

Chapter 23

UTILITIES*

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***Cross references**—Board of public works, § 2-166 et seq.; buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8; garbage, trash and refuse, Ch. 11; health, Ch. 12; housing, Ch. 13; planning, Ch. 19; streets, sidewalks and public places, Ch. 21; taxation, Ch. 22.

State law references—Power of city to lay out, construct, etc., sewer and drainage systems and sewage disposal plants, G.S. § 7-148(c)(6)(B)(i); power of city to contract for the furnishing of water, G.S. § 7-148(c)(4)(G); power of city to create, etc., all things in the nature of public works and improvements, G.S. § 7-148(c)(6)(A)(ii); power of city to regulate the laying, etc., of water pipes, drains, sewers, etc., in the streets and public places, G.S. § 7-148(c)(6)(B)(iii); power of city to regulate and prohibit the construction, etc., of sinks, cesspools, G.S. § 7-148(c)(7)(C); municipal waterworks systems, G.S. § 7-234 et seq.; municipal sewerage systems, G.S. § 7-245 et seq.; sewer districts, G.S. § 7-324 et seq.; water resources, G.S. § 25-1 et seq.; sewer revenue bonds, G.S. §§ 7-259—7-266.

ARTICLE I. IN GENERAL

Sec. 23-1. Permit for connection to water or sewer system; building inspector's certification required.

No permit shall be issued by a city department for the connection of a building or structure with the city water or sewer system unless the building inspector has certified that such structure is permanently affixed to the land.

(Code 1970, § 19-6)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 14.

Secs. 23-2—23-15. Reserved.

ARTICLE II. SEWERS AND SEWAGE DISPOSAL*

DIVISION 1. GENERALLY

Sec. 23-16. Purpose.

(a) This article establishes the procedures for making connections to the public sewer in the city sanitary sewer system. It also establishes specific limits for pollutant discharges which by their nature or by their interaction with sewage will be detrimental to the public health, cause damage to the public sewer or the water pollution control facility, pollute the waters of the state or otherwise create a public nuisance.

(b) This article is intended to:

- (1) Inform the public as to the technical and administrative procedures to be followed in obtaining connection to the city's sanitary sewer system;
- (2) Prevent the introduction of pollutants into the sanitary sewer system which will interfere with the collection and/or treatment system;
- (3) Prevent the introduction of pollutants into the treatment system which will pass through the system, inadequately treated,

***Cross reference**—License required to use, etc., septic system, § 14-257.

into the waters of the state, or the atmosphere, or otherwise be incompatible with the system;

- (4) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(Code 1970, § 19-13(1.0); Ord. of 3-82)

Sec. 23-17. Scope of article; enforcement officer.

This article shall apply to the city and to persons outside the city who are users of the public sewer. Except as otherwise provided herein, the director of public works of the city shall otherwise implement, and enforce the provisions of this article. As used throughout this model article, the director refers to the authorized agent or representative of the department of public works who is responsible for the operation and management of the sanitary sewer collection system.

(Code 1970, § 19-13(1.0); Ord. of 3-82)

Sec. 23-18. Definitions.

As used in this article, the following terms shall have the meanings indicated in this section:

Act or the act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Biochemical oxygen demand (BOD). The amount of oxygen required by bacteria while stabilizing decomposable organic matter under aerobic conditions for five (5) days. The determination of BOD shall be performed in accordance with the procedures prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

Categorical standards. National Categorical Pretreatment Standards or Pretreatment Standards.

Commissioner. The commissioner of environmental protection for the state.

Compatible pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the water pollution control facilities NPDES

permit, where the water pollution control facility is designed to treat such pollutants and, in fact does treat such pollutants to the degree required by the NPDES permit.

Composite sample. A mixture of aliquot samples obtained at regular intervals over a time period. The volume of each aliquot is proportional to the discharge flow rate for the sampling interval. The minimum time period for composite sampling shall be four (4) hours.

Cooling water. Process water in general used for cooling purposes to which the only pollutant added is heat and which has such characteristics that it may be discharged to a natural outlet in accordance with federal and state laws and regulations.

Domestic sewage. Sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or nonresidential building but not wastewater from water softening equipment, commercial laundry wastewater and blowdown from heating and cooling equipment.

Floatable oil. Oil, fat or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking or serving of foods.

Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers and septage hauling trucks.

Incompatible pollutant. All pollutants other than compatible pollutants as defined in this section.

Industrial and commercial wastewater. All wastewater from industrial processes, trade or business, and distinct from domestic sewage.

National pollution discharge elimination system (NPDES) permit. A permit issued pursuant to section 402 of the act (33 USC 1342).

pH. The logarithm of the reciprocal of the hydrogen-ion concentrations. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

Properly shredded garbage. 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 sanitary sewers, with no particle greater than one-half inch (one and twenty-seven-one-hundredths (1.27) centimeters) in any dimension.

Pretreatment or treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water pollution control facility. The reduction or alteration can be obtained by physical, chemical or biological processes, except as prohibited by Title 40, Code of Federal Regulations, Section 403.6(d).

Public sanitary sewer. A common sanitary sewer controlled by a governmental agency or public utility. (Also, see state health code.)

Sanitary sewer. A sewer which collects and conveys domestic sewage from residences, public buildings, commercial establishments, industries, and institutions. A sanitary sewer may also collect and convey permitted industrial wastewater and unintentionally admitted ground, storm and surface waters.

