (8) "mg/l"  
milligrams per liter - a measure of concentration of components in water and sewage (equivalent to parts per million - ppm).
- (9) "gpd"  
gallons per day - flow measurement of water and sewage.
- (10) "ccf"  
hundred cubic feet - flow measurement of water and sewage.
- (11) "District"  
Shall mean the Metropolitan District consisting of seven (7) municipalities, namely Hartford, East Hartford, Wethersfield, Windsor, Bloomfield, Newington and Rocky Hill.

- (12) "DEP"  
Shall mean the Connecticut Department of Environmental Protection.
- (13) "EPA"  
Shall mean the United States Environmental Protection Agency.
- (14) "User"  
The owner(s) or their leasees, agents, successors, assigns or heirs, firm, corporation, partnership, trust or any other entity of the property which utilizes any of the services of the District for sewage collection, treatment and disposal.
- (15) "PROPERTY OF RECORD"  
The Property of Record, as established for water billing purposes, will be used as the base for computing a sewer User Charge.
- (16) "USER CHARGE" (UC)  
The sewer system costs incurred by the District to collect treat and dispose of the sanitary wastes, process wastes, industrial wastes and other wastes of the User. The User Charge of any User classification shall be proportional to its use of the District's collection, treatment and disposed services when compared to the costs incurred by the District (Including contingencies, reserves, administrative costs, etc.) in providing the same services to all Users in the District's jurisdiction.
- (17) "USER REBATE"  
The balance due a high-flow User after deducting the User Charge from the portion of the Ad Valorem Taxes paid by that User to its municipality for sewer services.
- (18) "USER SURCHARGE"  
The balance owed by a high-flow User after deducting from the User Charge the portion of the Ad Valorem Taxes paid by that User to its municipality for sewer services.
- (19) "CERTIFICATION STATEMENT"  
A statement submitted annually to the District by a User, made upon a prepared District form, indicating information related to User's sewage discharge including water delivered and discharged from premises, BOD or COD and Suspended Solids concentration of discharge, as may be dictated by this ordinance, taxes paid for related premises properties and other sewer and sewage related data necessary for developing sewer User Charge billing.

(20) "SEWAGE EVALUATION"

The determination of the sewage flow and concentration of wastes discharged monthly to the District Sewer System by the User and submitted annually to the District as part of the User's annual Certification Statement.

(21) "SEWAGE STRENGTH"

Refers to the level of the actual amounts of the physical, chemical, and biological constituents present in the wastewater. Typical constituents used in measuring the strength of wastewater may be B.O.D. or C.O.D. and suspended solids measured in milligrams per liter (mg/l).

(22) "SEWAGE OR WASTEWATER"

Shall mean the fluid discharge from, but not limited to, residential, commercial, industrial, agricultural or institutional appliances.

(23) "SEWER FLOWS"

Shall mean the total fluid discharge conveyed into a sewer by a User.

(24) "SEWERAGE SYSTEM OR SEWER SYSTEM"

Shall mean the entire system of conveying, treating and disposal of sewage for the District.

(25) "SLUG"

Shall mean any sudden or excessive discharge which exceeds permitted levels either in terms of pollutant concentration or instantaneous flow rate in such a manner as to adversely affect the sewage collection system and/or the water pollution control treatment facilities as determined by the District in conformance with DEP criteria.

(26) "STATE DISCHARGE PERMIT"

A permit issued by the Connecticut Commissioner of Environmental Protection pursuant to Section 25-541 of the Connecticut General Statutes as amended to those Users who discharge sanitary sewage in excess of 5,000 gallons per day (2,440 hundred cubic feet per year), and to those Users who discharge industrial process waters, any cooling or boiler blowdown waters to the sanitary sewer system.

(27) "SEWER DISCHARGE POINT"

That point where a User's flow enters the District's sanitary sewer system. There may be one or more discharge points of a single User.

- (28) "EQUIVALENT SEWER FLOW"  
The flow as determined by multiplying the users sewer flow by said users strength factor. The strength factor shall be the ratio of the users actual strength concentration to the allowable strength concentration as defined in Section S12j .
- (29) "DOMESTIC SEWAGE OR SANITARY SEWAGE"  
Shall mean sewage derived principally from but not limited to, dwellings, business buildings, commercial facilities, industries, institutions, originating as wastes from kitchens, water closets, lavatories, bathrooms and showers.
- (30) "INDUSTRIAL WASTE/INDUSTRIAL PROCESS WATER"  
Shall mean any liquid, solid or gaseous substance or form of energy, or combination thereof, resulting from any process of industrial, manufacturing, commercial, governmental and institutional concerns, business, trade, or research, that may include, but not limited to, the development recovery, processing of natural resources, or modifying, coating, treatment, washing, quenching a product or material from sources other than those defined as "Domestic Sewage or Sanitary Sewage".
- (31) "OPERATION AND MAINTENANCE"  
Shall mean the process and act of keeping all facilities for transporting, treating and disposing of sewage, in a good state of repair and functioning properly including the replacement of said facilities when necessary.
- (32) "SAMPLING"  
Shall mean the periodic collection of sewage as it flows from a premises at or upstream of a user discharge point.
- (33) "EXTRANEIOUS WATERS"  
Those waters entering the sewer as infiltration/inflow and from non-sewage and non-industrial wastewaters discharged by users that may find their way from time to time into the District sewer system.
- (34) "INFILTRATION"  
The water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
- (35) "INFLOW"  
The water discharged into a sewer system, including sewer service connections from such sources as, but not limited to, roof leaders, cellar, yard and area

drains, foundation drains, cooling water discharges, drains from springs and swampy area, manhole covers, cross connections from storm sewers and combined sewers, catch basins, stormwaters, surface runoff, street washwaters, or drainage. It does not include, and is distinguished from infiltration.

