

PART II – GENERAL LEGISLATION

Chapter 198 – Sewage and Sewage Disposal

[Adopted as Local Law #2 of 1982, Amended and Adopted, December 27, 2012, as Chapter 198 of the Code]

Article I	In General	Sections 198-1 – 198-40
Article II	Discharge of Industrial Wastes	Sections 198-41 – 198-54
Article III	Sale of Real Property	Sections 198-55 – 198-65
Article IV	Penalties	Sections 198-66 – 198-70
Article V	Sewer Rent	Sections 198-71 – 198-80

[Amended by Local Law No. 1 of 2020]

Article I In General – Sewage and Sewage Disposal

This chapter regulates the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers and the discharge of water and wastes into the public sewer system(s) and provides penalties for violations thereof in the Village of Marcellus, County of Onondaga, State of New York.

Be it enacted by the Village Board of the Village of Marcellus as follows: The Village Board of the Village of Marcellus shall be responsible for enforcement of this chapter, and it may delegate its authority to the Superintendent.

Section 198-1 – Definitions – Unless the context specifically indicates otherwise, the meaning of the words, terms and phrases used in the chapter shall be as follows:

BOD (denoting biochemical oxygen demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20 C), expressed in milligrams per liter.

Building drain: That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building, and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer: The extension from the building drain to the public sewer or other place of disposal.

Combined sewer: A sewer design to receive both surface runoff and sewage.

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

Industrial wastes: The liquid wastes from industrial manufacturing processes, trades or businesses as distinct from sanitary sewage.

Natural Outlet: Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New York State Department of Environmental Conservation or NYSDEC: The NYS Department of Environmental Conservation or other duly authorized official of said Department.

OCDWEP – The Onondaga County Department of Water Environment Protection or other duly authorized official of said Department.

Person: Any individual, firm, company, association, society, corporation or group.

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

Pollution: The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment: Shall mean the reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6 General Pretreatment Regulations for Existing and New Sources of Pollution.

Properly shredded garbage: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.2 centimeters) in any dimension.

Public Sewer: A sewer in which all owners of abutting properties have equal right, and which is controlled by public authority.

Residential user: Shall mean all premises used only for human residency and which is connected to the wastewater facilities.

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

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

Sewage treatment plant: Any arrangement of devices and structures used for treating sewage.

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

Sewer: A pipe or conduit for carrying sewage.

Shall is mandatory; *may* is permissive.

Significant industrial user: Any user who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the municipality's wastewater system, or (iii) has in his waste toxic pollutants as defined pursuant to Section 307 of PL 95-217 or (iv) has been identified as one of the 21 industrial categories pursuant to Section 307 of PL 95-217 or (v) is found by the Village to have significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

Slug: Any discharge of water, sewage or industrial waste which in concentration of any given consistent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

Storm drain (sometimes termed storm sewer): A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

Superintendent: The superintendent or senior operator of the Village sewage system or the Village Board's authorized deputy, agent or representative.

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

United States Environmental Protection Agency or USEPA: The U. S. Environmental Protection Agency or where appropriate a designation for the administrator or other duly authorized official of said agency.

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

Section 198-2 – Construction, maintenance of privies, septic tanks, cesspools – Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Section 198-3 – Connection to public sewer system – required – The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer system of the village are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so; provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. During connection of such facilities to the public sewer any septic tank previously serving said facilities shall be cleaned of sludge and filled with sand, bank run gravel or other suitable material.

Section 198-4.1 – Permit required to connect to, alter, etc., public sewer – No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Section 198-4.2 – Costs to be borne by owner and Village of Marcellus

a. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. By filing the application, the owner agrees to and shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

b. The cost of repairs to the building sewer after its installation shall be borne by the Village to the extent that the repairs occur on or under property owned by the Village. The owner shall pay the costs of repairs made on or under his or her property. The owner shall give notice to the Mayor, the Clerk or the Superintendent of any necessary repairs to the building sewer before they are made. The Village shall promptly inspect the location of the problem. If any Village property is affected by the problem, the Village shall select a contractor to perform the work.

