

# **Chapter 165**

## **SEWERS**

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden: Part 1, 4-16-1962 (Ch. 40, Art. I, of the 1966 Code); Amended in its entirety 1-23-2003 by L.L. No. 11-2003. Subsequent amendments noted where applicable.]

#### GENERAL REFERENCES

Licenses and permits -- See Ch. 125.

Water use and service -- See Ch. 205.

Fees -- See Ch. A220.

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**Part 1**  
**Rents and Charges**

**ARTICLE I**  
**Sewer Rents**

**§ 165-1. Purpose.**

For the purpose of providing for the payment of the operation, maintenance, repair and improvement of the sewer system of the Village of Alden on the basis of a separate utility and providing for the payment of the cost thereof, including the treatment and disposal works and any enlargement and replacement thereof, and payment in part of the debt incurred for the enlargement or replacement of the same and interest thereon, but not for the extension of the sewer system to serve any unsewered areas or for any purposes other than those above specified, sewer rents are established as hereinafter provided.

**§ 165-2. Basis for charges.**

Owners and occupants of premises connected to the sewer system shall pay a rental based upon the amount of the water consumed on said premises as disclosed by each water meter on the premises where such meters are required by village ordinances and which premises are served by the sewer system.

**§ 165-3. Amount of rents; payment.<sup>1</sup> [Amended 7-28-2020 by L.L. No. 7-2020]**

The amount of sewer rents shall be determined by resolution of the Board of Trustees of the Village of Alden. Such sewer rents shall be billed and paid quarterly and at the same time as provided for the billing and payment of water bills. Any discount or penalty applicable to water bills shall likewise apply to the payment of sewer rents.

Notwithstanding any provision herein to the contrary, the Board of Trustees at an official session of the Board, upon good and sufficient cause shown (e.g., late mailing, change of address, extraordinary personal circumstances, etc.), may waive any additional penalties set forth in this Chapter upon a super majority vote of not less than two-thirds of the entire Board. Such written request shall be filed with the Village Clerk as soon as practicable and, to the extent possible, prior to the due date of the bill, absent extenuating circumstances which shall be set forth in the request. Such written submission shall also

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<sup>1</sup> Editor's Note: See Ch. A220, Fees.

provide the basis for the request. Any individual seeking such waiver shall appear before the Board of Trustees to address the request.

**§ 165-4. Unpaid rents as lien.**

Unpaid sewer rents shall constitute a lien upon the real property of the owner served by the sewer system and may be added to the tax bill and collected as provided by law, or, at the option of the village, in the event of nonpayment, the water may be turned off on the premises served by said sewer the same as for an unpaid water bill, and service shall not be reestablished until the bill is paid, plus a charge established from time to time by resolution of the Board of Trustees.

ARTICLE II  
**Tapping or Connection Fees<sup>2</sup>**

**§ 165-5. Connection fees.**

- A. There is hereby imposed on the owner of each property connecting to the sewer system, after the effective date of this Article, a connection fee for each single-family dwelling, each multiple-family dwelling, and each nonresidential building. Such fee is to be determined by resolution of the Board of Trustees of the Village of Alden. All owners of property shall connect their premises to the sewer system as and when the same may be available in accordance with the regulations set down in Part 2 of this chapter of the Code of the Village of Alden.
- B. There is hereby imposed on any other person connecting to the sewer system, after the effective date of this Article, a connecting fee to be determined by resolution of the Board of Trustees of the Village of Alden, said fee to be based upon the number of receptacles entering into the building drain. The term "receptacle" shall include any toilet, shower, bathtub, sink, washbasin, floor drain or outlet of a similar nature.
- C. Existing dwellings which have not been afforded sewage facilities as of the date of the effective date of this Article shall not be subject to the above-described fees.

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<sup>2</sup> Editor's Note: See Ch. A220, Fees.

**Part 2**  
**Sewer Construction and Connections**

**ARTICLE III**  
**Terminology**

**§ 165-6. Word usage; definitions.**

- A. Word usage. "Shall" is mandatory; "may" is permissive.
- B. Definitions. As used in this Part 2, the following terms shall have the meanings indicated:

ASTM (denoting "American Society for Testing and Materials") -- The latest published amendments or revisions of the specifications and standards promulgated by the Society.