(36) "INFILTRATION/INFLOW"

The total quantity of water from both infiltration and inflow, without distinguishing the source.

(37) "SANITARY SEWER"

A sewer intended to carry only domestic sewage and industrial wastewaters.

(38) "COMBINED SEWER"

A sewer intended to carry a combined flow, both domestic sewage and industrial wastewaters and storm waters from surface runoff, street washwaters and drainage.

(39) "OVERFLOWS"

Those links or connections which permit high sewage flows to be diverted to storm drains and surface systems.

(Adopted November 4, 1981)

(Effective November 14, 1981)

**SEC. S12d VOLUME OF SEWAGE DISCHARGED**

The District, in order to determine the volume of sewage discharged by any user for the purpose of determining the applicable sewer user charge, shall use one of the following as the figure representing the volume of sewage discharged into the sewer system (1) the volume of metered water supplied to the premises; (2) the volume of sewage discharged into the sewer system as determined by measurements taken at a control manhole installed by the user, at the user's expense; (3) a figure determined by any combination of the foregoing; or (4) estimated volume of sewage as determined by the District.

(Adopted November 4, 1981)

(Effective November 14, 1981)

**SEC. S12e SEWER USAGE REPORTING PROCEDURE**

All "High Flow Users" that have strength concentrations exceeding the limits specified in Section S12j and all other users with an "Equivalent Sewer Flow" greater than 12,200 ccf/yr, shall make monthly evaluations of their sewage discharge to the sewer

in accordance with the requirements of this Ordinance. Such monthly sewage evaluations will be subject to verification by the District.

The user's "Sewage Evaluation" shall be submitted each year to the District with the user's certification statement and shall be based on the user's sewer flow and sewage strength (wastewater quality and quantity) for the prior calendar year or most recent records (subject to District's approval) if prior years are not available.

(Adopted November 4, 1981)

(Effective November 14, 1981)

## **SEC. S12f MEASUREMENT OF WASTES-CERTIFICATION**

Each "high flow user" and "non-municipal tax exempt user", and low flow users with an "equivalent sewer flow" greater than 12,200 ccf/yr shall submit an annual certification statement to the District, as provided herein, on forms supplied by the District, certifying the sewer flow and wastewater concentrations of B.O.D. and suspended solids discharged into the District sewers or into any sewer connected therewith. The certification statement shall be filed with the District on or before January 31st each year. Copies of other pertinent corroborative documents including but not limited to-- State of Connecticut Discharge Permit and copies of required monthly wastewater testing results, most recently paid water bills and all municipal tax bills--shall be submitted with said certification statement. A separate certification statement must be filed for each "property of record". Approval of said certificate statement shall be rendered after verification of all information contained therein.

### **QUANTITIES/CONCENTRATIONS**

The total quantities and concentrations of sanitary sewage, industrial waste and other wastes to be measured and certified by the user shall be:

1. Liquid flow in hundred cubic feet (ccf)
2. a. B.O.D. in milligrams per liter (mg/l)  
or  
b. C.O.D. in milligrams per liter (mg/l)

For industrial wastes where BOD is ineffective in measuring oxygen demand, COD may be required, as determined by the District.

3. Suspended solids in milligrams per liter (mg/l)

Should verification/inspection by the District reveal that any statement of quantities, qualities or other information filed by a user does not accurately represent actual conditions; the District shall adjust the figures and information according to the District's determination.

## SAMPLING/TESTING

Unless otherwise provided, all measurements, tests, samplings and analyses required hereunder, will be in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation. Tests shall be by a State Certified Laboratory.

### (1) SAMPLING CHAMBER

In order to provide for accurate sampling and measurement of sewage, including Industrial Wastes, each user under this section may be required by the District to provide on each of its outlet sewers a large manhole, or sampling chamber, as outlined under Part 2 of the District's General Sewer Ordinance. The sampling chamber will be located on the site boundary line, where feasible, but in no event in a traveled way.

The sampling chamber shall be available for inspection to the District at all times. If inside a fence area, there shall be a gate near the sampling chamber and a key furnished to the District to permit access. There shall be ample room in or near each sampling chamber in order to accurately sample and composite the samples for analysis. Such sampling chamber shall be constructed and in proper operation within six (6) months from the date the District informs the user that the sampling chamber is required.

### (2) LIQUID QUANTITY MEASUREMENTS

Each sampling chamber shall contain an accurate flow measuring device such as, but not limited to, a Parshall flume, accurate weir, venturi flow tube, or similar device for measurement of liquid quantities as deemed acceptable by the District.

Users whose sewer discharge measurement exceeds 100,000 gpd (48,800 ccf/year) shall record or measure sewer discharge flow over 24-hour period.

### 3) SAMPLING

The determination of representative concentrations shall be based on samples that are taken out, refrigerated, and composited daily to be representative of the sanitary sewage, industrial waste or other wastes generated by a user during normal daily operations.

Users whose flow exceeds an annual average of 100,000 gpd (48,800 ccf/year) shall sample not less than hourly in proportion to flow for a period of not less than three (3) normal work days. Users whose flow is 100,000 gpd (48,000 ccf/year) or less shall sample for a period of at least one (1) working day for each calendar year with a minimum of 3 samples taken at 9:00 a.m., 11:00 a.m. and 2:00 p.m. for representative composite or at a composite schedule as requested and approved by the District.

Users with wide fluctuations or "Slugs" in the quantity and/or concentrations of wastes shall have an automatic flow measurement device and an automatic sampler, with samples taken in proportion to flow, with analyses provided as required by the District to be representative of sanitary sewage, industrial wastes or other wastes generated by a user during normal operations.

The user, or its authorized representative, shall certify, in writing, on a form furnished by the District that samples were taken in accordance with the foregoing requirements. The facilities for, and details of, frequency of sampling, sampling chamber, metering device, sampling methods, and analyses of samples shall be subject, at any time, to inspection and verification by the District. Plans to sampling chambers, with their locations shown on a site plan, shall be submitted to the District for approval.

