

VILLAGE OF AURORA NY

LOCAL LAW # 5 OF 2018:

**VILLAGE OF AURORA SEWER USE REGULATIONS
REPEALING AND REPLACING LOCAL LAW #5 OF 2015**

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1. PURPOSE.

The purpose of this Local Law is to promote and protect the public health, safety and welfare by enhancing the Village of Aurora’s ability to:

- (a) provide an efficient, economic and environmentally safe public sewerage system;
- (b) provide uniform regulations for direct and indirect contributors into the wastewater collection and treatment system for the Village of Aurora;
- (c) regulate the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system(s);
- (d) prevent the introduction, either directly or indirectly, of substances or

materials into the public sewer system that would cause harm to or interfere with the operation of the public sewer system, pollute the environment or endanger the health of municipal employees or other persons who come in contact with such substances or materials;

(e) prevent any condition that would cause, directly or indirectly, a public nuisance to exist.

(f) and provide appropriate enforcement mechanisms for violations thereof.

All of which enhances the ability of the Village of Aurora to operate a public sewerage system that meets the needs of the community and complies with State, federal and local guidelines and regulations.

2. TITLE.

This Local Law shall hereafter be known and cited as the "Village of Aurora Sewer Use Regulations."

3. AUTHORITY.

This Local Law is enacted pursuant to the authority granted by Section 10(1)(i) of the Municipal Home Rule Law, Village Law § 14 –1400, *et seq.* and Article 14 – F of the General Municipal Law.

4. REPEAL OF PRIOR LAW.

This Local Law is intended and does hereby repeal and replace Local Law #5 of 2015 as well as any amendments thereto.

5. APPLICABILITY.

This Local Law applies to the regulation of all existing and intended users of the Village Sewer System as well as the regulation of on-site private sewage treatment within the Village of Aurora, as well as those persons or entities located outside Village limits who have by contract or agreement agreed to be users of the Village Sewer System.

6. DEFINITIONS AND WORD USAGE.

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

BOARD OF TRUSTEES – The duly elected Board of Trustees of the Village of Aurora.

BOD (denoting biochemical oxygen demand) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory

procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING – The structure or other facility located on an Owner’s Premises which is provided with sewer service and where the water meter serving the Owner’s Premises is located.

BUILDING DRAIN - That part of the lowest horizontal piping of a drainage system which receives the discharge from wastewater and other sanitary sewage drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five 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.

FOOD WASTE - Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTE - The liquid wastes from industrial manufacturing processes, trade, or business, as distinct from sanitary sewage.

MAY – Use of this word means that the described action or requirement is optional/permissive.

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

OUTSIDE USER - An Owner of Premises which is located outside of the Village of Aurora municipal boundary who now or hereafter connects to and is serviced by the Village Sewer System.

OWNER – The person, corporation, organization or entity having legal title to possession, control, lease, operate or inhabit a Premises served or to be served by the Village Sewer System.

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

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

PREMISES – Real property, including the improvements, buildings, and fixtures located thereon, as served by or intended to be served by a connection to the Village Water System.

PROPERLY SHREDDED FOOD WASTE - The wastes from the preparation,

cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER - A common sewer in which all owners of abutting properties have equal rights, and which is controlled by a government agency or public utility.

SANITARY SEWER - A sewer which carries sewage and to which storm-, surface, and ground waters are not intentionally admitted.

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

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

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

SEWER - A pipe or conduit for carrying sewage, wastewater or drainage water.

SHALL – Use of this word means that the described action or requirement is mandatory.

SLUG - Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation.

STORM SEWER - A sewer, which carries storm- and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT - The Superintendent of Public Works of the Village of Aurora or his authorized deputy, agent or representative.

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

UNIT - Each building, business or separate living quarters served by the Village of Aurora water and sewer system and metered by its own separate water meter.

VILLAGE – The Village of Aurora.

VILLAGE SEWER SYSTEM – All sewer mains, lines, pipes, storage tanks, service connections, pumps, treatment facilities and related equipment, fixtures and appurtenances thereto now or hereafter owned by the Village and used for the collection, transmission and treatment of wastewater and sewage.