The owner and/or the Village shall request from the contractor a complete breakdown of repair costs to facilitate the allocation of costs between the Village and the owner, when necessary.

Section 198-5 – Classes of building sewer permits – There shall be two (2) classes of building sewer permits, which shall be as follows:

Class 1: For residential, commercial or other establishments, discharging sanitary wastewater only.

Class 2: For service to Significant Industrial Users.

Section 198-6 – Permit application – Application for a permit of either class provided for in Section 198-5 shall be made to the Village Clerk on a special form furnished by the village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

Section 198-7 – Permit and inspection fee – A permit and inspection fee of two hundred dollars (\$200.00) for a Class 1 building sewer permit and two hundred dollars (\$200.00) for a Class 2 sewer permit shall be paid to the Village at the time the application or reapplication is filed.

Section 198-8 – Term of Permit and Modification – Class 2 permits shall have a term of five (5) years and shall be renewable upon reapplication. The terms and conditions of all permits shall be subject to modification and change by the village allowing one hundred twenty (120) days for notification and compliance with new permit terms and conditions. Significant Industrial Users shall apply for a permit modification if production or process is changed so that the wastewater characteristics or flow is altered. No additional fee shall be charged for the modification.

Section 198-9 – No Reassignment – Class 2 permits shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new changed operation.

Section 198-10 – Class 2 Permit Application Requirements – Class 2 permit application shall require information concerning volume, constituents and characteristics of wastewater, flow rates, each product produced by each type, amount and rate of production, and description of activities, facilities and plant processes on the premises including all materials processed and types of materials which are or could be discharged. The Village shall implement measures to ensure the confidentiality of information provided by an industrial discharger pursuant to this Ordinance. In no event shall any claimed confidential information be disclosed to any person without prior notice in writing to the Owner and without providing the Owner with the opportunity to protect such confidential information, including the right to seek judicial relief.

Section 198-11 – Permits to contain monitoring requirements – Class 2 permits may contain specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

Section 198-12 – Uniform enforcement – Sewer permits shall be uniformly enforced by the village in accordance with the terms and conditions of this Chapter and applicable State and Federal regulations. Permits shall be expressly subject to all provisions of this Chapter and all other regulations, user charges and fees established by the village and applicable State and Federal regulations.

Section 198-13 – Owner to bear installation costs, indemnify Village from loss or damage – All costs and expenses incident to the installation and connection of the building sewer to the public sewer system shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 198-14 – Conformance with codes, regulations

a. *Size, slope, alignment, excavation, etc.* The size, slope, alignment, excavation, or a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

b. *Connection.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9 shall apply.

Section 198-15 – Approval required for deviations – Any deviation from prescribed procedures and materials on the connection of a building sewer to the public sewer system must be approved by the Superintendent before installation.

Section 198-16 – Separate building sewers required, exception – A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 198-17 – Use of old building sewer – Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this Chapter.

Section 198-18 – Elevation of building sewer – Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharges to the building sewer.

Section 198-19 – Notification of readiness for inspection and connection – The applicant for a building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer.

Section 198-20 – Connections to be supervised – All building sewers shall be connected to the public sewer under the supervision of the Superintendent or his authorized representative.

Section 198-21 – Piping Specifications; size and slope; depth of pipe

a. Piping shall be medium or standard weight ductile iron pipe or PVS SDR 35, ABS Schedule 80 or other equal material approved by the Sewer Department. Joints shall be gastight and water tight. If installed in filled or unstable ground, the building sewer shall be of ductile iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Sewer Department. Bedding material is to be placed in the trench so as to obtain equal support for all sections of pipe

b. The size and slope of the building sewer shall be subject to the approval of the Sewer Department, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than 1/8 inch per foot nor more than 1/2 inch per foot or as may be required.

c. The depth shall be sufficient to afford protection from frost. The sewer shall be a minimum of two feet deep, and preferably deeper than 3.5 feet, and shall have at least an eight-foot horizontal separation or an eighteen-inch vertical separation from any waterline. If this is impossible, the sewer shall be ductile iron mechanical joint pipe. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Where horizontal bends of more than 11 1.4° are required, cleanouts of a type approved by the Sewer Department are to be installed.

