Town of Morristown
Local Sewer Use and Charge Law
Governing
Town Sewer District #1 & Sewer District #2
Local Law # 5 of 2012
Includes 2013 Amendments

Local Sewer Charge Determination

Sewer District #1
Billing shall be established periodically by the Town Board after public hearing.

Sewer District #2
See Attached Worksheet used for review of billing charges annually

Billing Frequency:
Bills shall be sent out on or before the 1st day of January, April, July and October. All payments made during the above months shall be penalty free with a 10% penalty added to the bill if not paid during the billing month.

For any hookups after the initial construction shall cost the homeowner $200.00 which includes inspection of connection to the Town's collection system and administration costs for setting up a new billing account, or modification of an account.

The current inspection and penalty fee shall be $30.

On-Site Septic System Fees:
The Town currently charges $30 for inspection of on-site septic systems.

Local Law #5 of 2012
Town of Morristown Town Sewage Use Law

Article I

Section 1: The purpose of this law is to provide for the maximum possible beneficial public use of the District(s) wastewater facilities and prevent public health problems through regulations of sewer construction, sewer use and wastewater discharges. This
Law shall also provide for procedures for complying with the requirements contained herein and penalties for violation thereof. The provisions of this Law shall apply to the discharge of all wastewater to facilities of the District(s). This Law provides for use of the District(s) wastewater facilities, regulation of sewer construction, control and the quantity and quality of wastewater discharge, wastewater pre-treatment, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, separate contracts for significant industrial users, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this Law.

In order to establish and operate the sewer department and the sewage facilities of the District(s) as a separate utility and to insure its proper operation, repair and maintenance, it shall be the policy of the District(s) to establish and impose a scale of annual charges for the use of the sewer system or any part or parts thereof.

The definitions of terms used in this Law are found in Article II.

Article II

Section 1: "Act" shall mean the Federal Water Pollution Control Act as amended in the Clean Water Act of 1977 (32USC1150 et. seq.)

Section 2: "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 of 20 degree C, expressed in milligrams per liter.

Section 3: "Building Drain" shall mean that part of the lowest horizontal piping of a sanitary drainage system which receives the discharge from soil, waste, and other sanitary drainage pipes, inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Section 4: "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 5: "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 6: "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section 7: "Industrial Wastes" shall mean the liquid and liquid borne wastes from any industrial process or from an industrial plant or factory as distinct from sanitary sewage.

Section 8: "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Section 9: "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section 10: "ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in gram per liter of solution.

Section 11: "Properly Shredded Garbage" shall mean 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 one-half (1/2) inch (1.27 centimeters) in any dimension.

Section 12: "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Section 13: "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Section 14: "Sewage" shall mean a combination of the water-carried wastes from residences, business building's, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

Section 15: "Sewage Treatment Plant" shall mean any arrangement of devices used for treating sewage.

Section 16: "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section 17: "Shall" is mandatory; "May" is permissive.

Section 18: "Significant Industrial User" shall mean any user who (1) has a discharge flow of 25,000 gallons or more per average work day, or (2) has a flow greater than 5% of the flow in the municipality's wastewater system or (3) has in his waste toxic pollutants as defined pursuant to Section 307 of the ACT, or (4) is found by the District(s) to have a significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

Section 19: "Slug" shall mean 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 fifteen (15) more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

Section 20: "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than polluted cooling water.

Section 21: "Superintendent" shall mean the Superintendent of the Sewage Works and/or Water Works or his authorized deputy, agent, representative or Designated Officer of the District(s).

Section 22: "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

Section 23: "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 24: "Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by Section 212 of the ACT (33 USC 1292). Includes any sewers that convey wastewater to the POTW but does not included pipes, sewers or other conveyances not connected to a facility providing treatment.

Section 25: "Contamination" shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

Section 26: "Pollution" shall mean the man-made induced alteration of the chemical, physical, biological and radiological integrity of water.

Section 27: "Pretreatment" shall mean the reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction of alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CRF 403.6 General Pretreatment Regulations for Existing and New Sources of Pollution.

Section 28: "New York State Department of Environmental Conservation or NYSDEC" shall mean the NYS Department of Environmental Conservation or other duly authorized official of said Department.