USER - An owner or occupant of a unit.

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

7. WASTE DISPOSAL PROHIBITED.

- A. Waste disposal unlawful. It shall be unlawful for any person or entity to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the Village or in any area under the jurisdiction of the said municipality, any human or animal excrement, wastewater, food waste, or objectionable waste. Also, no person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.
- B. Connecting private sewage system to public sewer is prohibited. No person or entity shall connect a private sewage system to the Village Sewer System or allow sewage to flow into a storm sewer or into a drain intended exclusively for stormwater.
- C. Discharge of sewage into well prohibited. No person or entity shall discharge sewage into a well.
- D. Wastewater discharge unlawful. It shall be unlawful to discharge into any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Local Law .
- E. Except as hereinafter provided, it shall be unlawful to construct or maintain any on-site sewage treatment system, privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in, on or under any property within Village of Aurora.

8. USE OF PUBLIC SEWERS REQUIRED; RULES FOR USE.

- A. The Owner(s) of all Premises situated within the Village of Aurora, 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 sewer that is connected to the Village Sewer System is hereby required to install suitable toilet

facilities therein, and to connect such facilities directly to the Village Sewer System in accordance with the provisions of this Local Law, within 180 days after date of official notice to do so, provided that said public sewer is within 100 feet of the boundary line of the Premises.

- B. No sewer service will be supplied to a new Owner located inside the Village unless and until a written application is submitted to the Superintendent and approved by the Board of Trustees stating the uses of the Premises and the anticipated waste material for which the sewer is to be used on the Premises together with such plans, specifications and other information as the Superintendent or the Board of Trustees may require. The application shall be upon such form as approved and prescribed by the Board of Trustees and shall be subscribed by the Owner(s) of all units for which the use of sewer is sought.
- C. No sewer service will be supplied to Owners of Premises located outside the corporate limits of the Village unless and until:
 - (1) The Owner submits an application containing all the information described in Paragraph "B" immediately above to the Superintendent which is approved by the Board of Trustees in accordance with the requirements of this Local Law;
 - (2) No application for an outside user will be considered by the Board of Trustees unless it is accompanied by a fully executed agreement by said Owner(s) upon such form as may be approved by the Board of Trustees. Such agreement shall include the terms and conditions pursuant to which the Village agrees to provide sewer service to such Premises and shall include, without limitation, an agreement as to the rate(s) to be charged (as the same may be adjusted from time to time), the payment of all infrastructure and capital costs and the Owner's agreement to be bound by and to comply in all respects with the provisions of this Local Law. Said agreement shall be binding on the heirs, legatees, executors, administrators, successors, assigns, and other transferees of the Owner.
 - (3) Applications for outside users will not be accepted if they involve the expenditure of capital funds by the Village for the construction of sewer mains, distribution lines, etc. unless the applicant agrees to pay for all such infrastructure and capital expenditures.
- D. A nonrefundable application fee as set from time to time by resolution of the Board of Trustees must be submitted with each application.
- E. The Owner shall be solely responsible for the installation, maintenance and operation of the service connection between the Owner's Premises and

the Village's sewer main located in the public ROW.

- (1) Provided, however, that in the event of an emergency, the Village Department of Public Works may make repairs to the Owner's service connection, provided further that all such repair costs, including both labor and materials shall be billed to the Owner and subject to collection as provided herein.

9. PRIVATE SEWAGE DISPOSAL.

- A. Where a public sanitary sewer is not available to an adjoining Premises (i.e., the sewer line is not within 100 feet of the boundary line of the Premises), the Owner of the Premises shall connect the building sewer to a private sewage disposal system and shall operate and maintain the same at the Owner's sole cost and expense and in full compliance with the New York State Department of Health regulations and the Cayuga County Sanitary Code. No septic tank, cesspool, or any on-site wastewater treatment system shall be permitted to discharge into any natural outlet.
- B. At such time as a public sewer from the Village Sewer System becomes available to the Premises served by a private sewage disposal system, the Owner shall:
 - (1) Make an application to the Village Department of Public Works for permission to connect directly to the Village Sewer System within 180 days of official notice thereof;
 - (2) Upon approval by the Village Department of Public Works and the Village Board of Trustees, make or cause to be made a direct service connection to the Village Sewer System in order to provide sewer service to the Premises;
 - (3) Disconnect any existing private septic tanks, cesspools, and related facilities previously used for private disposal of sewage and fully abandon the same in accordance with the recommendations and requirements of the Cayuga County Health Department as well as the requirements of the Superintendent and in compliance with the provisions of this Local Law.
- C. Nothing contained in this section shall be construed to interfere with or supersede any additional requirements that may be imposed by the New York State Department of Environmental Conservation, the New York State Department of Health or the Cayuga County Health Department.