BOARD -- The Board of Trustees of the village or its authorized representatives.

BOD (denoting "biochemical oxygen demand") -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees centigrade (20° C.), expressed in parts per million by weight.

BUILDING DRAIN -- That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet 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. It shall be installed, maintained and owned by the owner and shall be under the jurisdiction of the village.

COMBINED SEWER -- A sewer receiving both surface runoff and sewage.

ENFORCING OFFICER -- The Superintendent of Public Works, or his/her designee.

GARBAGE -- Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

HEALTH OFFICER -- Any person designated by the Village of Alden or the New York State Department of Health or the Erie County Health Department to perform any functions or tasks as required by law.

INDUSTRIAL WASTES -- The liquid wastes from industrial processes as distinct from sanitary sewage.

NATURAL OUTLET -- Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

OWNER -- Any person who owns the property which is being serviced by the public sanitary sewer system, any user of the public sanitary sewer system or any individual owning real property situated within the Village of Alden.

PERSON -- Any individual, firm, company, partnership, association, society, corporation or group.

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

PROPERLY SHREDDED GARBAGE -- The wastes from the preparation, cooking and dispensing of food that have been shredded to such 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 in any dimension.

PUBLIC SEWER -- A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

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.

SEWAGE TREATMENT PLANT -- Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS -- All facilities for collection, pumping, treating and disposing of sewage.

SEWER -- A pipe or conduit for carrying sewage.

SPDES -- The State Pollutant Discharge Elimination System.

STORM SEWER or STORM DRAIN -- A sewer which carries storm- and surface waters and drainage, but excludes sewage and polluted industrial wastes.

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.

USER -- Any person who owns any property which is serviced by the public sanitary sewer system or any person who uses any aspect of the public sanitary sewer system.

VILLAGE -- The Village of Alden.

WATERCOURSE -- A channel in which a flow of water occurs, either continuously or intermittently.

#### ARTICLE IV Use of Public Sewers Required

##### **§ 165-7. Unsanitary deposit of waste prohibited.**

It shall be unlawful to discharge or cause to be discharged into any natural outlet within the village any sanitary sewage, industrial wastes or other polluted waters, except where interception of treatment has been provided in accordance with subsequent provisions of these rules.

##### **§ 165-8. Toilet facilities; connection to public sewer required.**

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the village and accessible to a public sanitary sewer 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 these rules within ninety (90) days after the date of official notice to do so, provided that said public sewer is within one hundred fifty (150) feet of the building to be served.

## **ARTICLE V**

### **Private Sewage Disposal**

#### **§ 165-9. Unavailability of sanitary sewers.**

Where a public sanitary sewer is not available under the provisions of Article IV of this Part 2, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

#### **§ 165-10. Permit required; fee.<sup>3</sup>**

Before the commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent of Public Works. The application for such permit shall be made on a form furnished by the village, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent of Public Works. The fee for such permit and inspection shall be determined by resolution of the Board of Trustees of the Village of Alden.

#### **§ 165-11. Inspection.**

A permit for the use of a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent of Public Works. He or she shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent of Public Works when the work is ready for final inspection and before any underground portions are covered.

#### **§ 165-12. Compliance with state public health recommendations.**

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of New York. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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<sup>3</sup> Editor's Note: See Ch. A220, Fees.



**§ 165-13. Public sewer availability.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article V, a direct connection shall be made to the public sewer in compliance with this Part 2, and any septic tanks, cesspools and similar private sewage-disposal facilities shall be abandoned and filled with suitable material.

**§ 165-14. Operation at owner's expense.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the village.

**§ 165-15. Additional requirements imposed by Health Department.**

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Department.

