

Local Law of 2010 revised version of Local Law No. 1 of 1979

Regulating the use of public and private sewers and drains, private sewage disposal, installation, maintenance, and connection of building laterals, and the discharge of waters and wastes into the public sewer system; and providing penalties for violation thereof.

ARTICLE 1

Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Local Law³ shall be as follows:

- SECTION 101 “Town” shall mean the Town of Vienna, New York.
- SECTION 102 “Sewage Works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- SECTION 103 “Inspector” shall mean the Town’s Plumbing Inspector, or his authorized deputy, agent or representative.
- SECTION 104 “Engineer” shall mean the Professional Engineer retained a Engineer for the Town of Vienna sewer project or projects.
- SECTION 105 “Town Board” shall mean the duly elected Town Board of the Town of Vienna or their authorized deputy or representative.
- SECTION 106 “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
- SECTION 107 “Sewer” shall mean a pipe or conduit for carrying sewage.
- SECTION 108 “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- SECTION 109 “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- SECTION 110 “Storm Sewer” or “Storm Drain” shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.
- SECTION 111 “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
- SECTION 112 “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.
- SECTION 113 “Industrial Wastes” shall mean the liquid wastes from industrial processes as distinct from sewage.
- SECTION 114 “Garbage” shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- SECTION 115 “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking and dispensing of food that has 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 ½ inch in any dimension.

SECTION 116 "Building Drain" shall mean the extension from the building drain to the public sewer or other place of disposal, and shall be the responsibility of the building owner.

SECTION 117 "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, and shall be the responsibility of the building owner.

SECTION 118 "B.O.D." (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees c., expressed in milligrams per liter.

SECTION 119 "PH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

SECTION 120 "Suspended Solids" shall mean the 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 121 "Cooling Water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration or other, but which shall be free from odor and oil. It shall contain no polluting substances which would produce B.O.D. or suspended solids each in excess of ten milligrams per liter.

SECTION 122 "Unpolluted Water or Waste" shall mean any water or waste containing none of the following: free or emulsified grease, or oil; acid or alkali; phenols, or other substances imparting taste or odor in receiving waters; toxic or poisonous substances in suspension, colloidal state, or solution' and noxious or odorous gases. It shall contain not more than 10,000 milligrams per liter of dissolved solids, of which not more than 2500 milligrams per liter shall be as chloride with permissible volumes subject to review by the Inspector, and not more than ten milligrams per liter each of suspended solids and B.O.D. The color shall not exceed fifty milligrams per liter.

SECTION 123 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

SECTION 124 "watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 125 "Person" shall mean any individual, firm, company, association, society, person or group having title to real property.

SECTION 126 "Owner" shall mean any individual, firm, company, association, corporation, society, person or group having title to real property.

SECTION 127 "Developer" shall mean any person, persons, or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision.

SECTION 128 "Builder" shall mean any person, persons or corporation who undertakes to construct, either under contract or for resale, any habitable building.

SECTION 129 "Shall" is mandatory; "May" is permissive.

SECTION 130 "Contractor" shall mean any person, firm or corporation approved by the Town Board to do work on the sewage system in the town.

SECTION 131 "Property Line" shall mean the edge of a sewer right-of-way or street right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.

SECTION 132 "A.S.T.M." shall mean American Society for Testing and Materials.

SECTION 133 "N.Y.S.D.O.T" shall mean New York State Department of Transportation.

SECTION 134 "Industrial User" shall mean any commercial structure or industry discharging more than 25,000 gallons of waste or discharging any waste which may interfere or which may be detrimental to the sewage system.

SECTION 135 "Plumber" shall mean that person, persons, firm or corporation performing work under this local law who actually installs the plumbing system.

ARTICLE II

Use of Public Sewer Required

SECTION 201 It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the Town of Vienna any human or animal excrement, garbage or other objectionable waste, except that foregoing shall not apply to an owner or lessee acting in the normal course of garden operations or farming and using such human or animal excrement in connection therewith.

SECTION 202 It shall be unlawful to discharge to any watercourse. Either directly or through any storm sewer, within the Town, any sewage, industrial wastes or other polluted waters. Use of separate storm sewers and sanitary sewers is mandatory for all future construction in the Town. No combined sewers will be allowed to be constructed in the future.