10. BUILDING LATERALS, STREET LATERALS AND CONNECTIONS.

- A. No person shall uncover, make any connection with or opening into, use,

alter or disturb any public sewer or any related equipment, fixture or appurtenance thereof without first obtaining a written permit from the Superintendent.

- B. A separate and independent building lateral shall be provided for every building requiring sanitary facilities, except where one or more such buildings stand at the rear of another on an interior lot and no private sewer is available or can be constructed to the building through an adjoining alley, courtyard or driveway. In this case, the building lateral from the front building may be extended to the rear building and the whole considered as one building lateral. In such cases, approval shall be obtained from the Superintendent prior to installation of the building lateral.
- C. Where building laterals are to serve multiple dwelling units, there shall be provided at least one separate building lateral for each group of up to eight (8) apartments at maximum.
- D. Where a public sewer is to serve a complex of industrial, commercial, institutional or dwelling structures, special design of the building lateral system shall be required. Plans and specifications shall be prepared and submitted for approval of the Superintendent.
- E. Existing building laterals may be used in connection with new buildings only when they are found, upon inspection and test by the Superintendent, to meet all requirements of this Local Law .
- F. Building and street laterals shall be a minimum of four (4) inches in diameter and made of either PVC (polyvinyl chloride), rubber gasketed joints, SDR-35, or extra-heavy, cast-iron soil pipe, conforming to ASTM Specification A-74, and American Standards Association (ASA) Specification A-40-1. If installed on fill or unstable ground, the building or street lateral shall be of cast-iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by the Superintendent. The distances between consecutive joints, as measured along the center line of the installed pipe, shall not exceed five feet for cast iron pipe except under extraordinary circumstances, in which case this dimension may be exceeded if approved by the Superintendent. The size and slope of building or street laterals shall be subject to approval by the Superintendent, but in no event shall the internal diameter be less than four inches, nor shall the slope of the pipe be less than $\frac{1}{4}$ inch per foot.
- G. At the point of connection of a street lateral to a main sewer, a standard wye fitting and a one-eighth (forty-five-degree) bend shall be used. No lateral connection shall be made to the main sewer, which permits the flow into the sewer from the lateral to enter at right angles. The wye and eighth-

bend fittings, previously mentioned, shall be inserted in the main sanitary sewer at the time of its construction for each proposed lot for either immediate or future development.

- (1) The location of all lateral connections shall be indicated on an engineer's stamped drawing included with the application for a permit. In addition, the applicant upon completion of installation/construction, the applicant shall provide a drawing showing the as-built location of these connections to the Superintendent.
 - (2) Any street lateral which is to serve a school, hospital, or similar institutional or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Superintendent, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building and street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The Superintendent 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 Superintendent. If required, a new manhole shall be installed by the Village in the public sewer as directed by the Superintendent.
- H. Whenever possible, the building lateral shall be brought to the building at an elevation below the basement floor. Building laterals laid parallel to a bearing wall shall not be installed closer than three feet to such wall. The building lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of all building or street laterals, which are not connected to the interior plumbing of the building for any reason, shall be sealed against infiltration by a suitable stopper, plug or other means approved by the Superintendent.
- I. In all buildings in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by mechanical or hydraulic means at the expense of the Owner and discharged to the building lateral only upon the approval of the Superintendent.
- J. All excavations required for the installation of a building or street lateral shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill, regardless of pipe materials used, shall be performed in general accordance with the most recent editions of applicable ASTM standards, except that trench width measured at the top of the installed pipe shall not exceed 24 inches (for

pipe sizes up to 8 inches in diameter), and except that no backfill shall be placed until the work has been inspected by the Superintendent or his or her designated representative. The depth of cover over the pipe shall be sufficient to afford protection from frost.