Section 29: "United States Environmental Protection Agency or USEPA" shall mean the U.S. Environmental Protection Agency or where appropriate, a designation for the administrator or other duly authorized official of said agency.

Section 30: The term "sewer rent" shall mean the rent, rate or charge imposed or levied by the District(s) for the use of the sewer system or any part or parts thereof. It shall be comprised of two portions; capital debt redemption and operation and maintenance.

Section 31: The term "vacuum valve pit" shall mean a fiberglass or concrete pit installed near each residence which serves to collect wastewater via gravity piping. Within the pit is a vacuum valve which allows for the transmission of the wastewater into the vacuum collection piping.

Section 32: The term "grinder pump" shall mean a prefabricated E-One pumping package installed near each residence which serves to collect wastewater via gravity piping. Within the pit is a pump which allows for the transmission of the wastewater into the force main piping.

Section 33: "District(s)" shall mean the Riverview Road Extension Sewer District(s) as created by the Town Board of the Town of Morristown in 1991. River Road Sewer District #2 (West), as created by the Town of Morristown in 2011.

Article III

Section 1: It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the District(s), any human or animal excrement, garbage or other objectionable waste.

Section 2: It shall be unlawful to discharge to any natural outlet within the District(s), any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Law.

Section 3: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage within the District(s), unless approved by the Town Board

Section 4: The owner of all houses, building or properties used for human occupancy, employment, recreation or other purposes, situated within the District(s) is hereby required at their expense, to install suitable toilet facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of this law, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

Article IV

Section 1: Where a public sanitary or combined sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private sewage disposal system complying with current Department of Public Health of the State of New York and the New York State Fire Prevention and Building Construction Code. The Code Enforcement Office will enforce rules, regulations and laws governing private wastewater systems.

Section 2: At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer, within ninety (90) days, and existing septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned at the property owner's expense.

Section 3: The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District(s).

Section 4: No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Article V

Section 1: No unauthorized person shall uncover, make any connection with, or opening into, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the designated officer (e.g. DPW Superintendent) pursuant to an inter municipal agreement with the Village.

Section 2: Building Sewer Permits

The owner or his agent shall make application on a form furnished by the CEO. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Designated Officer. A permit and inspection fee for a residential or commercial building sewer permit shall be paid to the District(s) at the time the application is filed, and shall be charged at the then current fee, as established by the District(s). No significant industrial user may become tributary to the District(s)'s sewer system until such time as the industrial user enters into an industrial sewer use agreement with the District(s), which will be developed as part of the permit approval. An industrial discharge is also subject to Village review and approval.

Section 3: All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District(s) from any loss or damage that may be directly or indirectly be occasioned by the installation of the building sewer.

Section 4: A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and

the whole considered as one building sewer. On a case by case basis a rear building may be allowed to have an acceptable private septic system if it is determined that it is unreasonably expensive to extend service from the primary residence to the rear of the building. Rock and the ability to provide adequate cover to prevent freezing will be a major part of the decision to determine on an individual case by case basis what is reasonable.

Section 5: Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Designated Officer, to meet all requirements of this Law.

Section 6: The size, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the following:

(a) Materials

The following piping materials are acceptable for use as building sewers:

1. PVC Schedule 40 or sewer pipe standard dimension ratio 21. Stab type fittings and joints with licked in rubber sealing rings meeting ASTM D- 1869 or solvent welded joints. Acceptable manufacturers, Johns-Manville, Certainteed, or equal.

2. Adapters from one size pipe to another or from one type of material to another shall be designed for the particular union for which it shall be used and manufactured by Fernco or by the manufacturer of the pipe being used.

3. All materials must be in compliance with the latest New York State building and Plumbing Code

(b) Installations:

1. All building sewers shall originate from a lateral from the vacuum valve pit, or grinder pump, wherever one is available. When one is not available, the District(s) will install one and charge the homeowners for all required work at the cost to the District(s).

2. New Vacuum Valves/Grinder Pumps:
   When a vacuum valve pit is not available, a new grinder pump, vacuum valve pit, vacuum valve and appurtenances will be installed by the District(s) at the homeowner's expense.