**§ 165-16. Time limit for connection.**

When a public sewer becomes available, the building sewer shall be connected to said public sewer within ninety (90) days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

## ARTICLE VI Construction and Connections

**§ 165-17. Permit required; fees.**

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent of Public Works. The owner, user or his or her agent shall make applications on a form furnished by the Village of Alden, supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent of Public Works. Such plans are required for multiple dwellings or commercial or public buildings. Applications may be made by the contractor, who must show authorization from the owner or user. The contractor must show proof that he is currently a licensed plumber in the Village of Alden. Inspection fees for these public

improvements shall be determined by resolution of the Board of Trustees of the Village of Alden.<sup>4</sup>

**§ 165-18. Conformity required.**

Every plumber or sewer pipelayer shall be subject and conform to all and each of these rules, regulations and penalties which now exist or may hereinafter be adopted by the Board.

**§ 165-19. Construction of sewers.**

- A. All costs and expenses incident to the installation and connection of the building sewer shall be born 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.
- B. A separate and independent building sewer shall be provided for every building, except where special permission is received from the Board.
- C. Old building sewers may be used in connection with new buildings only when they are found, upon examination and approval by the enforcing officer, to meet all requirements of these regulations.
- D. The building sewer shall be constructed of one (1) of the following:
  - (1) Four-inch extra heavy cast-iron soil pipe and fittings conforming to the requirements of latest revision of the ASTM A74 latest revision. Joints for pipe and fittings shall be push-on type with gaskets of neoprene or rubber in accordance with the latest revision of ASTM C564.
  - (2) Four-inch polyvinyl chloride (PVC) non-pressure pipe and fittings conforming to the requirements of ASTM D3034 latest revision, with minimum pipe stiffness of forty-six (46) pounds per square inch at a maximum deflection of five percent (5%). Joints shall be bell and spigot type, with rubber gaskets factory-installed in the bell.
  - (3) Variations in these requirements may be acceptable if approved by the enforcing officer, in writing.

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<sup>4</sup> Editor's Note: See Ch. A220, Fees.

- (4) American Society for Testing and Materials tests on all sewer pipes must be performed in the United States. Any variance from the sewer sizes described above must be approved by the Board.
- E. The slope of building sewers shall be one-fourth (1/4) inch per foot unless special permission is obtained from the enforcing officer, but in no case is a slope of less than one-eighth (1/8) inch per foot acceptable.
- F. The building sewer shall be brought to the building at a depth sufficient to afford protection from frost. It shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
  - (1) Cast-iron soil pipe shall be embedded using native material, containing no stones larger than one and one-half (1 ½) inches in size or debris. Material shall be hand-placed and thoroughly compacted to the center line of the pipe. From the center line of the pipe to a depth of twelve (12) inches above the pipe, embedment shall be placed and compacted in such a manner as to not damage the pipe. Whenever specified or directed by the enforcing officer, select fill material shall be used in lieu of native material.
  - (2) Polyvinyl chloride (PVC) pipe shall be embedded using select fill, as directed by the enforcing officer, from a depth of four (4) inches below the pipe to a depth of twelve (12) inches over the pipe, unless otherwise specified or directed. Select fill shall be hand-placed and thoroughly compacted in maximum six-inch layers.
  - (3) Other types of pipe approved for use shall be embedded in strict accordance with the pipe manufacturer's recommendations and as directed by the enforcing officer.
- G. No footing drains, roof drains or other drains carrying surface or ground water shall be connected to the building or sanitary sewer. A sump pump shall be provided wherever required to carry ground- and surface water to a natural outlet or storm sewer. Municipal highway and water departments and utility companies shall be notified before any excavation is made.
- H. Pipe laying and backfill shall be in accordance with applicable ASTM specifications for pipe material used and as directed by the enforcing officer. No backfill shall be placed until the work has been inspected to the satisfaction of the enforcing officer. Cast-iron pipe or concrete encasement shall be required where the building sewer crosses under the pavement of an existing or future public

road. In the event of unstable soil conditions, special construction methods may be required by the enforcing officer.