K. Joints and connections.

(1) All joints and connections shall be made gastight and watertight.

(2) 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 materials shall be made with special adaptors and jointing materials as approved in advance by the Superintendent.

L. The connection of the building lateral into an existing public sewer shall be made at the property line. All costs and expenses incidental to the installation and connection of the building lateral shall be borne by the Owner. A cleanout shall be positioned at the property line at a location approved by the Superintendent. The Owner shall indemnify and hold the Village harmless from any loss, liability, damage, cost or expense (including reasonable attorney fees) for loss to person or property (including death) that may directly or indirectly be occasioned by the installation of the building lateral. The method of connection of the building lateral to the street lateral will depend on the type of sewer material used and in all cases shall be subject to approval by the Superintendent. The installation and connection of the building sewer line to the Village Sewer System shall be made in full compliance with all applicable Building and Plumbing Codes in effect.

M. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

N. The Owner shall notify the Superintendent at least 24 hours in advance of when the building sewer will be ready for inspection and connection to the Village Sewer System. The connection shall be made under the direct supervision of the Superintendent or his designated representative. The building sewer shall not be covered until the connection is inspected and approved.

O. 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 to their pre-existing condition in a manner

satisfactory to the Superintendent. The Village assumes no responsibility or liability whatsoever for the actions or omissions of the Owner, the Owner's contractors, employees, agents or representatives with regard to implementing the safety requirements set forth herein.

11. USE REGULATIONS FOR PUBLIC SEWERS.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer.
- B. 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 and all other associated regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet. The discharge of industrial cooling water or process waters require a NYSDEC SPDES (State Pollution Discharge Elimination System) Permit and securing said permit shall be the sole responsibility of the Owner, who will also notify the Superintendent of the status of the permit process.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers or to any watercourse:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (2) 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, animals or fish, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 - (3) Any water or wastes having a pH value lower than 5.5 or greater than 8.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other such 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, wax, plastics, wood, unground food waste, whole

blood, manure, hair, human or animal flesh or organs, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged any substance in violation of either NYSDEC or Environmental Protection Agency rules regarding industrial wastes, or 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, or can otherwise endanger life, limb, or 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 sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150° F.
- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F.
- (3) Any food waste that has not been properly shredded. The installation and operation of any food waste grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Superintendent.
- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) 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 of such materials.
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage to meet the requirements of state, federal, or other public agencies of jurisdiction for such

discharge to the receiving waters.

- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH value in excess of 8.5.
- (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids, such as, but not limited to, sodium sulfate, clay, sand, etc.
 - (b) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solution.
 - (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (d) Unusual volume of flow or concentration of wastes constituting slugs, as defined heretofore.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or amenable to treatment 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.

E. 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 Subsection D of this section, 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:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge.

- (4) 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 Subsection J of this section. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.
- F. 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.
- G. Where preliminary treatment or flow-equalizing facilities are provided for waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.
- H. 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 accessible and safely located and shall be constructed in accordance with the 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.
- I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Local Law 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 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. 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 analyses involved will determine whether an eight-hour or a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids

analyses are obtained from twenty-four-hour composites of all outfalls whereas pH values are determined from periodic grab samples).

- J. Nothing contained herein shall be construed as preventing the Village of Aurora from entering into an agreement with any industrial concern whereby industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore by the industrial concern upon such terms as may be acceptable to the Village.