3. Minimum size building sewer pipe is 4". All buildings constituting two thru four sewer users shall install six inch "minimum" building sewers. All building sewers for more than four combined equivalent users shall be sized by a licensed engineer. All building sewers, shall be brought to the building below ground level. When rock interfaces with these installation depths, the

pipe may run above the rock whenever a minimum cover of 24" and the minimum slope is maintained.

4. Four inch building sewer pipe shall be installed at a minimum slope of 1.5% or 3/16" per foot.

5. Six inch building sewer pipe shall be installed at a minimum of 1.0% or 1/8" per foot.

6. All building sewer pipe shall be laid on a 4" bed of #1 crushed stone or gravel, free of stones larger than one inch. The pipe backfill material to a level 12 inches above the pipe shall be free of stones larger than 2".

7. All connections shall be made gastight and watertight. Any deviation from the procedures and materials as set forth in this section must be approved by the Designated Officer before installation.

8. In all buildings in which any building drains is too low to permit gravity flow to the grinder pump, vacuum valve pit, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

9. No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, sump pumps, 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.

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

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District(s).

Article VI

Section 1: No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2: Storm water and all other unpolluted drainage shall be discharge to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Designated Officer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, or natural outlet.

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

(a) Any water or waste that will potentially create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; or any liquid, solids or gases which, by reason of their nature or quantity, are sufficient, either alone, or by interaction with other substances, to cause fire, explosion or be injurious in any other way to the POTW or the operation of POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system, (or at any point in the system) be more than five percent (5 %) more any single reading over ten percent (10 %) of the lower explosive limit (LEL) of the meter.

Section 4: No person shall discharge or cause to be discharged, the following describe substances, materials, waters, or wastes, if it appears likely in the opinion of the District(s) Designated Officer or Code Officer that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute nuisance. In forming an opinion as to the acceptability of these wastes, the District(s) Designated Officer will give consideration to such factors as the quantities of materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plants, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty degrees F (150 F), (65 C), or in such quantities that the temperature at the treatment works influent exceeds 104 F, (40 C).

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 to 65 C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of one (1) horsepower or greater shall be subject to the review and approval of the Designated Officer.

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

(e) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard in the receiving waters of the sewage treatment plant.

The maximum concentrations of toxic components of industrial or commercial or institutional wastes discharged by any person shall not exceed the following limits:

Parameter	Effluent Concentration Limits (mg/l)	
	30 Day Average	24 Day Average
Cadmium	0.4	0.8
Hex Chromium	0.2	0.4
Total Chromium	4.0	8.0
Copper	0.8	1.6
Lead	0.2	0.4
Mercury	0.2	0.4
Nickel	4.0	8.0
Zinc	1.2	2.4
Arsenic	0.2	0.4
Available Chlorine	50.0	50.0
Cyanide-free	0.4	0.8
Cyanide-complex	1.6	3.2
Selenium	0.2	0.4
Sulfide	6.0	12.0
Barium	4.0	8.0
Manganese	4.0	8.0
Gold	0.2	0.4
Silver	0.2	0.4
Fluorides		
To Fresh Water	6.0	12.0
To Saline Water	36.0	72.0
Phenol	4.0	8.0

The Town may also add other requirements for phosphorous, nitrogen, BOD and TSS as deemed needed.

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

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

(h) Any waters or wastes having a pH in excess of 9.0 or less than 6.0.

(i) Materials which exert or cause:

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

2. Any odor or color exceeding concentration limits which may be established by the District(s) for purposes of meeting the National Pollution Discharge Eliminations Systems in effect for the combined Town and Village wastewater collection and treatment system.

Section 5: If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this article, and which in the judgment of the Designated Officer, may have a deleterious effect upon the sewage works, processes, equipment or effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Designated Officer may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require controls over the quantities and rates;

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 or this Article. If the Designated Officer 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 Designated Officer, and subject to the requirements of all applicable codes, ordinances and laws, and shall bear the signature of a Professional Engineer licensed to practice in the State of New York.

Section 6: Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent or Designated Officer, 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 Designated Officer, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 7: Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.

Section 8: All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this 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 determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples). (See Article VI, Section 8).

Section 9: No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District(s), Village, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District(s) for treatment, subject to payment therefore, by the industrial concern.