19808

Section 198-22 – Excavations for sewer installations to be guarded – All excavations for building sewer installations shall be adequately guarded with barricades and light so as to protect the public from hazard.

Section 198-23 – Requirement of settlement pit at gas station or car wash – The connection from a gas station or car wash shall comply with all current NYS DEC and SPDES regulations. Discharge of said waters into the sanitary sewer will be made only upon approval of the Superintendent.

Section 198-24 – Restoration of streets, sidewalks, etc. – Streets, sidewalks, parkways and other public property disturbed in the course of connecting a building sewer to the public sewer shall be restored in a manner satisfactory to the Village.

Section 198-25 – Connection of roof downspouts, areaway drains, etc., prohibited – No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

Section 198-26 – Unsanitary deposits prohibited – It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

Section 198-27 – Discharge of sewage to natural outlets regulated – It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Chapter.

Section 198-28 – Damaging, defacing, tampering with structures prohibited, arrest for violation – No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this Section shall be subject to immediate arrest under charge of disorderly conduct.

Section 198-29 – Right of entry of Superintendent, employees on property through which Village has easement – The Superintendent, other duly authorized employees of the Village and representatives of the NYSDEC and USEPA bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in

full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 198-30 – Right of entry of Superintendent, and authorized Village employees –

The Superintendent, other duly authorized employees of the Village and representatives of the NYSDEC and USEPA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter.

Section 198-31 – Superintendent, employees not to inquire into processes –

The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 198-32 – Observation of safety rules; liability of Village –

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

Section 198-33 – Prohibited discharges to sanitary sewers –

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, or natural outlet but require a NYSDEC SPDES permit and are subject to Federal and State regulations.

Section 198-34 – Prohibited discharges to public sewers –

Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters, or any solid or viscous material which may cause obstruction to flow in the sewer or cause any interference in receiving wastewater treatment to any public sewer:

a. Any liquid or vapor containing heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the wastewater sewer or inhibit biological activity in the wastewater treatment facilities, but in no case shall the

19810

discharge of heat cause the temperature in the Village wastewater sewer to exceed 65.5 degrees C (150 degrees F) or the temperature of the influent to the treatment facilities to exceed 40 degrees C (104 degrees F).

b. Any waters or wastes which contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32 and 150 degrees Fahrenheit.

c. Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, exceeding an average of 50 milligrams/liter (417 pounds per million gallons) or other soluble matter.

d. Any gasoline, benzine, naphtha, fuel oil or mineral oil, or other flammable or explosive liquid, solid or gas.

e. Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide, or other substance with either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or to prevent entry into sewers for their maintenance and repair.

f. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder in a commercial establishment shall be subject to the review and approval of the Superintendent.

g. Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids or other solid or viscous substance, capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.

h. Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalies must be neutralized, at all times, within a permissible pH range of 6.0 to 9.5.

i. Any cyanides, in excess of 0.3 milligrams per liter by weights as CN.

j. Radioactive Wastes that do not comply with Federal or State Regulations.

k. Any waters or wastes that for a duration of 15 minutes has a concentration greater than five (5) times that of "normal" sewage as measured by Suspended Solids and B.O.D. and/or which is discharged continuously at a rate exceeding 1,000 gallons per minute except by special permit. Normal sewage shall be defined as falling within the following ranges:

Constituents	Permissible Range
Suspended Solids	180 to 350 mg/l
B. O. D.	140 to 300 mg/l
Chlorine Requirements	5 to 15 mg/l

l. Any storm water, roof drains, spring water, cistern or tank overflow, footing drain, or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge or effluent from any air conditioning machine or refrigeration unit.

m. No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the Village sewage treatment plant. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it arrives at the treatment plant and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control of wastes discharged.

