

LOCAL LAW

INTRODUCTORY No. 1 FOR 1974

LOCAL LAW No. _____ OF 1974

A LOCAL LAW INCREASING THE NUMBER OF COUNTY CORONERS FOR THE COUNTY OF HERKIMER AND ESTABLISHING THE SALARY THEREOF

BE IT ENACTED by the County Legislature of the County of Herkimer, as follows:

- FIRST: That pursuant to Section 400, subdivision 3, of the County Law of the State of New York, two (2) additional positions of County Coroner for the County of Herkimer are hereby established and that the said positions shall have jurisdiction throughout the County of Herkimer.
- SECOND: The duties and rights of said positions are specifically laid out by the County Law and other Laws of the State of New York.
- THIRD: The term of office of each such coroner shall be three (3) years as set forth in Section 400, subdivision 1, of the County Law; said position shall become effective upon completion of the requirements for a permissive referendum as provided in the Municipal Home Rule Law of the State of New York.
- FOURTH: The salary of said positions shall be on a per diem basis at a rate to be fixed by resolution of the Herkimer County Legislature.
- FIFTH: This act shall take effect upon completion of the requirements for a permissive referendum as provided in the Municipal Home Rule Law of the State of New York.

Dated: March 18, 1974.

[SEE: Page No. 32]

March 22, 1974 Public Hearing was held but no action taken by the Legislature.

LOCAL LAW No. 1 - 1974

A LOCAL LAW INCREASING THE SALARIES OF SOME
COUNTY OFFICERS, APPOINTED FOR A FIXED TERM,
DURING THEIR TERM OF OFFICE

BE IT ENACTED by the Legislature of the County of Herkimer as follows:

Section 1. The annual salary of the Commissioner of Social Services shall be the sum of Thirteen Thousand Nine Hundred Twenty-five Dollars (\$13,925.).

Section 2. The annual salary of the County Superintendent of Highways shall be the sum of Nineteen Thousand Six Hundred Sixty-five Dollars (\$19,665.).

Section 3. The annual salary of the Commissioners of Election shall be Five Thousand Two Hundred Fifteen Dollars (\$5,215.).

Section 4. This Local Law shall take effect forty-five (45) days after its adoption.

Dated: November 26, 1973 (Adopted)

Effective: January 10, 1974.

LOCAL LAW No. 2 - 1974

A LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, INSTALLATION AND CONNECTION OF BUILDING LATERALS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS: AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE HERKIMER COUNTY SEWER DISTRICT, COUNTY OF HERKIMER, STATE OF NEW YORK.

Be it ordained and enacted by the Herkimer County Legislature, Herkimer County, State of New York, as follows:

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ARTICLE I

Definitions

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

SECTION 101. "District" shall mean the Herkimer County Sewer District serving the Villages of Frankfort, Ilion and Mohawk and portions of the Town of Frankfort and the Town of German Flatts.

SECTION 102. "Sewage Works" shall mean all District & Environmental Facilities Corporation facilities for collecting, pumping, treating, and disposing of wastewater.

SECTION 103. "Superintendent" shall mean Chairman of the Herkimer County Sewer Board or his authorized deputy in the various municipalities.

SECTION 104. "Engineer" shall mean the Professional Engineer designated by the Herkimer County Sewer District.

SECTION 105. "Board" (or "Sewer Board") shall mean the duly appointed Herkimer County Sewer Board as set forth in resolution adopted by the Herkimer County Legislature.

SECTION 106. "Wastewater" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

SECTION 107. "Sewer" shall mean a pipe or conduit for carrying wastewater.

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 wastewater and to which storm, surface, and groundwaters are not intentionally admitted.

SECTION 110. Public "Storm Sewer" or "Storm Drain" shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes.

SECTION 111. "Combined Sewer" shall mean a sewer receiving both surface runoff and wastewater.

SECTION 112. "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating wastewater.

SECTION 113. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from wastewater.

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 a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.

SECTION 116. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet (3') outside the outer face of the building wall.

SECTION 117. "Building Sewer" shall mean the extension from the building drain to the public sanitary sewer or other place of disposal.

SECTION 118. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C., expressed in milligrams per liter.

SECTION 119. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams-ionic weights per liter of solution.

SECTION 120. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering and expressed as dry weight in terms of mg/L.

SECTION 121. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

SECTION 122. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 123. "Person" shall mean any individual, firm, company, association, society, corporation or group.

SECTION 124. "Owner" shall mean any individual, firm, company, association, society, person or group having title to real property or its assignee, grantee, or successor in interest to such real property.