Section 10: In the event that any person accidentally discharges into the sewage works any sewage in violation of this Local Law, he shall immediately notify the Superintendent or Designated Officer, of such discharge. The user shall, within fifteen (15) days of notification, present to the Superintendent, a detailed written statement describing the cause of the accidental discharge and what measures the user has taken to prevent a future occurrence. The written notification to the Designated Officer shall not relieve the person of liability for the any expenses, loss or damage to the sewage work or for any fines imposed on the District(s) under applicable State and Federal regulations.

Article VII

Section 1: The District(s) and the NYSDEC, and other duly authorized employees thereof, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Law.

The Superintendent, or his representatives, shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 2: The District(s) shall have the right to set up on a user's property, such devices as are to conduct sampling or metering operations. The District(s) may, at reasonable times, have access to and copy any records, inspect any monitoring equipment, or method required by District(s) wastewater discharge laws and sample an effluents which the owner or operator of such source is required to sample. Where a user/company has security measures in force, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel form the District(s) will be permitted to enter without delay.

Section 3: While performing the necessary work on private properties referred in Article VIII, Section 1 above, the Designated Officer, or duly authorized employees of the District(s) shall observe all safety rules applicable to the premises established by the user/company and the user/company shall be held harmless for injury or death to the District(s) employees and the District(s) shall indemnify the user/company against loss or damage to its property by District(s) employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the user/company to maintain safe conditions as required in Article VI, Section 8.

Section 4: The Designated Officer, and other duly authorized employees of the District(s) and officials of the New York State Department of Environmental Conservation, bearing proper credentials and identification, shall be permitted to enter all private properties through which the District(s) holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the 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.

Article VIII

Section 1: All fees and charges payable under the provisions of this Law shall be paid to the District(s). The District(s) does hereby establish and impose a scale of sewer rents for the service rendered by the sewer system to the real property connected and served by the sewer system or benefit by the availability of the sewer system or any part thereof. The value of one unit of sewer rent shall be determined annually by the District(s) and shall be determined according to the following formula.

A. Yearly total cost of bonds including principal and interest divided by total number of units connected to system.

B. Total estimated operation and maintenance cost divided by total number of units connected to system and contributing sewerage flow.

A + B equals cost per unit

No.	Classification	# of Units Per Classification
1	One Family Residence	1 Unit
2	Two Family Residence	2 Units
3	For each additional Apt. over listing described	1 Unit
4	Offices (per 12 employees & minimum charge)	1 Unit
5	Commercial Use without living quarters (store -12 Employees, Min. 1 unit Charge)	1 Unit
6	Commercial Use with living quarters for one family	2 Units
7	Commercial Use with living quarters for two families	3 Unit
8	Gas Stations & Garages	1 Unit
9	Churches	1 Unit
10	Restaurant without living quarter	To be determined at time of application
11	Restaurant with living quarters for One family	3 Units
12	Bar	1 Unit
13	Bar with Restaurant	3 Units
14	Bar only with living quarters for one family	2 Units
15	Beauty Shops or Barber Shops	1 Unit
16	Laundromat (per washer)	½ Unit
17	Post Office	1 Unit
18	Nursing Home (per bed)	1 Unit
19	Motel, Hotel & Tourist Homes per room	1/3 Unit

20	Car Wash	To be determined at time of application
21	Marina System	Determine @ time of application
22	Diner seating capacity 30 or less	1 Unit
23	Commercial Camp Sites & Commercial Seasonal Cottages	a.) District 1, 1unit per site/cottage b.) District 2, 1/3 Unit per site or cottage
24	Vacant Lot w/no connection	a.) District 1, 1/2 Unit b.)District 2, 1/2 Unit (Debt Only)
25	Vacant Lot w/sewer connection	District 2, 1 Unit (Debt Only)
26	Unlisted Uses	To be determined at time of application

Section 3: Operation and maintenance charges will be made on the user unit basis. This charge will be based on budgeted O & M costs for the sewer system.

Section 4: The District(s) may review this Local Law and such review shall include the following:

a) the user charge system to insure a fair and equitable distribution of system costs;

b) the total cost of operation and maintenance of treatment works.

Section 5: The District(s) shall, annually, make necessary revisions to the scale of sewer charges to insure:

a) the maintenance of proportional distribution of operating and maintenance costs among users;

b) the generation of sufficient revenues to pay the total operating and maintenance costs necessary for the proper operation and maintenance of the system;

Section 6: The District(s) shall provide an equipment replacement fund for the purpose of replacing system equipment in such an amount as it shall deem necessary.