Limits of Toxic Sustenances in Sewage:

Iron, as Fe-----	1.4	mg/l
Chromium, as Cr (hexavalent)-----	0.10	mg/l
Copper, as Cu-----	0.5	mg/l
Chlorine Requirements-----	15.0	mg/l
Phenol-----	0.8	mg/l
Cyanide, as CN-----	0.3	mg/l
Cadmium, as Cd-----	0.02	mg/l
Zinc, as Zn-----	0.5	mg/l
Nickel-----	1.0	mg/l
Arsenic, as As-----	0.1	mg/l
Barium, as Ba-----	2.0	mg/l
Lead, as Pb-----	0.05	mg/l
Selenium, as Selenium, as Se-----	0.02	mg/l
Mercury, as Hg-----	0.01	mg/l
Persistent pesticides-----	0.00	mg/l

Sections 198-35 – Sewer Extensions

a. All extensions to the sanitary sewer system owned and maintained by the Village shall be properly designed in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes — Upper Mississippi River Board of State Sanitary Engineers, and in strict conformance with all requirements of the New York State Department of Health. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from, the Engineer and New York State Department of Health before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

b. Sewer extensions, including new subdivisions or developments, shall be handled in the following manner:

(1) Prior to reaching plant capacity. If the plant capacity has not yet been reached, the developer, after preliminary approval from the Planning Board, shall apply to the Village Board, stating the size and gallons per day required. If the Village Board determines that the project is viable and that there is sufficient plant capacity, it shall require the developer to post cash or negotiable securities in a specific amount to assure that this portion of the plant capacity will actually be utilized. This amount shall be determined by computing the percent of total flow that the developer will utilize and taking that same percentage of the total outstanding sewer capital debt. A security agreement will then be executed between the owner and the Village, with a term of commitment no longer than three years.

(2) After reaching the plant capacity. The same procedure as above shall be followed, except that the total amount shall be a percentage of existing debt plus the total cost of improvement necessary to increase the plant capacity. If the Village Board elects to increase the plant capacity beyond the needs of the developer to serve future developers, the percentage of the improvement cost shall be determined by a ratio of this developer's needs to design needs.

c. A sewer extension, including individual building sewer laterals to the property line, may be constructed by the Village under public contract if, in the opinion of the Village Board, the number of properties to be served by such extension warrants its cost. Under this arrangement, the property owner shall pay for and install the building sewer from the property line to his residence or place of business in accordance with the requirements set forth in this chapter. Thereafter, each property owner served by the extended public sewers will be charged at the full service charge rate as outlined in this chapter. Property owners may, in accordance with applicable law, propose sewer extensions within the Village by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Village Board.

d. If the Village does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if this extension is approved by the Village Board in accordance with the requirements of this section. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as required by the chapter, and the inspection fees shall be paid. Design of sewers shall be as specified in this chapter. The installation of the sewer extension must be subject to full-time inspection by the Village Engineer, and the expenses for this inspection shall be paid for by the owner, builder or developer. The Village Engineer's decision shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in § 198-48 before it is to be used. The cost of the sewer extension thus made shall be absorbed by the developers or the property owners, and thereafter the property owners will be subject to a sewer service charge proportional to their use of trunk sewers and the treatment plant and their proportion of operational and maintenance costs as outlined in this chapter.

Section 198-36 – Design standards – sewer design shall be in accordance with the following provisions:

- a. Pipe shall be of a type approved by the Village Superintendent or Engineer.
- b. Trench widths, as measured just above crown of the pipe, shall not exceed the following:

Pipe Diameter (inches)	Trench Width
8	3 feet 3 inches
10	3 feet 6 inches
12	3 feet 9 inches

c. If the trench widths are found during field inspection to exceed the limits in the above table, the sewer pipe shall be encased with a minimum of six inches of concrete. Pipe shall be firmly and evenly bedded on a minimum of three inches of No. 1A or No. 1 crushed stone, New York State Department of Transportation specification. Pipe thickness and field strength shall be calculated on the following criteria:

- (1) Safety factor: 1.5.
- (2) Load factor: 1.7.
- (3) Weight of soil: 120 pounds per cubic foot.
- (4) Wheel loading: 16,000 pounds.

d. Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, Design and Construction of Sanitary and Storm Sewers.

198-37 - Connection from outside Village – the connection to the Village of Marcellus sewer system from any properties located outside of the Village boundaries shall be at the total discretion of the Village Board of Trustees. All other provisions of the Sewer Use Ordinance shall apply to the extension.