SECTION 125. "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 126. "Builder" shall mean any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.

SECTION 127. "Shall" is mandatory; "May" is permissive.

SECTION 128. "Property Line" shall mean a point on public property within five feet (5') of the street right-of-way if the building sewer is to connect with the public sewer in a public street. "Property Line" shall mean within five feet (5') of the edge of a sewer right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.

SECTION 129. "Contractor" shall mean any person, firm or corporation-licensed to do work in the District.

SECTION 130. "A. S. T. M." shall mean American Society for Testing and Materials.

SECTION 131. "N.Y.S.D.T." shall mean New York State Department of Transportation.

SECTION 132. "Municipality" shall mean any Town or Village within the Herkimer County Sewer District.

SECTION 133. "Sewer User" shall mean the owner of any house, building or property used for human occupancy, employment, recreation or other purposes situated within the District and abutting any street, alley or right-of-way in which there is located a public sanitary sewer within 100 feet (100') of the property line whether connected or unconnected to such public sanitary sewer.

ARTICLE II

Use of Public Sewers Required

SECTION 201. It shall be unlawful for any person to place, deposit or permit to be deposited in any insanitary manner upon public or private property within the District, or in any area under the jurisdiction of said District, any human excrement, garbage, or other objectionable waste.

SECTION 202. It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the District, or in any area under the jurisdiction of the District, any wastewater, industrial wastes, or other polluted waters. Use of separate storm sewers and sanitary sewers is mandatory for all future construction in the District. No combined sewers shall 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 wastewater.

SECTION 204. The Owner of any house, building, or property, used for human occupancy, employment, recreation or other purpose, situated within the District 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 is hereby 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, within ninety (90) days after the date of official notice to do so, provided that the public sewer is located within one hundred feet (100') of the property line.

ARTICLE III

Private Wastewater Disposal

SECTION 301. Where a public sanitary sewer is not available under the provisions of Section 204, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of the New York State Department of Health, & local laws, ordinance & codes dealing with septic tank installations.

SECTION 302. At such time as a public sewer becomes available to a property served by a private wastewater 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 wastewater disposal facilities shall be abandoned and filled with suitable 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 Health.

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 sanitary sewer or appurtenance thereof owned by or leased to the District without first obtaining a written permit from the District. In case of connections with a sewer owned by the Environmental Facilities Corporation, the permission of the Environmental Facilities Corporation will be secured.

SECTION 402. There shall be three classes of building sewer permits: (1) for residential sewers; (2) for commercial & industrial sewer connections; and (3) for private wastewater disposal. The owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent. A building sewer permit & inspection fee fixed by the District shall be paid to the District or Municipality at the time an application is filed. The District shall fix a permit & inspection fee for each commercial, industrial, or other non-residential building, based on the size & nature of the operation proposed in such Commercial, industrial, or other non-residential building as compared to the demands of a single residential structure. And in the case of multiple dwelling structure, shall fix a fee based upon the approved number of living units served by a separate building sewer 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 private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where building sewers are to serve multiple dwelling structures, the number of living units served by a separate building sewer shall be approved by the Superintendent.

SECTION 404. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Local Law.

SECTION 405. The building sewer shall be tar-coated, extra heavy cast iron soil pipe, conforming to ASTM Specification A74, an American Standards Association (ASA) Specification A-40.1; or asbestos-cement house connection pipe conforming to ASTM Specification C-428, Type II, minimum class 2400, or other materials as approved by the Superintendent. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet (10') of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipe with leaded joints may be required by the Superintendent 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 non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent. Building sewer pipe shall have a maximum length of five feet (5') between joints.

SECTION 406. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four inches (4"), nor shall the slope of the pipe be less than one-eighth inch (1/8") 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 feet (3') of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but in no event shall be less than three feet (3'). The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. 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, wastewater or industrial wastes carried by such drain shall be lifted and discharged to the building sewer, by mechanical means approved by the Engineer, at the expense of the owner.

SECTION 409. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with Sections 3 and 6 of ASTM Specification C12 except that no backfill shall be placed until the work has been inspected and except that trench width measured at the top of the installed pipe shall not exceed standards established by the New York State Department of Labor.

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 inch (1") 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 Superintendent.

Pre-molded gasket joints for hub and plain end cast iron pipe may be used if approved by the Superintendent, 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 and fittings. The assembled joint 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, non-toxic 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 at 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 the property line by the Municipality (or the District by contractual agreement) upon submittal of a proper request by the Owner and upon deposit of the estimated cost thereof. All costs and expense incident to the installation and connection of the entire length of building sewer shall be borne by the Owner. The Owner shall indemnify the District and the Municipality 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 (at the property line) will be dependent upon the type of pipe material used and in all cases shall be approved by the Superintendent.