- I. Each building sewer shall be provided with a cleanout at housewall end, at sharp changes in direction and at least for every one hundred (100) feet of length; the openings to be a minimum of three (3) inches above the cellar floor. A double hand-hole trap and fresh air inlet are required to be placed in the building drain when practicable, but may be located in the building sewer upon written approval of the enforcing officer.
- J. Connection of the building sewer into the sanitary sewer shall be by:
  - (1) A vitrified-tile, reinforced concrete, cast-iron or asbestos cement branch or riser installed at the time of construction of the main sewer. Joints shall be equal to Type I or III as described in ASTM C-425-64T and as designated by the enforcing officer. Damaged vitrified-tile branches shall be replaced. All connections shall be watertight.
  - (2) Saddle-type connections to the main sewers shall be made in a smooth, round hold, machine drilled. The fitting used shall be made to ensure that it will not protrude into the main sewer. The fitting shall fit the contour of the inside of the main sewer and be designed for the size of pipe into which construction is being made. One-eighth (1/8) inch clearance shall be provided between the fitting and the hole and between the shoulder of the fitting and the face of the main pipe. These spaces shall be completely filled with waterproof joint material capable of withstanding any stress or strain likely to be encountered in normal sanitary sewer construction or maintenance without leaking. The fitting shall be constructed of materials compatible with pipe material used and shall be approved by the enforcing officer.
- K. All excavations for building or sanitary sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the enforcing officer. Ditches and culvert pipes for storm- and sewer water or other utilities disturbed during installation of sewer shall be restored to their original condition. All driveways and parking areas shall be backfilled with select fill and restored to their original condition.

**§ 165-20. Sanitary sewer extensions.**

- A. Applications to construct extensions or additions to the village sewer shall be made as outlined in § 165-17 of this chapter. Three (3) sets of the application to construct the sanitary sewer, along with six (6) sets of detailed plans showing the proposed construction, shall be forwarded to the Superintendent of Public Works. Two (2) set of the approved plans shall be retained by the Superintendent of Public Works for office and field use. Three (3) sets of the application and approved plans will be forwarded with a letter of approval to the Erie County Health Department for final acceptance. Evidence of Health Department approval is required by the Superintendent of Public Works.
- B. Inspection during construction will be made by the enforcing officer. No sanitary sewers shall be backfilled until such inspection has been made. Inspection and acceptance by the village does not relieve the owner of the responsibility to keep the sewer operating in accordance with these regulations. All dates of construction shall be provided to the Superintendent of Public Works, in writing, at least seventy-two (72) hours prior to such construction commencing or continuing.
- C. Extensions or additions to the sanitary sewer system shall be made with one (1) of the following:
  - (1) Extra heavy cast-iron soil pipe and fittings conforming to ASTM A74 latest revision. Joints for pipe and fittings shall be push-on type with gaskets of neoprene or rubber in accordance with ASTM C564 latest revision.
  - (2) Polyvinyl chloride (PVC) non-pressure pipe and fittings conforming to ASTM D3034 latest revision (for sizes four-inch through fifteen-inch) and ASTM F679 latest revision (for sizes eighteen-inch through twenty-seven-inch), with minimum pipe stiffness of forty-six (46) pounds per square inch at a maximum deflection of five percent (5%). Joints shall be bell and spigot type with rubber gaskets factory-installed in the bell.
  - (3) Other pipe materials may be acceptable if approved by the enforcing officer, in writing.
  - (4) Pipe installation shall be as specified in § 165-18F through H.
- D. No connection of sanitary sewer extensions shall be permitted to the trunk sewer of the village until infiltration or other tests and final inspections have been made and approved by the Board, in writing. The allowable rate of infiltration shall not exceed two hundred (200) gallons per inch of pipe diameter, per mile of sewer per

- day. The method of infiltration measurement shall be approved by the enforcing officer.
- E. Existing sewers may be connected to the trunk system only when they are found upon examination and tests by the Village of Alden to be acceptable.
  - F. Prior to any work commencing on or near Village of Alden sewer lines, the contractor performing the work must show proof that he/she has proper performance/liability bonding in form and amount acceptable to the Village of Alden.
  - G. A developer or other person installing a sanitary lateral sewer connection to a public sewer shall post a maintenance bond with the Village of Alden, guaranteeing the sewer for a period of two (2) years from the time of acceptance of the sewer by the Village of Alden. The amount of this bond shall be as determined by the Village of Alden. During this period, any defects in the sewer or appurtenances shall be corrected at the builder's expense.
  - H. Whenever pipe laying is not in progress, the end of the pipe shall be securely closed with a tight-fitting cover or plug. Any earth or other material entering the main sewer due to operations of the plumbing, contractor or building owner shall be removed at his or her expense. All trenches shall be protected by sufficient sheeting and bracing.
  - I. Within highway rights-of-way, excavation, backfilling and restoration of surfaces shall be in accordance with requirements of the highway agency having jurisdiction.
  - J. Connection of an extension or addition to the sewer system shall be made only through an existing or newly approved manhole.

