

## ORDINANCE #6

### TOWN OF SCHROON

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE TOWN OF SCHROON, COUNTY OF ESSEX, STATE OF NEW YORK.

Be it ordained and enacted by the Town Board of the Town of Schroon, Essex County, State of New York, as follows:

**ARTICLE 1. DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

SECTION 1. "BCD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

SECTION 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

SECTION 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

SECTION 4. "Combined Sewer" shall mean a sewer receiving both surface run-off and sewage.

SECTION 5. "Garbage" shall mean solid wastes from domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

SECTION 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

SECTION 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

SECTION 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

SECTION 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

SECTION 10. "Properly Shredded Garbage" shall mean the water from 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 in any dimension.

SECTION 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SECTION 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

SECTION 13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

SECTION 14. "Water Pollution Control Plant" shall mean any arrangement of devices and structures used for treating sewage.

SECTION 15. "Water Pollution Control Works" shall mean all facilities for collecting, punping, treating, and disposing of sewage.

SECTION 16. "Sewer" shall mean a pipe or conduit for carrying sewage.

SECTION 17. "Shall" is mandatory; "May" is permissive.

SECTION 18. "Slug" shall mean any discharge of water, sewage, or industrial waste, sewage, or industrial waste which in concentration of any given constituent 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 or flows during normal operation.

SECTION 19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carried storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SECTION 20. "Superintendent" shall mean the Superintendent of Water Pollution Control of the Town of Schroon, or his authorized deputy, agent or representative.

SECTION 21. "Suspended Solids" shall mean 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.

SECTION 22. "Town" shall mean the Town of Schroon and the lands contained therein.

SECTION 23. "Health Officer" shall mean the duly designated person to act in this capacity.

SECTION 24. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

## **ARTICLE II USE OF PUBLIC SEWERS REQUIRED**

SECTION 1. 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 Town of Schroon or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.

SECTION 2. It shall be unlawful to discharge to any natural outlet within the Town of Schroon or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

SECTION 3. 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 4. The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other proposed, situated within the Town 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 of the Town is hereby required at his 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 ordinance, within ninety (90) days after date of official notice to do so, provided that the buildings are accessible to sewer service and within 200 feet of a public sewer connection.

## **ARTICLE III. PRIVATE SEWAGE DISPOSAL**

SECTION 1. Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

SECTION 2. Before commencement of construction of a private sewage disposal system, the Owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of ten (10) dollars shall be paid to the Town at the time the application is filed.

SECTION 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He 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 when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of written notice by the Superintendent, excluding Saturdays, Sundays and Holidays.

SECTION 4. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the New York State Department of Health and the New York State Department of Environmental Conservation. 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 20,000 square feet and public water supply is not available unless approval has been granted by the New York State Department of Health prior to the enactment of this ordinance. Variances to these requirements may be granted in cases where parcels were purchased prior to the enactment of this ordinance where soil conditions are suitable. No septic tank or cesspool shall be permitted to discharge to any natural outlet. Sanitary privies and cesspools may be acceptable, with special design considerations, provided they are installed not less than 100 feet from a water course and provided that soil conditions are suitable. The Superintendent shall have the authority to grant or deny permission to install these facilities depending on soil conditions. Approved sanitary privies shall not be visible from any public road. A variance may be granted for a septic tank to be located closer than 50 feet to a watercourse provided it is constructed of air tight and leaktight construction and subject to periodic inspection at least every two years, and provided that the effluent therefrom is pumped or flows by gravity to a suitable cesspool or leachfield which is located a safe distance from any watercourse which shall be at least 50 feet therefrom. Nothing herein contained shall be construed to supercede any rules, regulations or laws pertaining to the Horseshoe Pond Watershed.

SECTION 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

SECTION 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

SECTION 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

SECTION 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days, unless a longer period is authorized in writing by the Superintendent, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel.

#### **ARTICLE IV. BUILDING SEWERS AND CONNECTIONS**

SECTION 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance therefore without first obtaining a written permit from the Superintendent.

SECTION 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establish producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of ten dollars for a residential or commercial building sewer permit shall be paid to the Town at the time the application is filed.