SECTION 203 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 in the Sewer District.

SECTION 204 The owner of any house, building or property, used for human occupancy, employment, recreation or other purposes, situated within a sewage district of the town, and abutting on any street, alley or right-of-way for utilities in which there is located a public sanitary 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 local law #1 of 1979 within (2) years after the date of official notice to do so, provided that said public sewer is located within three hundred (300) feet of the structure to be served. The owner of new houses or buildings constructed within a sewer district of the town shall be required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sewer in accordance with the provisions of this local law prior to occupancy of the house or building provided that said public sewer is located within three hundred (300) feet of the structure to be served.

ARTICLE III
Private Sewage Disposal

SECTION 301 Where a public sewer is not available under the provisions of section 204, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the New York State Department of Environmental Conservation, dealing with septic tank installations.

SECTION 302 At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 204, a direct connection shall be made to the public sewer in compliance with this local law, and any septic tanks, cesspools and similar private sewage disposal facilities, shall be abandoned and filled with suitable backfill material.

SECTION 303 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the New York State Department of Environmental Conservation.

ARTICLE IV
Building Sewers, Connections and Fees

SECTION 401 No 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 Inspector.

SECTION 402 There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments 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 Engineer. An authorized and approved contractor shall make all final connections to the sanitary sewer. (3) No permit, tap-in and inspection fee shall be required for connections made during the two (2) year hook-up period provided for under the provisions of section 204. After the two (2) year period has expired, a permit, tap in and inspection fee of twenty-five dollars for a residential sewer permit shall be paid to the Town Clerk at the time an application is filed; provided, however, that no more than four (4) living units in the same building may be connected to a single tap. The Town Board shall fix a permit, tap-in and inspection fee for each commercial, industrial or other non-residential building after recommendation of the engineer based on the size and nature of the nonresidential building as compared to the demands of a single residential structure.

SECTION 403 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 public sewer is available or can be constructed to the rear building through an adjoining public alley, yard, courtyard, or driveway, the building and the whole considered as one building sewer. Where building sewers are to serve multiple dwelling structures there shall be provided at least one (1) separate building sewer for each group of four (4) living units.

SECTION 404 Existing sewers may be used in connection with new buildings only when they are found on examination and test by the inspector to meet all requirements of this local law.

SECTION 405 The building sewer shall be tar-coated, extra heavy, or service weight cast iron pipe, conforming to ASTM Specifications A74, and American Standards Association (ASA) Specification A-40.1; or PVC (Polyvinyl Chloride) with rubber gasketed joints, ASTM D-3034-73 SDR-35; or asbestos-cement house connection pipe conforming to ASTM specifications C-428, Type II minimum class 2400, or any other pipe material approved by the Inspector. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of extra heavy cast iron soil pipe with leaded joints. Cast iron pipe with leaded joints may be required by the Inspector where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Inspector. Building sewer pipe shall have a maximum length of five feet between joints.

SECTION 406 The size and slope of the building sewer shall be subject to the approval of the Inspector, but in no event shall the diameter be less than four (4) inches, nor shall the slope of the pipe be less than one-fourth (1/4) inch per foot.

SECTION 407 Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. 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 cleanout and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

SECTION 408 In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means at the building owner's cost and discharged to the building sewer.

SECTION 409 All Excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with Sections 3 through 6 of ASTM Specification C12 except that no backfill shall be placed until the work has been inspected by the Inspector, and except that trench width measured at the top of the installed pipe shall not exceed twenty-four (24) inches.

SECTION 410 All joints and connections shall be made gastight and watertight. No cement joints will be permitted.

Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead not less than one (1) inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe material shall be made with special adaptors and joint materials approved by the Inspector.

Pre-molded gasket joints for hub and plain end cast iron pipe may be used if approved by the Inspector, and shall be a neoprene compression-type gasket which provides a positive double seal in the assembled joint. The gasket shall be a pre-molded, one-piece unit, designed for joining the cast iron hub and plain end soil pipe fittings. The assembled joints shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flax base, nontoxic material and shall not chemically attack the gasket material.

Asbestos-cement pipe joints shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets pursuant to the published information relating thereto.