Sections 198-38 – 198-40 – Reserved



Article II – Discharge of Industrial Wastes

Section 198-41 – Action by Superintendent on discharge of harmful waters, wastes – If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 198-34, and which in the judgment of the Superintendent may have a deleterious effect upon the sewerage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the wastes.
- b. Require that when pretreatment standards are adopted by the USEPA or NYSDEC for any given class of industries, then such industries must immediately conform to the USEPA or NYSDEC timetable for adherence to these standards. The Superintendent shall further assure that compliance by industries to whom pretreatment standards are applicable are in compliance with Section 307 of PL-95-217 as amended and any more stringent standards as may be determined by the Village.
- c. Require control over the quantities and rates of discharge.
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 198-51.

Section 198-42 – Review and approval of pretreatment facilities – If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

Section 198-43 – Grease, oil and sand interceptors

- a. When required. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.
- b. Type, capacity, location. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection.
- c. Disposal of debris. In the maintaining of these interceptors, the Owner shall be responsible for the proper removal and disposal by appropriate means of the captured material

and shall maintain records of the dates and means of disposal which are to be the subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the Owner's personnel must be performed by currently licensed waste disposal firms.

Section 198-44 – Maintenance of preliminary treatment facilities – Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

Section 198-45 – Facilities for observation, sampling, measurement of wastes - When required – When required by the Superintendent, the Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes.

Section 198-46 – Same - Location and construction – When facilities for the observation, sampling and measurement of wastes are required, such facilities shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent.

Section 198-47 – Same - Installation and maintenance – Facilities for the observation, sampling and measurement of wastes shall be installed by the Owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 198-48 – Measurements, tests, analyses – Standards

a. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association.

b. Exfiltration tests

(1) All sewers shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the Village. This test consists of filling the pipe with water to provide a head of at least five feet above the top of the pipe or five feet above groundwater, whichever is higher, at the highest point of the pipeline under test and then measuring the loss of water from the line by the amount which must be added to maintain the original level. In this test, the line must remain filled with water for at least 24 hours prior to the taking of measurements.

(2) Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end or in one of the sewer manholes available for measurement.

c. When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must be some positive method of releasing entrapped air in the sewer prior to taking measurements. The test length intervals for either type of test shall be as ordered approved, but in no event shall they exceed 100 feet. In the case of sewers laid on steep grades, the length of line to be tested by exfiltration at any one time may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the line. The test period, wherein the measurements are taken, shall not be less than two hours in either type of test.

d. Leakage.

(1) The total leakage of any section tested shall not exceed the rate of 100 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. For purposes of determining the maximum allowable leakage, manholes shall be considered as sections of forty-eight-inch diameter pipe, five feet long.

(2) The equivalent leakage allowance shall be four and five-tenths gallons per manhole per 24 hours for forty-eight-inch diameter manholes. If leakage exceeds the specified amount, the necessary repairs or replacements required shall be made to permanently reduce the leakage to within the specified limit, and the tests shall be repeated until the leakage requirement is met.

Section 198-49 – Same - Where determined – Measurements, tests and analyses shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Section 198-50 – Same – Sampling – Sampling for measurements, tests and analyses shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solid analyses are obtained from twenty-four (24) hour composite of all outfalls whereas pH's are determined from period grab samples.

Section 198-51 – Special agreements for receipt of industrial wastes – No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment subject to payment therefor, by the industrial concern.

Section 198-52 – Notification required if accidental discharge occurs – A Significant Industrial User shall notify the Village immediately upon accidentally discharging wastes in violation of this ordinance. This notification shall be followed, within 15 days of the date of

occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage of the sewer system, treatment plant or treatment process, or for any fines imposed on the Village under applicable State and Federal regulations.

Section 198-53 – Posting required – A notice shall be furnished and permanently posted on the Significant Industrial User's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Chapter. Copies of this Chapter are to be made available to user's employees.

Section 198-54 – No dilution of discharge – No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the County or State unless authorized by State or Federal regulations.