Section 7: The costs of all extraneous flow treatment shall be distributed among all of the system users in a fair and equitable manner.

Section 8: It shall be the duty of the Designated Officer or other designated official, to make a survey, annually, or at such time as may be required by the District(s), to determine whether there is being discharged in the sewer system from any real property, sewage or other wastes which, in the opinion of such Superintendent, contains unduly high concentrations of solids or any other substance adding to the operating costs of the sewer system. Upon the completion of such survey, he shall file with the District(s), a report of his findings indicating whether additional sewer rent charges should be levied for such sewage or other wastes, and if so, he shall set forth recommended charges for the same. The District(s) is authorized to fix and determine such additional sewer rent charge therefore as shall be equitable, in addition to the sewer rents provided for by the preceding paragraphs of this division.

Section 9: All sewer rents shall be due and payable at the Morristown Municipal Office quarterly, or on such other date or dates as may be determined by the District(s). In

addition to the sewer service charge or rental provided in this division, according to the rate specified herein, a further charge of ten percent (10%) of the amount so determined shall be added thereto in each case of failure to make payment on or before the date on which the rent for such period is due, and the total thus obtained shall be the sewer rental in each such case.

Section 10: Bills will be sent out to all owners of real property in the district(s) and the failure of any owner to receive a bill promptly shall not excuse non-payment of the same, and in the event the owner fails to receive a bill promptly, he shall demand the same at the Town Clerk's Office.

Section 11: All sewer rents remaining due and unpaid at the time the annual Town Tax levy is made shall be included therein pursuant to the Town Law and levied against the real property on which the same has been used, and shall be collected and enforced with and in the same manner, and at the same time, as other Town Taxes.

Article IX

Section 1: All significant industrial users shall be regulated by industrial sewer use agreement. The industrial sewer use agreement shall be in full effect prior to any discharge by the User.

Section 2: The maximum time period for an industrial sewer use agreement to be in effect shall be three (3) years. At the end of such time, the agreement shall be reviewed and reissued with appropriate modifications as may be necessary.

Section 3: The industrial sewer use agreement terms and conditions may be subject to modification and change by the District(s) should conditions warrant. Any change in conditions will allow reasonable time for the industrial user to come into compliance with the modifications.

Section 4: The industrial sewer use agreement shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without approval and review by the District(s).

Section 5: Should the industrial discharger modify its production and/or process in such a manner that the wastewater characteristics of flow is altered, the industrial discharger shall initiate action to revise or modify the industrial sewer use agreement.

Section 6: All new significant industrial users shall submit to the District(s) an application to enter into an industrial sewer use agreement on a form as supplied by the District(s). The application form will require information concerning volume, constituents and characteristics of wastewater, flow rates, each product produced by type, amount and rate of production, and description of activities, facilities and plant processes on the premises including all materials processed and types of materials which are or could be discharged. The District(s) shall implement measures to insure the confidentiality of information provided by an industrial discharger pursuant to this Law.

Section 7: Significant industrial users shall be furnished and shall permanently post on the industrial users bulletin board, a notice advising employees whom to call in case of an accidental discharge in violation of this Law. Copies of this Law shall be made available to the user's employees.

Section 8: When pretreatment regulations are adopted by USEPA or NYSDEC for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to Federal or State pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the PL 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the District(s).

Article X

Section 1: All ordinances or Laws or parts of ordinances or Laws in conflict herewith are hereby repealed.

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

Section 3: This Local Law shall take precedence over any inconsistent agreements between the District(s) and users of the sewage treatment system.

ARTICLE XI

ENFORCEMENT AND PENALTIES

Section 1 - Enforcement Response Plan

The Designated Officer shall prepare an Enforcement Response Plan. The Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by Users of the POTW. All violations by Users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.

The Enforcement Response Plan shall:

1) Describe how the Designated Officer will investigate instances of non-compliance;
2) Describe the types of escalated enforcement actions that the Designated Officer will take in response to all anticipated types of User violations and the time periods within which to initiate and follow-up these actions;

3) Adequately reflect the Town Board's responsibility to enforce all applicable standards and requirements.