SECTION 412. The Applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connections shall be made under the supervision of the Superintendent, or his representative.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Superintendent before the trenches are filled; and the person performing such work shall notify the Superintendent 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 \$25.00 for each offense, & such person shall expose the pipe at his own expense until inspected by the Superintendent.

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 District and the Municipality.

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 Engineer will receive wastewater 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 engineer shall determine if and where this type of connection to the public sewer is required. Plans shall be submitted to the Engineer for approval prior to issuance of a permit. Connections to existing manholes shall be installed in the public sewer pursuant to Section 503 and the building sewer connection made thereto as directed by the Superintendent.

ARTICLE V

Sewer Extensions

SECTION 501. All extensions to the sanitary sewer system owned and maintained by the District or the Municipality shall be properly designed in accordance with the Recommended Standards for Sewage Works of the New York State Department of Health. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from the Engineer, and the New York State Department of Health before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

SECTION 502. If the District or Municipality 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 District and Municipality 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 installed must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Section 503. The installation of the sewer extension must be subject to periodic inspection by the Engineer and the expenses 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 504 before it is to be used. The cost of sewer extension thus made shall be absorbed by the Developers or the property Owners, including all building sewers.

SECTION 503. Sewer design shall be in accordance with the following provisions. Pipe material shall be either asbestos-cement conforming to ASTM Specification C-428; Type II extra-strength vitrified clay conforming to ASTM Specification C-200; or reinforced concrete conforming to ASTM Specification C-76. No standard strength clay pipe or non-reinforced concrete pipe shall be used. Pipe manufactured using other materials may be installed only if prior approval is obtained from the Engineer. Minimum internal pipe diameter shall be eight inches (8"). Joints for each kind of pipe shall be designed and manufactured such that "O" ring gaskets of the "snap-on" 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 504 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 discussed in 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"
14"	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 six inches (6") of concrete. Pipe shall be firmly and evenly bedded on a minimum of three inches (3") of #1A or #1 crushed stone (NYS DT Specification). Pipewall thickness and field strength shall be calculated on the following criteria:

Safety Factor	1.5 (minimum)
Load Factor	1.7 (maximum)
Weight of Soil	120 lbs./cu.ft.
Wheel Loading	16,000 lbs.

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

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 a poured 3,000 psi concrete base twelve inches (12") thick, steel-troweled concrete or mortar bench walls and inverts, and precast 4-foot diameter concrete manhole barrel sections with concentric tapered top section, as specified by ASTM C-478 or shall be constructed of material of equal quality with the approval of the Engineer. Precast concrete bases may be used when approved by the Engineer. The manhole frame and cover shall be the standard design of the District 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. No manholes shall be constructed with steps or ladder rungs.

SECTION 504. All sewers shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the District. The method employing air for testing of sewers may be used if approved by the Engineer. The exfiltration test consists of filling the pipe with water to provide a head of at least five feet (5') above the top of the pipe or five feet (5') above groundwater, whichever is higher, at the highest point of the pipe line 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 allowable internal pressure on the pipe and joints at the lower end of the line. The test period, wherein the measurements are taken, shall not be less than two (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 sections of 48-inch diameter pipe, five feet (5') 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 tests shall be repeated until the leakage requirement is met.

SECTION 505. 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 District or Municipality and shall thereafter be maintained by the District or Municipality. Said sewers, after their acceptance by the District, shall be guaranteed against defects in materials or workmanship for eighteen (18) months. The guarantee shall be in a form provided by the District. At the sole discretion of the District, a completion bond or certified check may be demanded as part of the guarantee.

SECTION 506. No Builder or Developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the District, unless a suitable and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers.

ARTICLE VI

Use of the Public Sewers

SECTION 601. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, 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 designated as storm sewers, or to a watercourse.

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 Centegrade).
- (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 per liter (417 pounds per million gallons) ether soluble matter.
- (d) Any gasoline, benzine, naphtha, fuel oil, or mineral oil, or other flammable or explosive liquid, solid or gas which can create flammable or explosive conditions or has a flash point lower than 187° F., as determined by the tagliabue closed cup method.
- (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 so that no particle is greater than one-half inch (1/2") in any dimension. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Superintendent.