(Adopted November 4, 1981)

(Effective November 14, 1981)

#### **SEC. S12g ESTIMATE OF WASTES FOR USERS WITH INADEQUATE MEASUREMENT FACILITIES**

Users presently with inadequate individual facilities for the measurement of wastes may, during the period of construction of such facilities, elect to file with the District estimated flows and concentrations of B.O.D. and suspended solids until such time as adequate facilities for measurement are installed, provided that the following requirements are satisfied.

- (1) The user files its "election" prior to the date specified by the District. For new facilities the date shall be at the time of a user's application for its sewer

service connection permit. For existing facilities with an approved connection to the District sewer system, the date shall be 30 days prior to submittal due date of initial certification statement.

- (2) Volume of flow used for reporting quantities shall be based on measured water discharged to the sewage by the user. If this information is not available, sewer gaugings water meter readings, other gaugings and calculations may be used to develop estimates submitted for review by the District.
- (3) The estimated sewage strength concentrations (BOD, suspended solids) must be consistent throughout the year.
- (4) A date approved by the District for the completion of measurement and sampling facilities must be given.
- (5) The District approves the estimated flows and concentrations.
- (6) Upon completion of the measurement and sampling facilities, a sampling program must be instituted and approved by the District. The results of this sampling program must be instituted and approved by the District. The results of this sampling program will be utilized to calculate the actual user charge liability during period covered by the "election" filing and subsequent periods until reevaluation.
- (7) If the results of the sampling program (as mentioned in Item 6) show that the user charge liability of the user is greater than the amount estimated during the "election" filing period, the user shall pay the District the additional amount of user charge within thirty (30) days from the billing date. If the results of the sampling program show that the user charge liability is less than the amount estimated during the "election" filing period, the District will credit the overcharge to the user's future user charge liability as reflected in the next billing period.
- (8) If the user fails to pay the additional user charge liability as set forth in the foregoing Item 7 within the thirty (30) day period, the District will take the appropriate actions as described in this ordinance.

(Adopted November 4, 1981)

(Effective November 14, 1981)

#### **SEC. S12h INSPECTION BY THE DISTRICT**

Any premises which have received a sewer user charge based on usage or no charge status may be periodically inspected by a District representative so that it can be

determined whether the conditions originally justifying same are still in existence, and that the terms set by the District for granting thereof are being complied with. All users shall grant the District representatives entry for inspection purposes at all reasonable times.

(Adopted November 4, 1981)

(Effective November 14, 1981)

#### **SEC. S12i NON-MUNICIPAL TAX EXEMPT USER REPORTING OPTION**

Non-municipal tax exempt users with a non-metered water supply and whose sewer discharge does not exceed:

- a flow of 25,000 gpd (12,200 ccf/year) on an annual basis, or
- a BOD concentration in excess of 300 mg/l, or
- a COD concentration in excess of 700 mg/l, or
- a suspended solids concentration in excess of 300 mg/l,

may elect to petition the District to use District estimates for volume of flow in lieu of installing water or sewage meters for the purpose of establishing the user's volume of flow. Such petition shall be in writing and submitted to the District upon forms supplied by the District with the filing of the user certification statement. Such petition may be granted or denied based upon such reasonable terms and conditions as may be determined by the District which exist at the time the petition is filed with the District. If denied, approved metering facilities shall be installed by user at user's expense.

(Adopted November 4, 1981)

(Effective November 14, 1981)

#### **SEC. S12j UNIT CHARGES FOR COMPUTING THE SEWER USER CHARGE**

For the purpose of computing the sewer user charge to be paid to the District by the "High Flow Users" the "Non-Municipal Tax Exempt Users" and the low flow users whose equivalent flow is greater than 12,200 ccf/yr, the following billing unit charge rates shall be determined by the District annually in conjunction with adoption of the District budget:

1. Liquid flow charge rate based on sewer flow in ccf.

2. a. BOD strength charge rate based on pounds of BOD for that concentration of BOD exceeding 300 mg/l.
- b. COD strength charge rate based on pounds of COD for that concentration of COD exceeding 700 mg/l.
3. Suspended solids strength charge rate based on pounds of suspended solids for that concentration exceeding 300 mg/l.

(Adopted November 4, 1981)

(Effective November 14, 1981)

## **SEC. S12k CHARGES**

### Low Flow Users

The user charge for the low flow users is based upon the ad valorem system of municipal taxation as set forth in the Metropolitan District charter, Chapter 3, Section 3-13. In addition, low flow users with an "equivalent sewer flow" greater than 12,200 ccf/yr will be billed a strength charge as per Section S12j for concentrations exceeding the limits as defined in Section S12j.

### High Flow Users

The user charge for the high flow users shall be calculated by the District by multiplying the quantities and concentrations of wastes reported by the user in its current certification statement which must be approved by the District, by the appropriate unit charges as adopted by the District as per Section S12j.

Taxes paid to the municipality by the user for sewer services will be credited against the user charge and will determine the amount of rebate/surcharge as follows:

- a) A monthly surcharge will be levied against the high flow users, based upon the calculated user charge that exceeds the portion of ad valorem taxes paid for sewer services;
- b) A yearly rebate will be paid the high flow users based upon the portions of ad valorem taxes paid for sewer services that exceed the calculated user charges. The rebate will be due the user within 60 days after receipt and verification of the certification statement.

For the purpose of calculating surcharges/rebates, the percentage of taxes paid by the high flow user to its municipality for sewer services will be based upon the District tax levy for sewer services on said municipality as per the Metropolitan District's charter Section 3-13, as compared to said municipality's town budget.