Article III – Sale of Real Property

Section 198-55 – Purpose and Intent – is to protect the sewer works, including but not limited to the public sewer, the pumping stations and the sewage treatment plant, facilities and equipment. In promoting the general intent of this article, the special intent is:

- a. To reduce the infiltration of surface water and groundwater into the sanitary sewer system in the Village of Marcellus; and
- b. To increase the efficiency of the operation of the sewage treatment plant owned and operated by the Village of Marcellus and to promote the general health, welfare and safety.

Section 198-56 – Definitions – as used in this article, the following terms shall have the meanings indicated:

Roof Drain – a drain installed to receive water collecting on the surface of a roof and to discharge it into a storm drainage system or sewer or onto the ground.

Sump Pump – a mechanism used for removing water or wastewater from a sump or wet well; it may be energized by air, water, steam or electric motor. Ejectors and submerged centrifugal pumps, either float or manually controlled, are often used for the purpose.

Section 198-57 – Affidavit of inspection required; exceptions

a. The owner of every building or property within the Village of Marcellus shall not allow any roof drain or sump pump connections to the sanitary sewer system and, at the time of transfer of title to said premises (or, in the case of a written land contract affecting said premises, no more than 30 days after the expiration of such contract), the transferor shall deliver to the transferee a current affidavit of inspection in accordance with this article.

b. Notwithstanding the foregoing, no such affidavit shall be required in connection with the following:

(1) Involuntary transfer occurring as a direct result of bankruptcy, condemnation, inheritance, foreclosure and the like, or of sale at public auction by a municipality

(2) Transfer to a purchaser who has submitted to the Codes Enforcement Officer an affidavit declaring that the structure will be demolished within 90 days of the date of transfer or

(3) Transfer of individual condominium units

c. For purposes of this article, an affidavit of inspection shall be considered current for a period of 60 days after its execution.

Section 198-58 – Inspection of premises

a. Prior to the transfer of title, the owner shall cause an inspection to be made of the premises to be conveyed. Said inspection shall be to determine whether the subject premises has any roof drains and/or sump pump connections to the sanitary sewer system in violation of this article. If no such connections are found, the person or persons performing the inspection shall so attest on a form approved by the Codes Enforcement Officer.

b. A licensed plumber, professional engineer or the owner of the residential property being sold, having personal knowledge, may attest to the facts contained in the affidavit of inspection.

Section 198-59 – Contents of affidavit of inspection

a. The affidavit of inspection that is required to be delivered by a transferor to a transferee pursuant to this article shall on a form approved by the Village Board and shall recite the following:

(1) A description of the property to be transferred and the nature of that property (i.e. residential, commercial, retail, industrial, recreational, etc.)

(2) The address of the property to be transferred.

(3) The current owner of the property and the address of such owners after the sale.

(4) A statement that the property to be inspected has no roof drains and/or sump pump connections to the sanitary sewer system in violation of this article.

(5) The date of inspection

(6) The person who performed the inspection and his or her qualifications.

b. The affidavit shall be dated and sworn to as of the date of the latest inspection.

Section 198-60 – Affidavits to be forwarded to Village Clerk – the purchaser or his agent shall, within 15 days of the transfer of title, forward the original affidavit of inspection to the Village Clerk.

Section 198-61 – Purchaser remedies – the purchaser shall have 60 days from the date of this transfer of title within which to notify the seller if the property has roof drain and/or sump pump connections to the sanitary sewer system in violation of this article. Such purchaser shall have an action against the seller to recover any expenses incurred in disconnecting any roof drains and/or sump pumps connected to the sanitary sewer system in violation of this article. The existence of a civil remedy in favor of the purchaser against the seller shall not be construed as releasing either party from any obligations imposed by this chapter, and shall be in addition to any fines or penalties which may be imposed pursuant to the Marcellus Municipal Code.

Section 198-62 – Reconnections prohibited – it shall be a violation of this article for any person to reconnect any roof drain or sump pump to the sanitary sewer system in violation of the article once an affidavit of inspection has been issued.