The Enforcement Response Plan shall contain:

1) Criteria for scheduling periodic inspection and/or sampling visits to POTW Users;

2) Forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence;

3) Systems to track due dates, compliance schedule milestones, and pending enforcement actions;

4) Criteria, responsible personnel, and procedures to select and initiate an enforcement action;

5) The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:
    - Magnitude of the violation
    - Duration of the violation
    - Effect of the violation on the receiving water
    - Effect of the violation on the POTW
    - Effect of the violation on the health and safety of the POTW employees
    - Compliance history of the User good faith of the User

The Enforcement Plan shall promote consistent and timely use of enforcement remedies.

The Town Board shall approve the Enforcement Response Plan. The Enforcement Response Plan shall be reviewed at least every five years.

ADMINISTRATIVE REMEDIES

Section 2 - Notification of Violation

Whenever the Designated Officer finds that any User has violated or is violating this Law, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Law, the Designated Officer may serve upon such person a written notice stating the nature of the violation. Within ten (10) calendar days of the date the Designated Officer mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Designated Officer, by the User. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the User of liability for any violations caused by the User before or after receipt of the Notice of Violation.

Section 3 - Consent Orders

The Town is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as an administrative order.

Section 4 - Administrative or Compliance Orders

When the Designated Officer finds that a User has violated or continues to violate this Law or a permit or administrative order issued there under, he may issue an administrative order to the User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as

might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

The User may, within fifteen (15) calendar days of receipt of such order, petition the Town Board to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Town Board by registered mail. The Town Board shall then:

- Reject any frivolous petitions;
- Modify or suspend the order; or
- Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 5 - Administrative Fines

Notwithstanding any other section of this Law, any User who is found to have violated any provision of this Law, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not less than two hundred-fifty dollars ($250.00) and not to exceed one thousand dollars ($1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

The User may, within fifteen (15) calendar days of notification of the Designated Officer's notice of such fine, petition the Town Board to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Town Board by registered mail. The Town Board shall then:

- Reject any frivolous petitions;
- Modify or suspend the order; or
- Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 6 - Cease and Desist Orders

When the Designated Officer finds that a User has violated or continues to violate this Law or any permit or administrative order issued hereunder, the Designated Officer may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:

1) Comply forthwith;
2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge;
3) The User may, within fifteen (15) calendar days of the date the Designated Officer mails notification of such order, petition the Town Board to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Town Board by registered mail. The Town Board shall then:

- Reject any frivolous petitions;
- Modify or suspend the order; or
- Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 7 - Termination of Permit

An User who violates the following conditions of this Law or a wastewater discharge permit or administrative order, or any applicable or State and Federal law, is subject to permit termination:

1) Violation of permit conditions or conditions of an administrative order;
2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
3) Failure to report significant changes in operations or wastewater constituents and characteristics;
4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling, or
5) Failure to pay administrative fines, fees or user charges.

Non-compliant industrial Users will be notified, by registered mail, of the proposed termination of their wastewater permit.

The User may, within fifteen (15) calendar days of the date the Designated Officer mails such notification, petition the Town Board to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Town Board by registered mail. The Town Board shall then:

- Reject any frivolous petitions,
- Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 8 – Force Main/Valve

Whenever a User has violated or continues to violate the provisions of this Law or an order or permit issued hereunder, sewer service to the User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

The User may, within fifteen (15) calendar days of severance, petition the Designated Officer to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Designated Officer by registered mail. The Designated Officer shall then:

- Reject any frivolous petitions;
- Reconnect the water supply; or

- Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 9 - Show Cause Hearing

The Designated Officer may order any User appealing administrative remedies for violations of this Law to show cause, before the Town Board, why an enforcement action, initiated by the Designated Officer, should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Town Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Town Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in accordance with Section 11 of this Article. Service shall be made on any principal or executive officer of a User's establishment or to any partner in a User's establishment. The notice of the hearing shall be served at least ten (10) calendar days before the hearing, in accordance with Section 11.

The Town Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Town to conduct the hearing:

1) Issue, in the name of the Town Board, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings;

2) Take the evidence,

3) Take sworn testimony;

4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Board for action thereon.

After the Town Board has reviewed the evidence and testimony, it may order the user to comply with the Designated Officer's order or fine, modify the Designated Officer's order or fine, or vacate the Designated Officer's order or fine.