12. ESTABLISHMENT OF SEWER RENT CHARGES.

- A. The sewer rents to be charged by the Village to Owners located both inside and outside the Village for the privilege of discharging waste water and sewage into the Village Sewer System shall be established by resolution of the Board of Trustees and may be amended from time to time at their discretion.
- B. The basis of said sewer rent charge shall be the amount of water consumed by each unit as metered or otherwise determined by the Village of Aurora.
- C. All charges for sewer, service pipe installation, repairs, damages caused by carelessness or neglect, penalties, etc., shall be made against the Premises supplied and the Owner of the Premises shall be held responsible for such charges. In the event that more than one meter is used upon the same Premises, separate bills shall be rendered for each meter reading.
- D. In case any water meter shall fail to accurately register the quantity of water passing through same, rent shall be charged at the consumption at the average of the last three available accurate readings, if any, within the last year. In determining the rate, any change in consumption since the defect occurred shall also be considered.
- E. All unmetered water consumed by leaks or other sources in service connection pipes or for which there are no available readings shall be estimated by the Superintendent and the costs thereof, with interest and penalties, shall be added to the sewer rent for the current quarter. The estimation of water consumption by the Superintendent shall be final and binding.

13. LIABILITY FOR SEWER RENT.

Each user and owner of a unit shall be jointly and severally liable for the sewer rent, interest, and all additional charges and penalties established herein.

14. BILLING AND PAYMENT SCHEDULE.

The sewer rent charge shall be billed on a calendar-quarter basis and shall be due and payable for each calendar quarter in the month succeeding the end of each quarter, i.e., April, July, October and January of each year.

15. VIOLATIONS, PENALTIES AND ENFORCEMENT.

A. Collection of Overdue Accounts.

- (1) All sewer bills shall be due thirty (30) days from the date of issuance. All sewer charges that are not paid within said thirty (30) days shall be subject to a late payment penalty of 10% of the sewer charges. If the sewer bill is not paid within the next thirty (30) days thereafter, an additional late charge of 10% shall be due. Every month thereafter that the sewer bill remains unpaid shall accrue additional penalties of 2% per month or partial month the bill remains unpaid. If the sewer bill, including penalty, remains unpaid for a period of sixty (60) days from the initial due date, the Village may, in addition to any other penalty, interest or other remedy, suspend water service to the Owner upon ten (10) days' written notice thereof. In the event that the sewer is shut off for non-payment, an additional surcharge of \$20 shall be imposed and designated a shutoff charge. In no event shall sewer service be restored until all charges, penalties, interest and surcharges, have been paid in full.
- (2) The Village shall be entitled to recovery of all costs and expenses, including reasonable attorney fees, incurred in collecting delinquent water bills (collectively "collection costs") and shall add such collection costs to the amount of the unpaid water bill and shall incorporate such collection costs as part of any lien therefor.
- (3) In addition to any other penalty, surcharge or other remedy available to the Village, the Village may enforce the collection of delinquent sewer rents pursuant to General Municipal Law § 452, as the same may be amended from time to time.
- (4) All delinquent sewer rents, penalties, interest and costs (including collection costs) remaining unpaid on the 11th day of May of each year shall become a lien upon the Premises and shall be added to the Village real estate tax levied against the property.

B. Additional Remedies, etc.

- (1) No person, firm, hospital, association, corporation, whether public or private, partnership, or any agent, employee, builder, plumber or contractor therefor or any of his or its agents, employees, or subcontractors shall in any way violate or assist, solicit, request, command or aid in any violation of any of the provisions of this Local Law. A violation shall include, but is not limited to, the refusal, neglect or omission to do any act or obtain any permit required by any of the provisions of this Local Law . All owners of each parcel of realty and all users of the sewer system where a violation occurs shall each be fully responsible for each said violation under this Local Law in addition to the actual violators thereof. In addition, a person is liable for conduct constituting a violation of this Local Law in which he performs or causes to be performed in the name of or on behalf of a corporation to the same extent as if such conduct were performed in his own name or behalf.
- (2) An action or proceeding may be maintained in the name of the Village of Aurora in any court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of any portion, section or any part of any section of this Local Law.
- (3) Nothing herein shall limit the authority or right of the Board of Trustees to disconnect the premises affected from the sanitary sewer system of the Village of Aurora and from the Village water supply system as provided in this Local Law.
- (4) The imposition of all penalties for any violation of this Local Law shall not excuse the violation thereof or permit it to continue. The application of all penalties hereinabove and herein provided shall not prevent the enforced removal and termination of conditions, acts, and omissions prohibited by this Local Law, the enforced adherence thereto, or the taking of such other action as may be authorized by this Local Law or any other law.
- (5) The remedies under this section may be used singly, concurrently and sequentially in any combination, and the use of one remedy shall not exclude the exercise of any other remedy hereunder.
- (6) A violation of this Local Law (specifically excepting collection activities for non-payment of water charges, penalties, etc.) shall be subject to a civil fine of \$250.00. Each day that a violation under this Local Law continues to exist shall be deemed a separate violation.
- (7) The Board of Trustees of the Village of Aurora is hereby authorized to enforce this Local Law in all respects, including the full power to