Section 198-63 – Enforcement procedures

a. Upon discovery of a violation of the mandates of this article, the Codes Enforcement Officer shall cause a written notice to be sent to the seller, if appropriate, and the purchaser of the property which has been transferred in violation hereof. Such notice shall require the purchaser to provide the Village Clerk with an affidavit, within 15 days of the receipt of said notice, in the event that there are no illegal roof drains and/or sump pumps connected to the sanitary sewer system.

b. In the event that the subject property has any roof drain and/or sump pump connected to the sanitary sewer, the purchaser shall, within 15 days of receipt of the notice, submit a written proposal to the Codes Enforcement Officer for the disconnection of said roof drains and/or sump pumps, with such written proposal to include an estimated time of completion, which date will be within 60 days from the date of the notice.

c. In the event that the purchaser fails to comply with the remedial procedures hereinbefore set forth, or if the purchaser fails to disconnect the sump pump or roof drain within the time period set forth in the proposal, the Village may proceed as follows:

(1) To prohibit the discharge of wastewater into the sanitary sewer system until the property is brought into compliance with the mandates of this article.

19820

(2) To obtain the fines and other remedies set forth in Article IV of this Chapter of the Village of Marcellus Code.

(3) To seek any remedy available at law or in equity.

d. In selecting the method of enforcement, the Village may choose to proceed with more than one method simultaneously.

e. The owner of the property shall have the right to apply for an extension of time within which to complete the disconnection of roof drains and/or sump pumps from the sanitary sewer system in the event that such disconnection will require extraordinary procedures and/or monetary expenditures. The decision to grant an extension will be solely in the discretion of the Village Board.

Section 198-64 – 198-65 – Reserved

Article IV – Penalties

Section 198-66 – Violations – Penalty

a. Notice of violation. Any person found to be violating any provision of the Chapter including any person who knowingly makes any false statement, representation, record, report, plan or documentation filed with the municipality shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village maintains the right herein to take appropriate remedial or preventative action in the event of a threatened violation.

b. Continuing violations. Any person who shall continue any violation beyond the time limit established by the notice provided in paragraph (a), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

c. Protection from damage. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment, which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest and charge of disorderly conduct, or other applicable provision of the law.

d. The Village may revoke any wastewater discharge permit or terminate or cause to be terminated wastewater service to any premises if a violation of any provision of this Chapter is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination or pollution as defined in this Chapter.

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

f. The Village may add a surcharge, the amount of which is to be set by the Village Board, to the sewer bill of any person violating any of the provisions of this Chapter.

Sections 198-67 – 198-70 – Reserved

Article V – Sewer Rent

Section 198-71 – Definitions – For the purposes of this article the following words, terms and phrases shall have the meanings herein ascribed to them:

Penalty: An additional charge for nonpayment of the sewer rent within a specified period of time as determined by the Board of Trustees of the Village.

Sewer Rent: The rate of charge as determined by the Board of Trustees of the Village for the use of the sewer system facilities.

Sewer system and disposal unit: All the public sewer system in the Village, including pipes, lateral connections, disposal units, pumps and all other equipment and materials incidental to a sewer system.

Unit and Premises:

- a. A building under one roof or leased by one customer and occupied as one residence or one place of business; or
- b. A combination of buildings owned or leased by one customer, in one common enclosure, occupied by one family, or one corporation or firm, as a residence or place of business; or
- c. Each unit of a multiple house or building separated by solid vertical partition wall occupied by one family, or one firm, as a residence, or place of business; or
- d. A building owned or leased by one customer having a number of apartments, offices or lofts which are rented to tenants and using in common one hall and one or means of entrance; or
- e. A building two (2) or more stories high under one roof owned or leased by one customer having an individual entrance for the ground floor occupants and one for the occupants of the upper floors; or

19822

- f. A parcel or tract of land whether or not occupied by a structure and shall include the entire front footage thereof abutting on a street where the sewer or sewer service is requested or furnished for any part thereof; or
- g. A building or a combination of buildings owned by a Customer, in one common enclosure and occupied by one or more persons; or
- h. Each unit of a multiple house, apartment house or building separated by a partition wall and occupied by one or more Persons as a residence or place of business; or
- i. A building owned by one Customer having a number of apartments, offices or lofts that are rented to tenants; or
- j. A mobile home park owned by one Customer located in one common area

Customer: The owner of Premises to which sewer or sewer service is being requested and the Person responsible for payment of charges for water or other facilities and services furnished by the Village.