### Non-Municipal Tax Exempt Users

The user charge for the non-municipal tax exempt users shall be based upon the users' sewer flow. This user charge shall be calculated by the District by multiplying the quantities of flow discharged to the sewer system by the appropriate unit charges as per Section S12j. In addition, those users with sewer flow or equivalent sewer flow in excess of 25,000 gpd (12,000 ccf/year) shall pay a strength charge for BOD or COD and suspended solids, as per Section S12j as reported in their current certification statement which must be approved by the District.

(Adopted November 4, 1981)

(Effective November 14, 1981)

### **SEC. S12I BILLING OF SEWER USER CHARGE**

The District sewer user charge will be billed to the property owner of record of the property. The frequency of billing shall be not more than once per month nor less than once per year. The District shall re-evaluate any and all data and certification statements submitted to it by the user pursuant to this ordinance, re-evaluate its own data, call for more data, or develop additional data as it deems necessary and subsequently bill the user for any deficiency indicated as due thereafter. The transmittal of any bill to a user shall not stop the District from rebilling for any deficiency determined to exist due to any subsequent re-evaluation.

(Adopted November 4, 1981)

(Effective November 14, 1981)

### **SEC. S12m PAYMENT OF SEWER USER BILL**

Sewer use charges, either as a separate bill or combined with the water bill shall be due and payable within 30 days of the date of issue. Beginning July 1, 2003, one percent (1%) interest will be applied monthly to the unpaid balance, including previously applied interest, of all sewer bills outstanding beyond the 30 days. A payment made to the District that is a portion of the original billing for water and sewer charges shall be credited to the water and sewer accounts in the same proportion as the original billings. No payment shall be allocated specifically to either the water or sewer account without a proportional allocation to the other account.

(Adopted August 5, 2002)

(Effective August 15, 2002)

## **SEC. S12n UNPAID SEWER USER CHARGE CONSTITUTES LIEN**

Any claim or debt due for all charges relating to the use of the District sewer systems shall be and constitute a lien upon the lot, house, tenement, building, facilities or premises upon, or in conjunction with which said service was rendered until such claim or debt, together with interest and lien charges shall be fully paid, but no such lien shall attach unless a certificate of such lien, describing the property on which the same exists and the amount to be claimed, signed by an authorized representative of the District, shall be filed with the town/city clerk of the municipality wherein such lien accrued, within one year after the original charge shall have become payable.

(Adopted November 4, 1981)

(Effective November 14, 1981)

## **SEC. S12o SHUT OFF FOR NON-PAYMENT**

The District reserves the right to shut off the water from the premises where the sewer use charges are combined with the water use charges and remain unpaid 30 days after date on which payment is due. If so turned off, the water will not be turned on again without payments of all charges due.

(Adopted November 4, 1981)

(Effective November 14, 1981)

## **SEC. S12p LATE FILING/REPORTING FEES**

### **Certification Statement**

Failure of a user to file its annual certification statement, as required by this ordinance, will result in a late filing fee which shall be determined by the District Board and applied for each year or any part of a year that such user defaults in the filing thereof. The District shall estimate the sewer use charge and issue a bill which would include the late filing fee.

### **Sewage Evaluation**

Failure of a user to perform and/or report its monthly evaluation, as per Section S12e, shall subject said user to a fee which shall be determined by the District Board and applied for each sewer discharge point that the District samples and performs laboratory analyses on the effluents obtained therefrom due to such default by a user. The District shall estimate the sewer use charge and issue a bill which will

include the fee for failure of a user to perform and/or report its monthly evaluation as herein required.

(Adopted November 4, 1981)

(Effective November 14, 1981)

#### **SEC. S12q USER APPEAL PROCEDURE**

In the event that any user subject to this ordinance disputes the amount billed, its user classification, or any other matters relating thereto, such user shall make a detailed written request to the District review officer to be heard, specifying the reasons therefor within 30 days after the billing date of the disputed bill. The District review officer shall answer the request in writing and may schedule a meeting to discuss the appeal. The District review officer shall attempt to resolve any bona fide claims, disputes or inquiries which the user may have. All determinations made by the District review officer shall be reduced to writing and copy thereof transmitted to the user within 30 days after receipt of said request.

In the event the user does not concur with the determination of the District review officer, the user may petition the Bureau of Public Works of the District for a hearing. All such requests for hearings by the Bureau of Public Works shall be made within 15 days after receipt of the District review officer's decision. The Bureau of Public Works may entertain such petitions for appeal.

The hearings on such petitions for appeal may be heard by the Bureau of Public Works itself or by such persons as it may designate. Where such an appeal hearing is conducted by the designee of the Bureau of Public Works, the designated appeals officer shall submit a written report of findings to the Bureau of Public Works with respect to such appeal. Final decision on the user's appeal will be rendered to the user within sixty (60) days after date of petition to the Bureau of Public Works.

(Adopted November 4, 1981)

(Effective November 14, 1981)

#### **SEC. S12r ENFORCEMENT**

The District may take such action as allowed by its charter and ordinances to recover all such sums due it hereunder, restrain any unlawful discharge and otherwise compel compliance with the provisions of this ordinance. The provisions of the Metropolitan District charter, Chapter 10, Sec. 10-2 Payment of Sewer Charge, shall prevail.

(Adopted November 4, 1981)

(Effective November 14, 1981)

## **SEC. S12s VALIDITY**

### Repeal of Conflicting Parts

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

### Maintaining Validity

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 of parts.

### Effect of Court Decision

If the provision of any paragraph or section of this ordinance shall be declared unconstitutional or invalid by the final decision of any court of competent jurisdiction, the provisions of the remaining paragraphs and sections of this ordinance shall nevertheless continue in full force and effect.

### Appeals

The rules and procedures of the State of Connecticut concerning "Appeals" shall rule if there are any inconsistencies with provisions of user appeal procedure above. The provisions of the remaining paragraphs and sections of this ordinance shall nevertheless continue in full force and effect.