SECTION 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may be caused by the improper installation of the building sewer.

SECTION 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another 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 5. 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 ordinance. Permission for such use shall be granted in writing.

SECTION 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. 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.

SECTION 7. Whenever possible, the building sewer shall be brought to the building at or elevation below the building floor. In all buildings in which any building drain is too low to provide gravity flow to the public sewer sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

SECTION 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar 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 9. 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 Town, 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. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent in writing before installation.

SECTION 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection shall be made under the supervision of the Superintendent or his representative.

SECTION 11. All excavations for building sewer installation 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 the work shall be restored in a manner satisfactory to the Town.

## **ARTICLE V. USE OF THE PUBLIC SEWER**

SECTION 1. No person shall discharge or cause to be discharged any stormwater, roof runoff, cellar drainage, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

SECTION 2. Stormwater 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.

SECTION 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid solid or gas.

b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/1 as CN in the wastes as discharged to the public sewer.

c) Any waters or wastes having pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

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

SECTION 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the water pollution control plant and other pertinent factors. The substances prohibited are:

a) Any liquid or vapor having a temperature higher than one hundred fifty (150°F).

b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) ng/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F.

c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three-fourths (3/4) horsepower to the review and approval of the Superintendent.

d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentration exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendents in compliance with applicable State or Federal regulations.

h) Any waters or wastes having a pH in excess of 9.5.

i) Materials which exert or cause:

1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, fine slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment processes only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

SECTION 5. 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 4 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may, in writing:

- a) Reject the wastes,
- b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- c) Require control over the quantities and rates of discharge, and/or
- 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 10 of the this article.

If the Superintendent permits the pretreatment or equalization of waste flow, 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 6. 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 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. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 7. Where preliminary treatment or 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 8. 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. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole 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 9. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance 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, and shall be determined at the control manhole provided, or upon suitable samples taken at such 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. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular



analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, HOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls wherein pH's are determined from periodic grab samples.

SECTION 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial wastes of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern. Any such agreement or arrangement made under this section, shall be made a matter of public record and shall receive prior approval from the N.Y.S. Environmental Facilities Corporation.

#### **ARTICLE VI. PROTECTION FROM DAMAGE**

SECTION 1. 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 provision shall be subject to immediate arrest under charge of disorderly conduct.

#### **ARTICLE VII. POWERS AND AUTHORITY OF INSPECTORS**

SECTION 1. The Superintendent and other duly authorized employees or representatives of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representative 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 2. While performing the necessary work on private properties referred to in Article VII Section 1 above, the Superintendent or other duly authorized employees or representatives of the Town shall observe all safety rules applicable to the premises established by the person and the person shall be held harmless for injury or death to the Town employees and the Town shall indemnify the loss for injury or death to the Town employees and against liability claims and demands for personal injury or property damage asserted against the person and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in Article V, Section 8.

SECTION 3. The Superintendent and other duly authorized employees or representatives of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose 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. Notice shall be given to such property owners, prior to entry, except in cases of emergency.

## **ARTICLE VIII. PENALTIES**

SECTION 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the Town 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.

SECTION 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of an offense, and on conviction thereof shall be fined in the amount not exceeding fifty dollars for each violation.

SECTION 3. When a violation of this ordinance or any of the provisions thereof is continuous, each day thereof shall constitute a separate and distinct violation.

SECTION 4. The Town may enforce obedience to this ordinance by injunction.

SECTION 5. Any person violating any of the provisions of this ordinance shall become liable to the Town for any reasonable expense, loss, or damage occasioned by the Town by reason of such violation.

## **ARTICLE IX. VALIDITY**

SECTION 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 2. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

## **ARTICLE X. ORDINANCE IN FORCE**

SECTION 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

SECTION 2. Passed and adopted by the Town Board of the Town of Schroon, Essex County, State of New York on the 20th day of August, 1970.

Dated: Schroon Lake, New York  
August 21, 1970  
S/Francis J. Bohrmann,  
Town Clerk of the Town of Schroon, New York