Occupant or Tenant: Any Person actually in possession, control and/or tenancy of any Premises or part thereof.

Owner: The person who has legal title to any Premises.

Person: An individual, individuals, family, firm, association, private corporation, public corporation or municipal district.

Premises: Premises shall mean:

- a. A parcel or tract of land whether or not occupied by a structure and shall include the entire front footage thereof abutting on a street where the sewer or sewer service is requested or furnished for any part thereof.
- b. A building or a combination of buildings owned by a Customer, in one common enclosure and occupied by one or more persons.
- c. Each unit of a multiple house, apartment house or building separated by a partition wall and occupied by one or more Persons as a residence or place of business.
- d. A building owned by one Customer having a number of apartments, offices or lofts that are rented to tenants.
- e. A building two or more stories high under one roof, owned by one Customer having an individual entrance for the ground floor occupants and one for the occupants of the upper floors.
- f. A mobile home park owned by one Customer located in one common area.

Section 198-72 – Purpose of Sewer Rents – The purpose of the sewer rents is to generate sufficient revenues for retiring debt service, capital expenditures, and operating and maintenance of the Village owned sewage works.

Section 198-73 – Method used to establish rent – The basis or method used to establish the sewer rent shall be based on the actual reading of the water meter by the Onondaga County

Water Authority, which reading will be supplied to the Village each quarter, indicating the amount of water per gallon consumed by consumers. The rate will be established by the Village Board. A minimum quarterly rate may be established.

Section 198-74 – When rent due and payable; penalty of nonpayment – The sewer rent shall be due and payable on July first, October first, January first and April first. Each statement will list separately debt service and operation and maintenance costs. A penalty of ten percent (10%) per quarter, compounded, shall be imposed for nonpayment of the quarterly charge within thirty (30) days of the mailing date of the statement of bill.

Section 198-75 – Nonresidential Charges – sewer charges for users outside of Village boundaries shall be at rates established in inter-municipal agreements entered into between the Village and the municipalities in which the outside users are located.

Section 198-76 – Schedule of rates and biennial review – A schedule of sewer rent rates shall be maintained on file in the office of the Village Clerk. Sewer rent rates will be determined by the Village Board on a year-to-year basis. In addition, a biennial review of the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its sewer rent rates will be made by the Village Board. Biennial revisions made to the sewer rent rates will accomplish the following:

- a. Maintain the proportionate distribution of operation and maintenance costs among users and user classes.
- b. Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance of the system.

Section 198-77 – Toxic Pollutants – Surcharge – Any user which discharges any toxic pollutants, which cause an increase in cost of managing the effluent of the system shall pay for such increased cost as may be determined by the Village Board.

Section 198-78 – Inconsistent Agreements – The sewer rent system shall take precedence over any terms or conditions of agreements or contracts between the Village and users.

Section 198-79- Owner/Occupant Responsibility - The Owner of a Premises is responsible for the payment of the sewer rent and other utility charges. The Village, as a courtesy to the Owner and/or Occupant, may in its sole discretion send bills to the Occupant, thereby making both the Owner and Tenant jointly aware of the amount due. The Village reserves the right to rescind this courtesy billing at any time for failure to timely remit payment. Ultimately, it is the Owner's responsibility to ensure all utility charges are paid on time. (Local Law #1 of 2020)

19824

Section 198-80 - Disconnection of Sewer –It is the policy of the sewer law that all properties in the Village be properly connected to the sewer system, that the purpose of the sewer rents is to generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance of the system and to maintain the proportionate distribution of operation and maintenance costs among all users and user classes. All properties that are connected to the sewer system will pay the sewer rent established, from time to time, by the Village Board of Trustees. Only when there is a complete disconnection of a building’s sewer facilities from the Village system, such as demolition or a fire wherein the building is completely destroyed and the sewer connection removed, and verification of such is provided by the Village Code Enforcement Officer, will consideration be given by the Village Board of Trustees to an exemption or waiver of the minimum quarterly sewer rent. (Local Law #2 of 2014, June 23, 2014).

198-81 – Reserved