(Adopted November 4, 1981)

(Effective November 14, 1981)

## **SEC. S12t COST OF SERVICE STUDY**

A "Cost of Service Study" shall be conducted by the District in accordance with applicable Federal Water Pollution Control Regulations not less than every two years.

(Adopted November 4, 1981)

(Effective November 14, 1981)

## **SEC. S12u FIRST YEAR IMPLEMENTATION - 1982**

Based upon its prior years water use and flow records, State Discharge Permit Monitoring Reports, and other available data, the District shall notify all high flow uses and non-municipal tax exempt users of the District's requirement for them to

complete an initial "certification statement" and to initiate an evaluation of waste concentration of each of its waste streams discharged to the District's sewer system.

These initial "certification statements" with attachments shall be submitted upon notification by the District.

(Adopted November 4, 1981)

(Effective November 14, 1981)

#### **SEC. S12v NON-DISTRICT SEWER USE CUSTOMERS**

All existing and future sewer use contracts and/or agreements between the Metropolitan District and non-District sewer use customers shall be in conformance with the State of Connecticut Water Pollution Control Requirements, Federal Water Pollution Control Requirements and shall comply with the District charter and ordinances.

(Adopted November 4, 1981)

(Effective November 14, 1981)

#### **SECTION S12w PAYMENT OF MISCELLANEOUS SEWER BILLS**

Miscellaneous sewer billings shall be due and payable within one month from the date of issue, and the Bureau of Public Works is empowered to permit an extension of the due date up to seven days after the end of the billing period. One percent (1%) per month shall be added to all outstanding miscellaneous sewer billings beyond the extension of time.

This ordinance shall be effective for bills rendered on or after October 1, 1999.

(Adopted August 2, 1999)

(Effective October 1, 1999)

#### **SECTION S12x SPECIAL SEWER SERVICE CHARGE FOR CAPITAL IMPROVEMENTS TO THE SEWERAGE SYSTEM**

For customers of the Metropolitan District who utilize the District sewer system and are furnished water directly by the Metropolitan District there shall be a special sewer service charge in an amount established annually through the budget approval process as set forth in Chapter 3 of the Charter of the Metropolitan District. Said charge shall be uniformly applied to, and be proportional to the quantity of water used by, the affected customers.

The proceeds from the special sewer service charge, as aforesaid, shall be used exclusively for the payment of principal and interest on certain bonds issued or which may be issued and other loans, including State of Connecticut Clean Water Fund loans, to finance all costs associated with any and all measures necessary to comply with a certain consent decree executed by and between the Metropolitan District and the United States Environmental Protection Agency in a case filed on August 15, 2006 in the United States District court for the District of Connecticut captioned United States of America and State of Connecticut vs. The Metropolitan District of Hartford, Connecticut and a certain consent order executed by and between the Metropolitan District and the State of Connecticut reduction of nitrogen discharged from District Wastewater Treatment Facilities as required by State of Connecticut Department of Environmental Protection Nitrogen General Permit issued December 21, 2005.

The special sewer service charge shall appear separately on the water bills of the District and shall be due and payable at the same time as the water bills are due and payable. Collection and payment of such charge shall be subject to and in accordance with sections S12m, S12n, and S12o of this part.

This ordinance shall be effective for bills rendered on or after January 1, 2008.

(Adopted October 1, 2007)

(Effective January 1, 2008)

# **S - 13    ACCEPTANCE AND PROCESSING OF ACCEPTABLE SEPTAGE**

## **PART 13, GENERAL SEWER ORDINANCE**

<u>Section</u>	<u>Section Title</u>
S13a	Definitions
S13b	Acceptance and Processing of Acceptable Septage Authorized
S13c	Permit Required
S13d	Permit Fees
S13e	Suspension and Revocation OF Permits; Appeal
S13f	Charges for Septage Services
S13g	Rules and Regulations

## SEC. S13a DEFINITIONS

The following terms shall have the meaning indicated hereafter where used in this ordinance.

- (1) "Acceptable Septage" shall mean Septage which meets the standards of the District pertaining to its makeup which shall not include (a) substances which may, in the opinion of the District Manager, be harmful to the sewage treatment process or which may cause the District to violate sewage effluent permit limits; (b) flammable, explosive, or corrosive material; (c) high levels of metal; (d) radioactive substances or compounds.
- (2) "Discharge" shall mean the act of unloading Acceptable Septage from Transport Vehicles.
- (3) "Hartford Water Pollution Control Facility" shall mean the District's water pollution control facility located at 240 Brainard Road in Hartford, Connecticut.
- (4) "Hauler" shall mean a Permittee or its employee or agent who operates a vehicle that transports Acceptable Septage to the Hartford Water Pollution Control Facility.
- (5) "Member Towns" shall mean the municipalities which are members of the District i.e. Bloomfield, East Hartford, Hartford, Newington, Rocky Hill, West Hartford, Wethersfield, Windsor.
- (6) "Non-member Towns" shall mean any municipality or the geographic area thereof which is not a Member Town.
- (7) "Permit" shall mean an approval to discharge Acceptable Septage issued by the District.
- (8) "Permittee" shall mean the person or firm to which a Permit has been issued by the District.
- (9) "Septage" shall mean sanitary sewage removed from a septic tank(s), holding tank(s) or similar storage devices designed to provide on-site means of sewage disposal each of which either is located on or servicing property used only for residential purposes or contains only non-process sanitary sewage.

(10) "Transport Vehicle" shall mean a motor vehicle used to convey Acceptable Septage to Hartford Water Pollution Control Facility.