SECTION 411 The connection of the building sewer into an existing public sewer shall be made within five (5) feet of the property line. Except as provided under sections 502 and 503, if the portion of the building sewer located in the street or right-of-way has not previously been provided, such will be constructed from the existing public sewer to within five (5) feet of the property line by the town upon submittal of a proper request by the property owner and upon deposit of the estimated cost thereof. Responsibility for damage to the building sewer shall be borne by the owner. All costs and expenses incident to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer (within five (5) feet of the property line) will be dependent upon the type of pipe material used and in all cases shall be approved by the Inspector.

SECTION 412 The applicant for the building sewer permit shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representative. At least a 48-hour notice shall be given to the inspector.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Inspector before the trenches are filled; and the person performing such work shall notify the inspector when the installation of the building sewer is completed. The filling of a trench before inspection is made will subject the person to whom a permit is issued to a penalty of \$250.00 for each offense, and shall also bear the cost of reopening the trench for inspection.

SECTION 413 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.

SECTION 414 When any building sewer is to serve a school, hospital, or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Inspector, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Inspector and or Engineer shall determine if and where this type of

connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Inspector. If required, a new manhole shall be installed in the public sewer pursuant to Section 504 and the building sewer connection made thereto as directed by the Inspector.

For any connections to a manhole, the Town of Vienna Inspector must be contacted prior to performing work.

Only a licensed contractor shall make the connection from within 5 FT. of a property line into the sewer main.

When multiple connections are planned, The Town of Vienna Inspector shall make any required interpretation of section 403.

Size of building sewers and slope are subject to approval of the inspector per section 406.

The Town of Vienna is responsible to provide interpretation of requirements for all Town of Vienna sewer districts.

No sludge from owners existing septic tank can be pumped into the sewer main.

If a grinder pump installation is required. Landowners must sign the grinder pump agreement prior to work commencing.

ARTICLE V Sewer Extensions

SECTION 501 All extensions to the sanitary sewer system owned by the sewer district and maintained by the sewer district shall be properly designed in accordance with and in strict conformance with all requirements of the NYS DEC. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from, the Engineer and the NYS DEC 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.

SECTION 502 Sewer extensions, including individual building sewers from public sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Town 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 of Article IV. Property owners may propose sewer extensions within the Town in accordance with the Town Law, and as it may be amended. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the Town Board in accordance with the Town Law.

SECTION 503 If the Town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the Town Board in accordance with the requirements of section 501. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Section 504. The installation of the sewer

extensions must be subject to inspection by the engineer and the expense for this inspection shall be paid for by the owner, builder or developer.

The 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 section 505 before it is to be used. The cost of sewer extensions thus made shall be absorbed by the developers or the property owners, including all building sewers.

SECTION 504 Sewer design shall be in accordance with the following provisions. Pipe material shall be either Type II; extra-strength vitrified clay conforming to ASTM specifications C-200; or reinforced concrete conforming to ASTM specification C-76. No standard strength clay pipe or non-reinforced concrete pipe shall be used. Minimum internal pipe diameter shall be eight (8) inches. Joints for each kind of pipe shall be designed and manufactured such that "0" ring gaskets of the "snap-in" type are employed. Gaskets shall be continuous, solid, natural or synthetic rubber and shall provide a positive compression seal in the assembled joint such that the requirements of Section 505 are met. Joint preparation and assembly shall be in accordance with the manufacturer's recommendations. **Wye** branch fittings shall be installed for connection to building sewers in accordance with Section 403.

Trench widths as measured just above the crown of the pipe shall not exceed the following:

<u>Pipe Diameter</u>	<u>Trench Width</u>
8"	3'-3"
10"	3'-6"
12"	3'-9"
15"	4'-0"

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 6-inches of concrete. Pipe shall be firmly and evenly bedded on a minimum of 6-inches of #1A or #1 or #2 crushed stone (NYSDOT Specifications). Pipe thickness and field strength shall be calculated on the following criteria:

Safety Factor	1.5
Load Factor	1.5
Weight of Soil	120lbs./cu.ft
Wheel Loading	16,000 lbs

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" or any revision thereof.

Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet. The manholes shall be constructed with poured 3,000 psi concrete base 6-inches thick; steel **troweled** concrete or mortar bench walls and inverts, and pre-cast 4-foot diameter concrete manhole barrel sections with eccentric tapered top

section, as specified by ASTM C-478. The manhole frame and cover shall be the standard design of the Town and shall be set with no less than two courses of brick underneath to allow for later adjustment in elevation. All joints shall be sealed against infiltration. Manholes shall be constructed with manhole steps as approved by the Inspector.

SECTION 505 All sewers shall satisfy requirements of a final **exfiltration** test before they will be approved and sewage flow accepted from them by the Town. This test consist of filing the pipe with water to provide a head of at least five (5) feet above the top of the pipe in the upstream manhole, or five (5) 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 twenty-four (24) hours prior to the taking of measurements. **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 convenient measuring.

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 or approved but in no event shall they exceed 1,000 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 allowed 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 (2) hours in either type of test.

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 section of 48-inch diameter pipe, five (5) feet long. The equivalent leakage allowance shall be 4.5 gallons per manhole per 24 hours, for 48-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 test shall be repeated until the leakage requirement is met.

SECTION 506 All sewer extensions constructed at the property owner's, builder's, or developer's expense, after final approval and acceptance by the engineer, shall become the property of the sewer district, at no cost to the town, and shall thereafter be maintained by the sewer district. Said sewers, after their acceptance by the town, shall be guaranteed against defects in materials or workmanship for twelve (12) months. The guarantee shall be in a form provided for by the town. At the sole discretion of the town, a completion bond or certified check may be required as part of the guarantee.

SECTION 507 No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the town unless a suitable and approved method of waste disposal is proposed and provided. All new developments shall be provided with an approved system of sanitary sewers, by the builder or developer.

ARTICLE VI
Use of the Public Sewers

SECTION 601 No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

SECTION 602 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or to a watercourse approved by the inspector. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the inspector, to a storm sewer or natural outlet.

SECTION 603 Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

- (a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
- (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, benzene, **naptha**, 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 which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing 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 equipped with a motor of $\frac{3}{4}$ horsepower or greater shall be subject to the review and approval of the inspector.
- (g) Any ashes. Cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and **fleshings**, entrails, lime residues, paint residues, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids or any 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 waste, 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 weight as ON.
- (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 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:

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

SECTION 604 Grease, oil and sand interceptors shall be provided when and above set limits for those substances are exceeded or when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units, however owners does have the option to install a grease, oil & sand interceptor which complies with sections 604 & 605 of this document. All interceptors shall be of a type and capacity approved by the Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place, shall be gastight and watertight.

SECTION 605 Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the inspector at any time.

SECTION 606 The admission into the public sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300 milligrams

per liter, or (b) containing more than 350 milligrams per liter of suspended solids, or (c) containing more than 15 milligrams per liter of chlorine requirement, or (d) containing any quantity of substances having the characteristics described in section 603, or (e) having an average daily flow greater than two percent of the average daily sewage flow of the town, shall be subject to the review and approval of the Engineer. Where necessary, in the opinion of the engineer, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the Biochemical Oxygen Demand to 300 milligrams per liter and the suspended solids to 350 milligrams per liter by weight, or (2) reduce the chlorine requirements to 15 milligrams per liter, or (3) reduce objectionable characteristics or constituents to within the maximum limits provided for in section 603, or (4) control the quantities and rates of discharge of such waters and wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the engineer and of the New York State Department of Environmental Conservation, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the engineer will constitute a violation of this local law.

SECTION 607 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 608 When required by the engineer, the owner of any property served by a building sewer carrying industrial wastes 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 accessibly and safely located and shall be constructed in accordance with plans approved by the engineer. 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 609 All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in section 603 and 606 shall be determined in accordance with the most recent edition of "standard Methods for the examination of water and wastewater" upon suitable samples taken at the control manhole provided for in section 608. 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 610 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 waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefore by the industrial concern.

SECTION 611 All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary sewage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "standard Methods for the examination of water and wastewater" published by the

American Public Health Association. However alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the town board and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every 3 months for a 24-hour period. However, more frequent and longer periods may be required at the discretion of the Town Board.