collect all water charges, and its decision shall be final and binding.

16. POWER AND AUTHORITY OF INSPECTORS.

- A. The Superintendent and other duly authorized employees of the Village 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 Local Law. The Superintendent or his representatives shall have no authority to inquire into any processes, including metalurgical, 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.
- B. The Superintendent 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 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.

17. EASEMENT REQUIREMENTS.

A. Easement Requirements – Generally.

- 1. Permanent easements are required for all infrastructure and improvements referenced in these regulations, including, but are not limited to easements for: storm sewers and appurtenances, storm water drainage-ways and areas, sanitary sewers and appurtenances, water mains and appurtenances, streets and sidewalks, conservation and recreation areas and specialty pedestrian routes (trials, etc.).
- 2. All easements granted to the Village are necessary to ensure that infrastructure and improvements may be maintained, modified, repaired and/or replaced in a safe, effective and expeditious manner so as to limit disruption of services to potentially affected parties and such other purposes as may be deemed appropriate by the Village.
- 3. All easements shall include provisions such that any and all areas disturbed and/or damaged shall be fully restored to a condition at least as good as the condition of the area and/or feature just prior to the start of the work. Wherever and whenever possible, all

easements must be in such form and substance as prescribed by the Village and meet the approval of the Village attorney, it being the intent of these regulations that all permanent easements shall be recorded with the Office of the Cayuga County Clerk.

4. For new developments that include improvements and installations that will be dedicated back to the Village, the developer shall be responsible to show all proposed and finalized easements on all design and final project drawings, shall prepare all easement agreements to be used in such form and manner as directed by the Village, and shall prepare all the required maps and legal descriptions suitable for filing as required, complete the field stakeout of said easements and reimburse the Village for all costs to conduct reviews and to file completed documents.

B. Detailed Requirements.

1. For either newly proposed developments which will include the installation of new facilities and utility pipes that will be dedicated back to the Village, or for locations where existing utilities presently exist on private property without any existing easement, the following requirements shall apply. It is understood that where no easement presently exists, the intent of this regulation is to ensure a permanent easement agreement with the landowner is obtained and filed with the Office of the Cayuga County Clerk thereby providing the Village unobstructed access to operate, maintain, modify, repair/replace and or re-design the utility in its overall responsibility to protect public health, safety and welfare. Wherever and whenever a private landowner shall seek to obtain land use approvals of any type, or building or other permitting approvals of any type, the Village shall include as a condition in such approval(s) the landowner's obligation to enter into a permanent easement agreement with the Village in such a form and content as prescribed by the Village in order to protect the Village's interests in any and all utility infrastructure passing through, above, or under the subject landowner's property. Failure to adhere to the Village's conditions as to the granting, or modification, of an approved permanent easement, or easements, as the case may be, shall subject the landowner to the revocation of the approval(s) or permit(s) being sought.
2. All permanent utility easements shall be a minimum width of 25 feet (centered on the pipe or feature), wherever the pipe is no greater than 24" in diameter and/or the depth of bury to the pipe invert is no greater than 8 feet below the ground surface. For all other utility installations which exceed these thresholds, or where two utility

features are to be included within a single easement area, the easement width shall be accordingly widened to a minimum of 30 feet or greater, depending on the specific circumstances that exist.

3. For each permanent easement granted to the Village, an additional temporary easement shall be agreed upon which will provide a suitable access route to the permanent easement area as well as additional working widths adjacent to the permanent easement (10 feet wide), so as to allow adequate space for performing whatever work is needed.

18. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the State of New York and supersedes all previous versions.