(Adopted September 8, 1997)

(Effective September 18, 1997)

#### **SEC. S13b ACCEPTANCE AND PROCESSING OF ACCEPTABLE SEPTAGE AUTHORIZED**

The acceptance and processing of Acceptable Septage by the District is hereby authorized, provided it is conducted in conformance with this ordinance and with such rules, regulations, fees and charges as may be adopted pursuant hereto. Acceptable Septage shall only be accepted at the Hartford Water Pollution Control Facility. Other forms of liquid waste, including industrial septage and industrial leachate, which are not subject to this ordinance, may be accepted on a case by case basis and shall be subject to such terms, conditions and fees as the District may deem appropriate.

(Adopted September 8, 1997)

(Effective September 18, 1997)

#### **SEC. S13c PERMIT REQUIRED**

No person other than an employee of the District shall discharge Acceptable Septage without first obtaining from the District Manager a Permit for each Transport Vehicle that he/she intends to use to bring Acceptable Septage to the Hartford Water Pollution Control Facility. To be considered for a Permit, a person must file an application on such forms as the District Manager may specify and pledge to obey the terms of this ordinance, applicable laws, and such rules and regulations as the District Manager may promulgate pursuant to Sec. 13g of this ordinance. Permits shall only be issued for Transport Vehicles which meet all applicable state and federal licensure requirements and standards and for which certificates of insurance satisfactory to the District Manager are rendered and the Permittee shall not allow the same to lapse during the term of a Permit.

(Adopted September 8, 1997)

(Effective September 18, 1997)

#### **SEC. 13d PERMIT FEES**

The Bureau of Public Works is authorized to establish and, from time-to-time, revise fees for the Permit required by this ordinance.

(Adopted September 8, 1997)

(Effective September 18, 1997)

## **SEC. 13e SUSPENSION AND REVOCATION OF PERMITS; APPEAL**

(1) The District Manager is authorized to suspend or revoke a Permit when he/she finds that a Permittee has violated this ordinance, a rule, regulation, posted notice or a directive of a duly designated District employee or any other federal, state or local law, rule, regulation or ordinance relating to the transport and disposal of Septage or the operation of Transport Vehicles. Misrepresentation as to the geographic origin of Acceptable Septage or false information given to obtain authorization to Discharge Acceptable Septage shall also be cause for suspension or revocation of a Permit or all of the Permits held by a Permittee. The District Manager may also withhold the granting of a future Permit(s) to a person whose Permit for a previous calendar period has been revoked or suspended.

(2) If a person whose Permit has been denied, suspended or revoked, does not concur with such decision, he/she may petition the Bureau of Public Works for a hearing. All requests for hearings shall: a) be in writing; and b) be made within fifteen (15) days after the action to which objection is being lodged. A request for a hearing shall not stay the denial, suspension or revocation of the Permit(s) subject to the hearing. Hearings in response to such petitions may be held by the Bureau of Public Works or by such persons said Bureau may designate. When an appeal hearing is conducted by a hearing designee, such designee shall submit a written report of findings to the Bureau of Public Works. The final decision on an appeal will be rendered by the Bureau of Public Works within sixty (60) days after the date the petition is received by said Bureau. The decision of the Bureau shall be final and binding.

(Adopted September 8, 1997)

(Effective September 18, 1997)

## **SEC. 13f CHARGES FOR SEPTAGE SERVICES**

Charges based on volume shall be applied to the acceptance and processing of Acceptable Septage. Such charges shall be established and, from time-to-time, revised by the Bureau of Public Works.

(Adopted May 6, 2002)

(Effective May 16, 2002)

## SEC. 13g RULES AND REGULATIONS

The District Manager is authorized to make reasonable rules and regulations concerning the conditions for accepting Acceptable Septage and governing the conduct and procedures of Haulers engaged in the Discharge of Acceptable Septage at the Hartford Water Pollution Control Facility. The purpose of such rules and regulations shall be to implement the terms and intent of this ordinance, including protection of the safety of employees, maintenance of the good order and efficiency of the Hartford Water Pollution Control Facility, uninterrupted compliance with regulations and standards applicable to said facility, and assurance that the District is properly compensated for its services.

(Adopted September 8, 1997)

(Effective September 18, 1997)

**S - 14 REIMBURSEMENT OF  
SEPTAGE TANK PUMPING CHARGES  
TO ELIGIBLE MEMBER TOWN PROPERTY OWNERS**

**PART 14, GENERAL Sewer ordinance**

<u>Section</u>	<u>Section Title</u>
S14a	Definitions
S14b	Purpose of Ordinance
S14c	Eligibility for Reimbursement
S14d	Rate of Reimbursement
S14e	Payment of Reimbursement
S14f	Frequency of Reimbursement
S14g	Rules and Regulations
S14h	Time Ordinance Becomes Effective

## SEC. S14A DEFINITIONS

The following terms shall have the meaning indicated hereafter where used in this ordinance.

“Acceptable Septage” shall mean Septage which meets the standards of the District pertaining to its makeup which shall not include (a) substances which may, in the opinion of the District Manager, be harmful to the sewage treatment process or which may cause the District to violate sewage effluent permit limits; (b) flammable, explosive, or corrosive material; (c) high levels of metal; (d) radioactive substances or compounds.

“Access to the District’s Sanitary Sewerage System” shall mean that there is a District sewer line in proximity to the property in question to which a connection is, in the opinion of the District, physically and economically feasible, regardless of whether or not the property owner chooses to connect to the line.

“Eligibility List” shall mean a list of Member Town property owners eligible for reimbursement of septage tank pumping charges, as determined periodically by the District.

“Eligible Property Owner” shall mean a Member Town property owner on the District’s “Eligibility List.”

“Licensed Hauler” shall mean a Hauler licensed to collect Septage by the Connecticut Department of Public Health.

“Member Towns” shall mean municipalities which are members of the District, i.e. Bloomfield, East Hartford, Hartford, Newington, Rocky Hill, West Hartford, Wethersfield, Windsor.