- (g) Any ashes, lint, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, sawdust, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, grain processing wastes, acetylene generating sludge, whey, chemical residues, paint residues or acid residues, cannery waste, food processing, bulk solids, snow, ice 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 sewers or treatment works.
- (h) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, sewers, equipment and personnel. 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 2 milligrams per liter by weight as CN.
- (j) Any long half-life (over 100 days) of toxic radio-active isotopes, or any radio-active wastes or isotopes of such half-life or concentrations as may exceed limits established by applicable State or Federal regulation without a special permit.
- (k) Any waters or wastes that for a duration of 15 minutes have a concentration greater than 5 times that of "normal" wastewater as measured by suspended solids and BOD and/or which are discharged continuously at a rate exceeding 1,000 gallons per minute except by special permit. Normal wastewater shall be construed to fall within the following ranges:

<u>Constituents</u>	<u>Permissible Range</u>
Suspended Solids	180 to 350 mg/L
BOD	140 to 300 mg/L
Chlorine Requirements	5 to 15 mg/L

- (l) Any storm water, including that from construction sites, roof drains, spring water, cistern or tank overflow, footing drain, discharge from any vehicle or motor water, or the contents of any privy vault, septic tank or cesspool, or discharge or effluent from any air conditioning machine or refrigeration unit, shall not be discharged to any public sanitary sewer.
- (m) No Person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the District wastewater treatment plant. Such toxic substances shall be limited to the average concentrations listed hereinafter in the wastewater as it arrives at the treatment plant and at no time shall the hourly concentration at the wastewater treatment plant exceed three times the average concentration.

Limits of Toxic Substances in Wastewater

Iron, as FE	5.0 mg/L
Chromium, as Cr (Hexavalent)	3.0 mg/L
Copper, as Cu	1.0 mg/L
Chlorine Requirements	20.0 mg/L
Phenol	10.0 mg/L
Cyanide, as CN	2.0 mg/L
Cadmium, as Cd	0.3 mg/L
Zinc, as ZN	0.3 mg/L
Nickel	0.5 mg/L
Sulfides, as H ₂ S	10.0 mg/L

- (n) Any wastes that contain concentrated dye or any waste that is highly colored or could become highly colored upon reaction with other wastes in the sewer.

SECTION 604. Grease, oil and sand interceptors shall be provided when the 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. All interceptors shall be of a type and capacity approved by the District, and shall be located so 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 and shall be readily accessible and open to inspection by the Superintendent 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 (2%) of the average daily wastewater flow of the District, or (f) being of such nature and delivered at such quantity and quality and at such a rate as to impair the hydraulic capacity, strength or durability of the sewer structures, equipment or treatment works, shall be subject to the review and approval of the Engineer. Where, in the opinion of the Engineer, the water or waste admitted to the system which may have a deleterious effect upon the sewage treatment plant, process equipment, or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the District may:

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge and require payment to cover the added cost of handling and treating wastes, such charges being in addition to the regular charges, as determined from the largest ratio of strength of the waste in question to the strength of domestic sewerage as given in (a) (b) & (c) above.

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 at his expense, a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be constructed in accordance with plans approved by the Engineer, and shall be accessibly and safely located and shall be maintained by the Owner.

SECTION 609. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 603 and 606, shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", 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 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 District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor 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 wastewater system and any chemical or mechanical corrective treatment required must be accomplished 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 Sewage", published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. However, alternate methods for the analyses of industrial wastes may be used subject to mutual agreement between the District and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a 24-hour period. However, more frequent and longer periods may be required at the discretion of the District.

ARTICLE VII

Protection from Damage

SECTION 701. Each applicant must present a certificate of insurance showing suitable liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or private wastewater disposal and shall pay a prescribed fee for insurance coverage protecting the District or Municipality.

ARTICLE VIII

Powers and Authority of Inspectors

SECTION 801. The Superintendent, the Engineer, and other duly authorized employees of the District, bearing proper credentials and identification, 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 and other applicable laws.

ARTICLE IX

Penalties and Enforcement

SECTION 901. No Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's or Municipality's sewers or treatment works. Any Person violating this provision shall be subject to arrest, under the applicable provisions of the Penal Law provided in the circumstances. Prosecution of violators hereunder shall be by the District Attorney of Herkimer County or by the attorney for the District upon due authorization.

SECTION 902. Any Person found to be violating any provision of this Local Law, except Section 901, may be served by the District 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 time period stated in such notice, correct the violation and shall permanently cease all violations.

SECTION 903. Any Person who violates any provision of this Local Law other than those provisions pertaining to the payment of charges for services established herein, in addition to being subject to prosecution under Section 901 if circumstances so warrant, may be subject to a civil penalty in the amount of not more than Fifty Dollars (\$50.00) for each violation. The continued violation of any such provision of this Local Law, shall constitute a separate violation for each and every day such violation shall continue and the violator may be subject to such civil penalty accordingly.