ARTICLE VII Protection from Damage

SECTION 701 No persons shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structures, appurtenances or equipment, which is a part of the Town sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, or other applicable provisions of the law.

ARTICLE VIII Powers and Authority of Inspectors

SECTION 801 The Inspector, the engineer and other duly authorized employees of the town bearing proper credentials and identifications shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Local Law.

ARTICLE IX Penalties

SECTION 901 Any Person found to be violating any provision of this Local Law, except Section 701, 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 902 Any person, individual, Firm Corporation or partnership who fails to comply with the provisions of this Local Law other than those provisions pertaining to the payment of charges for services established herein shall be guilty of disorderly conduct or other applicable provisions of the law and shall be subject to not exceeding \$250.00 for each offense. The continued violation of any provision of any section of this Local Law other than those pertaining to the payment of charges for services established herein shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.

SECTION 903 As an alternative, upon violation of this Local Law, the proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems,

pipes or drains to restrain, correct or abate such violation to prevent the occupancy of any building structure or land where said violations of this Local Law are found.

SECTION 904 Any person violating any of the provisions of this Local Law shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation, and the town may initiate an action in a court of competent jurisdiction to recover such damages.

ARTICLE X Sewer Benefit Charges

SECTION 1001 The source of the revenues for retiring debt services capital expenditures, operation and maintenance of the public sewage works shall be a sewer benefit charge assigned to owners of a benefited property located within each applicable sewer district established by the town according to a formula set forth in Schedule A, which Schedule A is attached hereto and made a part thereof.

SECTION 1002 Sewer benefit charges shall be determined by the Town Board for each sewer District established by said Town on a year-to-year basis. The Town Board reserves the right, from time to time, to change sewer benefit charges originally or previously assigned to any property owner.

ARTICLE XI License

SECTION 1101 Each and every plumber will be required to have a license issued by the clerk of the Town before he will be permitted to do any work in the Town insofar as this Local Law is concerned.

SECTION 1102 There shall be a license fee of twenty dollars (\$20.00) charged to each and every plumber who will perform work under this Local Law for property owners other than himself on a yearly basis.

As an additional part of the application for license to do work in the Town, the applicant or contractors installing lines shall provide evidence to the town of liability insurance with minimum coverage of \$100,000.00/300,000.00 personal injury and \$50,000.00/50,000.00 Property damage and shall also provide a performance bond in the amount of \$1,000.00. (Workman's comp when required). To be held by the Town until all work covered by the license has been completed to the full satisfaction of the Inspector.

For Residential permit, if the property owner elects to do the work himself (from the building to within 5 feet of the property line) and the work is to be done with hand tools, proof of homeowners insurance shall be provided to the town. If powered equipment is to be used, then a \$1,000.00 Bond, or equivalent (certified check or cash) is required by the town. Where a grinder pump installation is required the entire installation must be done by a licensed contractor.

Application must provide line drawing showing where piping will be installed. Drawing should show all property lines with distance setbacks from proposed pipe to property lines.

All work must comply with subchapter B- Article 9- Part 903.9 of the New York State building code. Sand is the only acceptable backfill material to 12” above newly installed pipe.

The Town also requires filling any unused septic tanks that may decay and collapse from not being used after hooking up to the sewer line.

SECTION 1103 If, in the opinion of the Town Board of the Town, the work performed by the plumber within the town violates the provisions of this Local Law or any other ordinance or Local Law of the town, or if the plumber’s work is in the opinion of the Town Board substandard then, in that event, the Town Board may revoke the license for the plumber to do work in the Town which requires a permit as provided by this Local Law.

ARTICLE XII Validity

SECTION 1201 All Ordinances or Local Laws or parts of ordinances or parts of Local Laws of the Town of Vienna in conflict herewith are hereby repealed.

SECTION 1202 If any or a portion of this Local Law or the application thereof to any person or circumstances shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provisions or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of and the Town of Vienna hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provisions been apparent.

ARTICLE XIII Effective Date

SECTION 1301 This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

TOWN OF VIENNA SEWER UNIT SCHEDULE (EXCLUDING VILLAGE OF SYLVAN BEACH)

To establish a consistent and equitable yearly sewer use unit description for existing sewer districts and all future districts.