“Non-member Towns” shall mean any municipality or the geographic area thereof which is not a Member Town.

“Septage” shall mean sanitary sewage removed from a septic tank(s), holding tank(s) or similar storage devices designed to provide on-site means of sewage disposal each of which either is located on or servicing property used only for residential purposes or contains only non-process sanitary sewage.

“Septage Disposal Fee” shall mean the fee charged by The Metropolitan District for disposal of septage at the Hartford Water Pollution Control Facility.

"Septage Tank Pumping Charges" shall mean the charges levied by a Licensed Hauler for the pumping of a septic tank of an eligible property owner. "Septage Tank Pumping Charges" shall not mean the charges levied by the District for disposal of septage at the Hartford Water Pollution Control Facility.

(Adopted May 6, 2002)

(Effective May 16, 2002)

#### **SEC. S14B PURPOSE OF ORDINANCE**

In accordance with the provisions of the charter of The Metropolitan District, the following procedure is established for reimbursing Member Town property owners that do not have access to the District's sanitary sewerage system for the approximate cost of pumping of Acceptable Septage from their septic tanks as set forth in Section 14d and 14f.

(Adopted November 4, 1998)

(Effective January 1, 1999)

#### **SEC. S14C ELIGIBILITY FOR REIMBURSEMENT**

The District shall develop an Eligibility List containing names of Member Town property owners who do not have access to District sewer lines ("Eligible Property Owners"). Eligible Property Owners shall be eligible for reimbursement of Septage Tank Pumping Charges according to the procedures set forth in this ordinance and as long as they continue to meet Eligibility List requirements. The Eligibility List shall be updated as additional District sewer lines are installed. Questions from property owners regarding their eligibility for reimbursement shall be reviewed by District staff as necessary.

(Adopted November 4, 1998)

(Effective January 1, 1999)

#### **SEC. S14D RATE OF REIMBURSEMENT**

In determining the reimbursement rate, the Bureau of Public Works shall take into consideration: Septage Tank Pumping Charges levied by Licensed Haulers in Member Towns; the three-year average of tax payments made by Member Town property owners in support of the District's sewerage system; septage disposal fees charged by The Metropolitan District; and the cost of other General Fund services and benefits provided to District property owners, regardless of whether or not they are connected to a District sewer line. The rate of reimbursement shall be established and, from time-to-time, revised by the Bureau of Public Works.

(Adopted May 6, 2002)

(Effective May 16, 2002)

**SEC. S14E PAYMENT OF REIMBURSEMENT**

In order to be reimbursed for septage pumping charges, an Eligible Property Owner must submit to the District a copy of the paid receipt from the Licensed Hauler that pumped his/her septic tank. Upon validation that the Eligible Property Owner is on the District's Eligibility List, processing of the reimbursement shall be initiated promptly.

(Adopted November 4, 1998)

(Effective January 1, 1999)

**SEC. S14F FREQUENCY OF REIMBURSEMENT**

Reimbursement of Septage Pumping Charges will be made to Eligible Property Owner(s) of record once every three years. At no time shall a property be eligible for reimbursement more frequently than once every three years.

(Adopted November 4, 1998)

(Effective January 1, 1999)

**SEC. S14G RULES AND REGULATIONS**

The District Manager is authorized to make reasonable rules and regulations concerning the District's program for providing reimbursement of Septage Pumping Charges to Eligible Property Owners. The purpose of such rules and regulations shall be to implement the terms and intent of this ordinance.

(Adopted November 4, 1998)

(Effective January 1, 1999)

**SEC. S14H TIME ORDINANCE BECOMES EFFECTIVE**

This ordinance shall become effective on January 1, 1999.

(Adopted November 4, 1998)

(Effective January 1, 1999)

# **S - 15 FATS, OILS AND GREASE (FOG) MANAGEMENT PROGRAM**

## **PART 15, GENERAL Sewer ordinance**

<u>Section</u>	<u>Section Title</u>
S15a	Purpose of Ordinance
S15b	Definitions
S15c	Rules and Requirements
S15d	Equipment Requirements
S15e	Variances
S15f	Inspections
S15g	Discharge Limits
S15h	Violations
S15i	Restrictions
S15j	Sewer Stoppages and Maintenance
S15k	Fees
S15l	Billing of FOG Charges
S15m	Paying of FOG Charges
S15n	Non-Compliance
S15o	Time Ordinance Becomes Effective

## **SEC. S15a PURPOSE**

The purpose of the Section of the Sewer Ordinance is to aid in preventing the accumulation of fats, oils and grease into the District's sanitary sewer system thus reducing the potential for sanitary sewer overflows. This Sewer Ordinance outlines the wastewater pretreatment requirements for food preparation establishments and other commercial facilities that discharge fats, oils and grease in their wastewater flow. All new and existing facilities that discharge fats, oils, and grease in their wastewater are applicable to this program. This Section of the Sewer Ordinance shall be an integral part of the District's Ordinance and its Charter in the application, administration and enforcement thereto.

## **SEC. S15b DEFINITIONS**

The following terms shall have the meanings indicated hereafter where used in this Ordinance and are in addition to those defined in Part 1, General Sewer Ordinance, Section S1b, Definitions: In accordance with the provisions of the charter of The Metropolitan District, the following procedure is established for reimbursing Member Town property owners that do not have access to the District's sanitary sewerage system for the approximate cost of pumping of Acceptable Septage from their septic tanks as set forth in Section 14d and 14f.