## ARTICLE VII

### Use of Public Sewers

#### **§ 165-21. Plumbers to be licensed.**

All plumbers performing any work on or near public sewers must be licensed as provided for in § 78-21 of this code.

**§ 165-22. Stormwater discharge prohibited.**

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer.

**§ 165-23. Approval of Board to discharge into sewers.**

Stormwater and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers or into a natural outlet approved by the Board of Trustees. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Board into a storm sewer or natural outlet.

**§ 165-24. Additional construction requirements. [Amended 10-25-2018 by L.L. No. 9-2018]**

All buildings hereafter erected with subsoil drains encircling the footing walls or under cellar floor shall meet the following requirements:

- A. The building sewer shall not be connected to the building drain until all foundation wall backfill has been made and the roof construction of the building completed.
- B. The yard areas immediately adjacent to the structure shall be so graded and maintained as to slope a minimum of one (1) inch to two (2) feet away from the foundation walls for a distance of at least five (5) feet. Additional fills shall be placed as needed to maintain this condition.
- C. Roof leaders or downspouts may be terminated to discharge stormwater onto front or rear yard lawn areas. The water shall not be discharged onto the earth at a lesser distance than four (4) feet from the building foundation wall.
- D. In the event that property owner wishes to replace their sewer lateral, and the original tap is not used, the original tap must be disconnected and capped as per this article.
  - A. Written notice of such intent to a sewer lateral that connects to the Village system must be provided to the Village Clerk and Superintendent of Public works at least thirty (30) days prior to the date of any work being performed.

- B. Any work must be done by a plumber licensed with the Village and all costs associated with such work and restoration of the excavation site are the sole responsibility of the property owner.

**§ 165-25. Other wastes or waters prohibited.**

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:

- A. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.).
- B. Any water or waste which may contain more than one hundred (100) parts per million, by weight, of fat, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Any biodegradable garbage that has not been properly shredded.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- F. Any waters or wastes having a pH lower than five point five (5.5) or higher than nine point zero (9.0) or having any other corrosive property capable of causing damage or hazards to structures, equipment and/or personnel of the sewage works.
- G. Any waters or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals or to create any hazard in the receiving waters of the sewage treatment plant.
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance.



**§ 165-26. Interceptors.**

- A. Grease, oil and sand interceptors shall be provided when, in the opinion of the enforcing officer, they are necessary for the proper handling of liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the enforcing officer and shall be located so as to be readily and easily accessible for cleaning and inspection.
- B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of a substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

**§ 165-27. Maintenance of interceptors.**

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, and operate efficiently at all times.

**§ 165-28. Wastes subject to review by the Board.**

- A. The admission into the public sewers of any waters or wastes having any of the following shall be subject to the review and approval by the Board:
  - (1) A five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight.
  - (2) Containing more than three hundred fifty (350) parts per million by weight of suspended solids.
  - (3) Containing any quantity of substances having the characteristics described in § 165-24.
  - (4) Having an average daily flow greater than two percent (2%) of the average daily sewer flow of the village.
- B. Where necessary, in the opinion of the Board, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight;
- (2) Reduce objectionable characteristics or constituents with the maximum limit provided for in Subsection A, above; or
- (3) Control of quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for approval to the Board and shall be subject to the requirements of all applicable codes, ordinances and laws.

#### **§ 165-29. Pretreatment.**

- A. Where necessary, in the opinion of the Board, users shall make wastewater acceptable under the limitations established by this Part 2 and by § 307 of the Federal Clean Water Act of 1977 before discharging into the sewage works. Any facilities required to pretreat wastewater to a level acceptable to the Board shall be provided and maintained at the user's expense.
- B. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Part 2 for sources in that subcategory, shall immediately supersede the limitations imposed under this Part 2.
- C. State requirements and limitations on discharges shall apply in any case when they are more stringent than federal requirements and limitations or those in this Part 2.