Single Family Home	1 Unit
Vacant Land	1/2 Unit
Residence with One Apartment	1 1/2 Unit
Apartment Bldg. or House	1/2 Ea. Apt.
Multi-family Residence (ex. Duplex)	1 Ea. Family
Mobile Home (On private Lot or in Mobile Home Park)	1 Unit
Farm Family House	1 Unit
Church	1 Unit
Parsonage (Separate Structure)	1 Unit
Church with attached Parsonage	1 1/2 Unit
Firehouse	1 Unit
Fire Depart. District Bldg.	1 Unit
School (See Below)	Min. 1 Unit
FOR SCHOOLS NEEDING MORE THAN 1 UNIT CHARGE, THE TOWN BOARD SHALL DETERMINE THE NUMBER OF ADDITIONAL UNITS TO BE CHARGED FOR THAT SCHOOL.	
Campgrounds, Associations, Etc. (Each general use facility)	1 Unit
Campgrounds, Associations, Etc. (Without Municipal Water)	10 Campsites = 1 Unit
Campgrounds, Associations, Etc. (With Municipal Water)	4 Campsites = 1 Unit
Laundromat (Including Campgrounds - Each Washing Machine)	1/4 Unit
Post Office (Dedicated Facility)	1 Unit
Town Hall (Inc. Post Office)	1 Unit
Motel (Each Room)	1/4 Unit
Restaurant	1 Unit
Bar	1 Unit
FOR RESTAURANT/BAR - 1 UNIT UP TO SEATING FOR 50 PEOPLE. ADDITIONAL UNITS TO BE DETERMINED BY TOWN BOARD BASED ON SEATING CAPACITY.	
Restrooms (Free Standing)	1 Unit
Sewage Pump Stations	1 Unit
Marinas	1 Unit
LARGE MARINAS MAY REQUIRE MORE, TOWN BOARD WILL DETERMINE THE NUMBER OF ADDITIONAL UNITS.	
Misc. Commercial (Ex.: Min. Golf, Warehouses, Driving Range, Retail Store, Grocery Store, Mini-Mart, Auto Service)	1 Unit
Industrial	1 Unit Minimum (More to be determined by Town Board)
Un-defined User	1 Unit Minimum (More to be determined by Town Board)

SUBJECT TO FUTURE CHANGES AS NEEDED

Notes Applicable to All Classifications:

- a) If approved by the Town, Metered water usage may be substituted for sewage flow in the calculation of units. The Town may not unreasonably deny the user from choosing a water meter or sewage meter.
- b) All costs of measuring flow of water or sewage shall be at the user's expense.
- c) All methods of flow measurement must receive prior approval of the Town.
- d) The Town may establish by test meter the flow rate at non-industrial establishments not otherwise having a specific unit charge.
- e) Any building that generates sewage that has not been defined by this rate schedule shall have the unit charge determined by the Town. However, similar establishments are to be treated uniformly wherever they are located in the Sewer District.

Sewer Line Agreement

This agreement made effective on the day of -----20--, by and between the Town of Vienna, N.Y., on behalf of all existing and future Sewer Districts, and ----- and

----- hereinafter referred to as "owner".

WITNESSTH:

WHEREAS, Owner is the record title owner of premises located within the Town of Vienna, County of Oneida and the State of New York, located at -----,

And bearing Tax Map Parcel No.-----, and located within the boundaries of an existing Sewer District. Thereinafter referred to as "Premises", and

WHEREAS, the construction of, and/or improvements within Sewer District by the Sewer District contemplates the installation of, among other things, a grinder pump station, to service the above referenced property, to be used, operated and maintained in accordance with the sewer use ordinance for the districts as it is now thereinafter adopted and/or amended, and

WHEREAS, the parties hereto desire to enter into an agreement whereby the matters pertaining to the installation of the grinder pump station on the real property of Owner are defined and authorized.

NOW THEREFORE, in consideration of the sum of one (\$1.00) dollar, the parties hereto agree as follows:

1. The Sewer District shall provide for use by Owner, their successors and assigns, a grinder pump station,

(to include a grinder pump, fiberglass wet wall, valves, control panel and accessories), for the conveyance of sanitary sewage generated by the properties Owner into sewage collection system for transportation to a waste water treatment plant in the Village of Sylvan Beach, N.Y. and/or other future treatment plants that may be constructed in the future for treatment and disposal. Notwithstanding the foregoing, the grinder pump station shall remain property of the Sewer District.