- 1) "FOG - FATS, OILS AND GREASE"  
Any fats, oils and grease generated from the food preparation process as identified per the most current EPA method as listed in 40 CFR 136.3., as may be amended from time to time.
- 2) "FOOD PREPARATION ESTABLISHMENT"  
Food preparation establishment means a Class III or Class IV food service establishment as defined by Section 19-13-B42 of the State of Connecticut Public Health Code or any other facility discharging fats, oil and grease above the effluent limits in Section 5(c)(2) of the State of Connecticut General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments such as, but not limited to, restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias, retail bakeries and clubs.
- 3) "GENERAL PERMIT FOR DISCHARGE OF WASTEWATER ASSOCIATED WITH FOOD PREPARATION ESTABLISHMENTS"  
State of Connecticut's Department of Environmental Protection General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments issued September 30, 2005.

- 4) "AGRU"  
Automatic Grease Recovery Unit as described in the General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments issued September 30, 2005.

#### **SEC. S15c RULES AND REQUIREMENTS**

Food preparation establishments discharging wastewater to the District's collection system are subject to the following requirements which shall constitute the District's Fats, Oils and Grease Management Program ("FOG"):

1. Compliance with the General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments.
2. Annual filing of a FOG registration on forms supplied by the District. All registrations are non-transferable and must be resubmitted to the District after any change in ownership.
3. Regular inspections performed by the District to verify compliance with these requirements and those requirements of the General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments.
4. Payment of any fees associated with registration, fines or violations, variances and reimbursement for costs associated with any emergency services provided by the District.

#### **SEC. S15d EQUIPMENT REQUIREMENTS**

Wastewater generated from food preparation establishments shall be treated at the point of discharge to remove FOG using an Outdoor In-Ground Grease Trap Interceptor (Grease Trap Interceptor) or AGRU meeting the requirements of the General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments.

The Grease Trap Interceptor or AGRU shall be connected to those fixtures or drains that would allow FOG to be discharged. This shall include but is not limited to; pot sinks, pre-rinse sinks, any sinks into which fats, oils, or grease are likely to be introduced, soup kettles or similar devices, wok stations, floor drains or sinks into which kettles may be drained, automatic hood wash units, dishwashers without pre-rinse sinks, and any other fixtures or drains that are likely to allow fats, oils and grease to be discharged.

#### **SEC. S15e VARIANCES**

If a Food Preparation Establishment has limited potential for FOG in the discharge; an establishment may request a variance for required equipment by submitting an

Application for Variance on a form provided by the District. If a variance of equipment is approved, the Food Preparation Establishment owner shall pay a variance registration fee. The variance registration is valid for a period of three years. If there is a change of ownership then the establishment's new owner must submit a new Application for Variance and pay the associated fee.

#### **SEC. S15f INSPECTIONS**

Food Preparation Establishments shall be subject to inspection by the District on a regular basis to determine whether the requirements set forth in this Ordinance and the General Permit are being met. Inspections may include but are not limited to; review of records for the quarterly inspections performed by the Food Preparation Establishment, and review of cleaning and maintenance logs.

#### **SEC. S15g DISCHARGE LIMITS**

No Food Preparation Establishment shall discharge or cause to be discharged any wastewater with a FOG concentration in excess of one hundred (100) milligrams per liter, as determined by the currently approved test for recoverable fats and grease listed in 40 CFR 136.3, as may be amended.

#### **SEC. S15h VIOLATIONS**

In the event that a Food Preparation Establishment fails to meet the recordkeeping requirements or discharge limit, the District will issue a written notice of violation for the non-compliant condition. The Food Preparation Establishment shall take immediate steps to bring the establishment into compliance.

Any violation of the District's FOG Management Program will be subject to violation fees. Each day that a violation continues shall be considered a separate occurrence.

#### **SEC. S15i RESTRICTIONS**

No Food Preparation Establishment shall introduce any additives, including but not limited to, enzymes or surfactants as grease emulsifiers or degradation agents, into the Grease Interceptor or AGRU unless given prior approval by the District.

#### **SEC. S15j SEWER STOPPAGES AND MAINTENANCE**

In the event of a sewer stoppage or blockage, caused by an FOG discharge from a Food Preparation Establishment, the District shall notify said establishment in writing, and said establishment shall reimburse the District any expenses incurred by the District as a result of the sewer stoppage or blockage. The expenses may include,

but are not limited to, the cost of services of District employees or contractors for any work or inspection necessary to relieve such stoppage or blockage, and damage to any other properties effected.

If any FOG related stoppage requires emergency action on the part of the District, the Food Preparation Establishment shall be charged a minimum penalty fee per event in addition to the cost of services of District employees or contractors. An emergency is defined as any event which requires power rodding, snaking, jetting or any other work required to clear the stoppage after regular business hours of the District.

In the event the collection system needs to be cleaned due to the excess FOG discharged by a Food Preparation Establishment, the establishment shall pay to the District the expense incurred by the District to clean the sewer or appurtenance therefore.

#### **SEC. S15k FEES**

The District Board may establish and revise fees for the District's FOG Management Program required by this Ordinance. The fees include, but are not limited to: annual registration, variance, violation and maintenance fees.

#### **SEC. S15I BILLING OF FOG CHARGES**

The fees associated with the District's FOG Management Program will be billed to the owner of the Food Preparation Establishment as detailed on the FOG registration form.

#### **SEC. S15m PAYING OF FOG CHARGES**

The fees associated with the District's FOG Management Program, either as a separate bill or combined with the water and/or sewer bill, shall be due and payable within 30-days of the date of issue, and the District is empowered to permit an extension of time of the due date up to seven days after the end of the billing period. One percent (1%) interest will be applied monthly to the unpaid balance, including previously applied interest, of all bills outstanding beyond the 30 days.

#### **SEC. S15n NON-COMPLIANCE**

The District reserves the right to notify the Connecticut Department of Environmental Protection of any establishment that continues to be non-compliant with the District's FOG Management Program.

**SEC. S15o**

This ordinance shall become effective on January 1, 2008.

(Adopted October 1, 2007)

(Effective January 1, 2008)