SECTION 904. The District may institute through the proper authorities any appropriate civil action to effect recovery of penalties or damages and may institute any suit or proceeding for equitable or injunctive relief to prevent violations of any provisions of the Local Law.

SECTION 905. Any Person violating any of the provisions of this Local Law shall become liable to the District for any expense, loss or damage occasioned the District or Municipality by reason of such violation.

SECTION 906. The District shall sue, or be sued, in the name of the County of Herkimer.

ARTICLE X

Sewer Service Charges

SECTION 1001. The source of a portion of the revenues for retiring debt services, capital expenditures, operation and maintenance of the public wastewater works shall be a Sewer Charge assigned to Owners of property located within the District.

SECTION 1002. Sewer Service Charge rates shall be reviewed and determined by the Herkimer County Sewer Board in accordance with the applicable provisions of the County Law and approved by the Herkimer County Legislature every year and at such other time as the Legislature may direct.

SECTION 1003. Charges shall be in two forms, Benefit and Use: (1) A Benefit Charge for all property Owners within the District based on a formula containing units, and (2) A Use charge calculated from a schedule of unit charges. (A unit shall be a single family residence.) A schedule of unit classifications for apartment, churches, industrial and commercial and all other users shall be set by the District. Industrial and commercial users contributing wastes exceeding the strength of "normal sewage" as defined in Section 603 shall be assigned equivalent units. The number of equivalent units shall depend on the strength, character, and volume of the wastewater finally admitted to the public sewer, & shall be based upon the following formula:

Each industrial, institutional, commercial or other user causing a discharge of sewage into the District system at an excessive rate of flow or strength as measured by metering and sampling shall pay for such discharges in accordance with the following schedule.

- A. For excessive flows, a number of equivalent units shall be determined by dividing the total (metered flow of water resulting in) discharge to the sanitary sewers by the single unit rate of 350 gallons per day. The charge shall be calculated by multiplying the number of units times the basic unit charge.
- B. For suspended solids (SS) in excess of 350 mg/liter concentration discharged by the user in a calendar month in which the average of suspended solids (SS) analyses, based on not less than four (4) separate samples, exceeds a concentration of 350 mg/liter, a surcharge shall be made. Such surcharge shall be computed by the following formula: surcharge = $0.35 \times \text{basic unit charge} \times \text{the number of equivalent flow units} \times \text{ratio of excess SS to allowable SS}$ ($S = 0.35 \times [\text{unit charge}] \times \frac{Q_{\text{actual}}}{350} \times \frac{\text{SS}-350}{350}$), where 0.35 represents the apportioned cost of treatment of suspended solids.
- C. For biochemical oxygen demand (B.O.D.) in excess of 300 mg/liter concentration discharged by the user in a calendar month in which the average of basic oxygen demand (B.O.D.) analyses, based on not less than four (4) separate samples, exceeds a concentration of 300 mg/liter, a surcharge shall be made. Such surcharge shall be computed by the following formula: Surcharge = $0.25 \times \text{basic unit charge} \times \text{the number of equivalent flow units} \times \text{ratio of excess B.O.D. to allowable B.O.D.}$ ($S = 0.25 \times \text{unit charge} \times \frac{Q_{\text{actual}}}{350} \times \frac{\text{B.O.D.}-300}{300}$) where 0.25 represents the apportioned cost of treatment of B.O.D.

SECTION 1004. Benefit charges shall be assessed each calendar year. Use charges shall be computed and billed at regular intervals throughout each calendar year according to the procedures adopted by the Herkimer County Sewer Board and confirmed by the Herkimer County Legislature.

ARTICLE XI

License

SECTION 1101. Each and every person will be required to have a license issued or approved by the Herkimer County District or the municipality before he will be permitted to do any plumbing or related work affecting the sewage collecting and treating system in the District, or municipality.

SECTION 1102. As part of the application for license to do work in the District, the applicant will present a license bond written by an indemnity or bonding company lawfully doing business in the State of New York, in a form provided by the District, or present proof of acceptance of a license bond by a municipality within the District.

ARTICLE XII

Validity

SECTION 1201. All ordinances and local laws or parts of ordinances and local laws in conflict herewith are hereby repealed.

SECTION 1202. The invalidity of any section, clause, sentence or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

ARTICLE XIII

Local Law in Force

SECTION 1301. This Local Law shall take effect after enactment by the Herkimer County Legislature in accordance with the provisions of the Municipal Home Rule Law.

Adopted: December 17, 1973.

Effective: January 31, 1974.