#### **§ 165-30. Control manhole.**

When required by the Board, the owner of any properties served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the waste. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Board. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

**§ 165-31. Measurements; tests and analysis.**

- A. When necessary, as determined by the Board, testing of the characteristics of water and waste referred to in §§ 165-24 and 165-27 shall be conducted, and the cost of such testing may be billed to the user.
- B. All measurements, tests and analysis shall be determined in accordance with Standard Methods for the Examination of Water and Sewage and shall be determined at the control manhole provided for in § 165-29 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.

**§ 165-32. Special agreements for industry.**

No statement contained in this Part 2 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 Board for treatment subject to pretreatment, flow rate control and/or payment therefor by the industrial concern in accordance with rules and regulations of the Erie County Health Department and New York State.

**§ 165-33. Sewer remediation trust fund. [Amended 11-22-2022 by L.L. No.7-2022]**

- A. The Village of Alden as owner/operator of the sanitary sewer collection system is required under direction of the New York State Department of Environmental Conservation to reduce infiltration and inflow (I & I) of water into the sewage system on a 4:1 ratio for each proposed new source of inflow (i.e., new users) into the sewer system. Accommodating that requirement is difficult for developers as the improvements may be extremely costly and therefore not a cost efficient mechanism for addressing I & I. Accordingly, the Village is establishing a Sewer Remediation Trust Fund into which developers may pay funds which the Village will use to reduce I & I on the most efficient basis possible. Funds deposited will be used to support Village projects reducing I & I flows.
- B. There is hereby established the Village of Alden Sewer Remediation Trust Fund.
- C. Responsibilities of new sewer system users. Prior to hooking up to the Village sewer system, new users are required to file an application for a sanitary sewer extension approval from the NYSDEC, or its designated agent, for any connection designed or intended to convey 2,500 gallons per day or more of residential

sewage alone or in combination with storm water and shall perform projects reducing I & I on a 4:1 ratio, pay into the Village of Alden Sewer Remediation Trust Fund, or a combination of both.

- D. Credit for remediation efforts shall be based on the Erie County Division of Sewerage Management General Infiltration and Inflow (I & I) Contribution Removal Values by Source, located in Chapter A220 of this Code, which the Village Board may amend by resolution from time to time<sup>5</sup>.
- E. Payment rate. Payments into the Village of Alden Sewer Remediation Trust Fund shall be at a rate determined by resolution of the Board of Trustees of the Village of Alden, as amended from time to time.<sup>6</sup>

## ARTICLE VIII Protection from Damage

### § 165-34. Penalty for damaging or tampering with sewer.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the village sewer works. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct.

## ARTICLE IX Powers and Authority of Inspectors.

### § 165-35. Entering private property; release of information. [Amended 11-22-2022 by L.L. No.7-2022]

- A. The Superintendent of Public Works and other duly authorized employees of the village 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.

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<sup>5</sup> Editor's Note: See Ch. A220, Fees.

<sup>6</sup> Editor's Note: See Ch. A220, Fees.

- B. Information and data on a user obtained from reports, questionnaires, monitoring programs and from inspections shall be available to the public or other governmental agency without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Board, at the time the information is submitted, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. While performing the necessary work on private properties referred to in Subsection A above, the enforcing officer or duly authorized employees of the village shall observe all safety rules applicable to the premises.
- D. The enforcing officer and other duly authorized employees of the village 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 sewer 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.
- E. The Superintendent of Public Works or his/her designee(s) shall, at all reasonable hours, have free access to all parts of premises to which sewer is supplied for the purpose of installation, repair, maintenance, modification, and/or inspection of all fixtures, pipes, meters, and appurtenant parts. Such individual shall provide the owner and/or tenant with proper identification stating the person's affiliation with the village for purposes of examination of fixtures and other investigation, installation, maintenance, repair, and/or modification and all persons using sewer must, at all times, frankly and with no concealment, answer all questions relating to the sewer use. The failure of the owner and/or tenant to allow the Village access to inspect may result in the Village stopping the supply of sewer to such premises until such time as access is granted.