2. After proper and Town approved installation as hereafter set forth, the Sewer District, administered by the town, shall be responsible for and shall maintain, repair, or replace said pump station on a "as needed" basis.

1. Owner shall install, or have installed, the grinder pump station at a location on his/her respective property as is determined and approved by the Town and as is set forth on the attached map of property.
2. Within twelve (12) months following written notice from the Town that the sewage collection system is ready for installation of grinder pumps and related accessories, Owner shall, at his/her own cost and expense, have the grinder pump station, as hereinbefore set forth, installed by a competitive and qualified contractor approved by the Town of Vienna within the limitations of the Sewer Permit rules and regulations. The installation of the grinder pump station shall include the hook up of the grinder pump to the sewer force main, as well as the installation of a buried electrical cable from the grinder pump to the electrical supply panel of the Owner. Installation shall be made according to existing state and local codes and/or ordinances. The electrical supply cable to the electric panel of owner shall be considered the primary power source for the operation of the grinder pump. Owner agrees that he/she shall bear the cost of providing electrical power to the grinder pump.
3. Owner agrees to bear the cost of installation of the force main from the grinder pump to the public sewer line, and the grinder pump station and accessories, including the electrical service cables.

A list of approved contractors eligible to connect into the sewer district lines shall be available through the office of the Town Clerk. No installation of the sewer pipes, the grinder pump station or the electrical lines shall be commenced by Owner, or his representatives, agent or contractors, unless and until a permit therefore has been issued by the Town Zoning Enforcement Officer, following application pursuant to procedures established by the Town of Vienna. Said installation shall, at all times, be subject to the inspection and approval of the town, in accordance with procedures established by the Town of Vienna. Owner shall be responsible for the cost of installation of gravity transmission lines from any detached structure (s) on said owner's premises to the grinder pump station.

4. Owner does hereby grant to the Town of Vienna, acting on behalf of the Sewer District, a permanent unrestricted easement and right of way on, over, under and to their respective premises for the permanent maintenance of a grinder pump station to be located thereon. Such easement shall include, but not be limited to, the right to access by the Sewer District across said property, for access by vehicles, equipment, machinery and personnel from existing public rights of way, to the grinder pump station and surrounding areas sufficient to enable the continued and necessary maintenance, repair and/or replacement of said grinder pump station and the appurtenances thereto. The Sewer District agrees to repair and return grounds to their previous condition prior to entry on said property for any and all repairs.
5. The parties hereto agree that the "as built" drawing as to the precise location of the grinder pump station may be hereafter annexed hereto and recorded herewith

in the Oneida County Clerks office and that the "as built" drawing aforementioned shall constitute the actual location of said grinder pump station and easements as hereinbefore set forth.

- 6. Owner shall not permit the grinder pump station to be operated or used in violation of any of the provisions of the Sewer District as it exists or as it may hereafter, from time to time, be amended.
- 7. The costs for sewage treatment and transportation to the Sylvan Beach treatment facility, and/or other

Future treatment plants, shall be included in the Town of Vienna sewer January tax bill. The administration and construction costs attributed to the property owner shall be billed in April of each year.

This agreement shall inure to the benefit of, and shall obligate the successors and assigns of all of the parties hereto. IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

DATED: _____, 20__

Owner

TOWN

State of New York)

County of Oneida)

On the _____ day of _____,
20__ before me personally came _____

to me known to me to be the individual described in
and who executed the foregoing Agreement and __he duly
acknowledged to me that __he duly executed the same.

Notary Public

Date: October 6, 2010

Motion made by: Councilman Leos

Motion seconded by: Councilman Rich

Supervisor Mark Helt _____ Aye

Councilman William Graham _____ Aye

Councilman Walter Keeney _____ Aye

Councilman Richard Leos, Sr. _____ Aye

Councilman A. Peter Rich _____ Aye

Motion Carried.

(SEAL)

Donna M Clark
Town Clerk