Section 10 - Failure of User to Petition the Town Board

In the event the Designated Officer issues any administrative order, terminates the User's permit, or makes any fine as set forth in this article, and the User fails, within the designated period of time set forth, to petition the Town Board, as provided in appropriate sections of this article, the User shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

Section 11 - Notice

The notices, orders, petitions, or other notification which the User or Designated Officer shall desire or be required to give pursuant to any sections of this Law shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the User pursuant to the sections of this Law shall be mailed to the User where the User's effluent is discharged into transmission lines to the Town's POTW. Any notice, petition, or other communication mailed to the Designated Officer shall be addressed and mailed to the Town Office.

Section 12 - Right to Choose Multiple Remedies

The Designated Officer shall have the right, at the Town Board's sole discretion, to utilize any one or more appropriate administrative remedies set forth in this Article. The Designated Officer may utilize more than one administrative remedy established pursuant to this Article, and the Designated Officer may hold one show cause hearing combining more than one enforcement action.

JUDICIAL REMEDIES

Section 13 - Civil Actions For Penalties

Any person who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any administrative order or determination of the Designated Officer promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the Town for a civil penalty not less than two hundred-fifty dollars ($250.00) and not to exceed one thousand dollars ($1000) for each such violation, to be assessed after a hearing (unless the User waives the right to a hearing) held in conformance with the procedures set forth in this Article. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Town attorney, or his designated attorney, at the request of the Designated Officer in the name of the Town, in any court of competent jurisdiction giving preference to courts local to the Town. In addition to the above described penalty, the Designated Officer may recover all damages incurred by the Town from any persons or Users who violate any provisions of this Law, or who fail to perform any duties imposed by this Law or any administrative order or determination of the Designated Officer promulgated under this Law, or the terms of any permit issued hereunder. In addition to the above described damages, the Designated Officer may recover all reasonable attorney's fees incurred by the Town in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Designated Officer may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

In determining the amount of civil penalty, the court shall take into account all relative circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective

actions by the User, the compliance history of the User, and any other relative factors as justice may require.

Such civil penalty may be released or compromised by the Designated Officer before the matter has been referred to the Town attorney, and where such matter has been referred to the Town attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Town attorney, with the consent of the Designated Officer.

Section 14 - Court Orders

In addition to the power to assess penalties as set forth in this Article, the Designated Officer shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek an order:

1) Suspending, revoking, or modifying the violator's Wastewater Discharge Permit; or

2) Enjoining the violator from continuing the violation.

Any such court order shall be sought in an action brought by the Town attorney, at the request of the Designated Officer, in the name of the Town in any court of competent jurisdiction giving precedence to courts local to the Town.

The Town attorney, at the request of the Designated Officer shall petition the Court to impose, assess, and recover such sums imposed according to this Article. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

Section 15 - Criminal Penalties

Any person who willfully violates any provision of this Law or any final determination or administrative order of the Designated Officer made in accordance with this Article shall be guilty of a violation, and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100) nor more than Three Hundred Dollars ($300), or imprisonment not to exceed fifteen (15) day or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each week's continuance thereof shall be deemed a separate and distinct offense.

Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than Two Hundred Fifty Dollars ($250.00) per violation per day and/or imprisonment for not more than fifteen days or both.

No prosecution, under this Section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

Section 16 - Additional Injunctive Relief

Whenever a User has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Designated Officer, through counsel may petition the Court, in the name of the Town, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination there under by the Designated Officer.

Section 17 - Summary Abatement

Notwithstanding any inconsistent provisions of this Law, whenever the Designated Officer finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Designated Officer or the Town Board, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Designated Officer may, without prior hearing, order such User by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a User's failure to comply voluntarily with an emergency order, the Designated Officer may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Designated Officer shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

The Designated Officer, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW or the environment.

Section 18 - Performance Bonds

The Designated Officer may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Town Board to be necessary to achieve consistent compliance.

Section 19 - Liability Insurance

The Town Board may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder, unless the User first

submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

Article XII

Section 1: This Local Law, after passage, approval, recording and publication, shall take effect upon filing with the Secretary of State pursuant to the provisions of the Municipal Home Rule Law of the State of New York.