**§ 165-36. Inspection upon sale of property. [Amended 6-23-2011 by L.L. No. 9-2011]**

It shall be the responsibility of the owner of any property to provide notice of the transfer of ownership of any real property whether by sale, exchange, testamentary transfer, intestacy transfer, or some other means of transfer of real property within the Village of Alden to the Superintendent of Public Works prior to the closing and/or transfer of title of the property. The purpose of this notice is to allow an inspection of such premises by the Superintendent of Public Works or his/her designee. Such inspection will be for the

purpose of verifying that all sanitary and storm sewer service connections are in accordance with all local, county, state, and federal regulations. Such inspection shall be undertaken during regular business hours no later than thirty (30) calendar days prior to any closing and/or transfer of title. In the event that deficiencies are found, the Superintendent of Public Works shall be notified of the completion of such work to remedy said deficiencies and a final inspection shall take place no later than five (5) days prior to such closing and/or transfer of title.

**§ 165-37. Permanent termination of sanitary sewer service. [Amended 10-25-2018 by L.L. No. 9-2018]**

Should a property with a sanitary sewer connection to the Village Sanitary Sewer system seek to permanently disconnect from the Village system, the sewer lateral must be disconnected at the Village sewer main.

- A. Prior permission to disconnect must be obtained from both the Board of Trustees and the Department of Public Works.
- B. Written notice of such intent to disconnect from the Village system must be provided to the Village Clerk and Superintendent of Public works at least thirty (30) days prior to the date of any disconnection.
- C. Any disconnection must be done by a plumber licensed with the Village and all costs associated with the disconnection and restoration of the excavation site are the sole responsibility of the property owner.
- D. The terminated connection shall be capped and inspected as per the requirements of the Department of Public Works.
- E. Should a structure with sewer service be demolished, the sewer lateral must be permanently disconnected within thirty (30) days of the date of demolition.
  - (1) Such disconnection requirement may be waived by the Board of Trustees upon the initial approval of the Superintendent of Public Works upon evidence, satisfactory to the Village, that any structure shall be fully rebuilt within one (1) year from the date of the demolition.
  - (2) The failure of any property owner to permanently disconnect within the time limits set forth herein shall result in the Village undertaking such disconnection with all charges relating thereto, including, but not limited to any engineering and restoration charges, being charged to the property owner. All unpaid charges, fines, and collection fees shall constitute a lien upon the real property of the owner, and the owner's failure to timely

make such payments shall expressly empower the Board of Trustees or its designee or the Village Clerk with the authority to place such unpaid balances upon the real property taxes, and such unpaid balances shall be levied against the subject real property owned by the party failing to pay such levy. Nothing herein, however, shall prevent the Board of Trustees, the Village Clerk or their designees from otherwise using any other available collection means or legal redress to recover such liens, fines, levies or charges as may be permitted by law.

## ARTICLE X Penalties for Offenses

### **§ 165-38. Enforcement authority.**

The Superintendent of Public Works is hereby authorized and directed to enforce this chapter and issue appearance tickets for violations of this chapter.

### **§ 165-39. Written notice of violation.**

Any person found to be violating any provision of this Part 2, except Article VIII, 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.

### **§ 165-40. Continued violation.**

Any person who shall continue any violation beyond the time limit provided for in Article X, § 165-35, shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not to exceed one thousand dollars (\$1,000.00) and or imprisonment up to one (1) year for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

### **§ 165-41. Liability to village.**

Any person violating any of the provisions of this Part 2 shall become liable to the Village of Alden for any expense, loss or damage occasioned in the village by reason of such violation.

**§ 165-42. Harmful contribution.**

- A. The Board, or its designated agent, may suspend service when such suspension is necessary, in the opinion of the Board, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the sewage works or causes the village to violate any condition of its SPDES permit.
- B. Any person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Board, or its designated agent, shall take such steps as deemed necessary, including immediate severance of the sewer connection to prevent or minimize damage to the sewage works or endangerment to any individuals or the environment. The Board shall reinstate service upon proof of the elimination of the noncomplying discharge.