Sanitary sewer connection. That part of the lowest horizontal sanitary piping of a building plumbing which receives the discharge from soil, and waste piping inside the walls of the building and conveys it to the public sanitary sewer collection system, beginning five (5) feet (one and five-tenths (1.5) meters) outside the inner face of the building wall. It may also be called a house sanitary sewer connection.

Septage. The liquids and solids which are removed from a tank used to treat domestic sewage.

Sewage. Human and animal excretions and all domestic and such manufacturing wastes as may tend to be detrimental to the public health.

Sewage collection system. The structures and equipment required to collect and convey sewage to the water pollution control facility.

Slug. Any sudden or excessive discharge which exceeds permitted levels established by the director either in terms of pollutant concentration or instantaneous flow rate in such a manner as to adversely affect the sewage collection system and/or the water pollution control facility.

Soluble oil. Oil which is of either mineral or vegetable origin and disperses in water or sewage at temperatures between zero (0) degrees Celsius and sixty-five (65) degrees Celsius. For the purposes of this article, emulsified oil shall be considered as soluble oil.

Storm sewer. A sewer which collects and conveys storm water or groundwater.

Suspended solids (SS). The solids matter, measured in mg/liter, which may be in suspension, floatable, or settleable and is removable by laboratory filtering as prescribed in the latest edition of "Standard Methods for Examination of Water and Wastewater."

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provisions of section 307(a) of the act or other acts.

User. Any person who contributes, causes or permits the contribution of sewage into the city's sewer system.

Water pollution control facility (WPCF). An arrangement of devices for the treatment of sewage and sludge.

Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

(Code 1970, § 19-13(2.1)—(2.14), (2.16), (2.17), (2.19)—(2.26), (2.28)—(2.35); Ord. of 3-82)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 23-19. Use of public sewers; when required; construction or repair of private facilities after public sewers are available prohibited.

(a) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within

the city 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 of the city may, at the option of the city and at the owner's expense, be required to install a sanitary sewer connection to connect their buildings to the public sanitary sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so.

(b) It shall be unlawful for any person to construct or repair any privy, privy vault, septic tank, cesspool or other facility intended for the disposal of sewage if public sanitary sewers are available.

(Code 1970, § 19.13(3.1), (3.2); Ord. of 3-82)

Sec. 23-20. Sewer connection changes required upon new sewer construction; notice; failure to comply.

Whenever the city shall construct a sewer or sewers in any street having a combined sewer, and such combined sewer is converted into a sanitary sewer, property owners shall make such changes in their sewer connections as to conform with the rules and regulations of the department of public works. These changes shall be made within thirty (30) days after receiving written notice so to do from the department of public works. The department of public works shall give notice to the property owners within sixty (60) days after completion of the new sewers. The sanitary inspector shall report to the corporation counsel the names of all persons who fail to comply with this section.

(Code 1970, § 19-2; No. 26824-1, 2-27-02)

Sec. 23-21. Existing combined sewer connections; conversion cost to new sanitary sewer.

Persons whose property has existing sewer connections with a combined sewer shall be entitled to have these connections made with a new sanitary sewer at the city's expense to the extent that these connections can be made within the limits of the street lines. Where the connections have to be made beyond the streets lines and upon private property it shall be done at the

expense of the property owner or as specially agreed upon between the property owner and the department of public works.

(Code 1970, § 19-3; No. 26824-1, 2-27-02)

Sec. 23-22. New sewer or drain construction permitting storm water and crude sewage separation.

In cases where the city constructs a new sewer or drain which permits storm water and crude sewage to be separated by connections with the proper sewer or drain, owners whose property is presently connected with the combined sewer shall discontinue the use of the sanitary sewer for all purposes except those specified in section 23-23(a) and shall connect all fixtures used for any other purposes with the storm water drain.

(Code 1970, § 19-4)

Sec. 23-23. Restriction on use of sanitary sewer connections.

(a) All sanitary sewer connections shall be used only for carrying sewage and waste water from all tubes, sinks and other fixtures used for domestic purposes.

(b) All fixtures used for purposes other than those specified in paragraph (a) of this section shall be connected with the storm water drain.

(Code 1970, § 19-8)

Sec. 23-24. Introduction of steam and forced air into sewers prohibited.

No person shall allow steam from any premises owned or occupied by him to enter any public sewer, nor allow air to be forced from such premises into any sewer.

(Code 1970, § 19-9)

Sec. 23-25. Dye test of sewer laterals required before certificate of occupancy is issued.

Before a certificate of occupancy is issued it shall be required for all new and/or reconstructed buildings and parking lots that the sanitary and/or storm laterals shall be dye tested by the owner of that property to insure that cross connections do not exist. No certificate of occupancy shall be

issued until a letter from the public works department is on file certifying that the sewer laterals have been tested and are properly connected. The public works department shall witness the dye test and supply the dye.

(Code 1970, § 19-12; Ord. of 1-83)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 23-26. Protection from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage collection system or water pollution control facility.

(Code 1970, § 19-13(6.0); Ord. of 3-82)

Sec. 23-27. Powers and authority of inspectors.

(a) The director and other duly authorized employees of the city 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 article.

(b) While performing the necessary work in private properties referred to in paragraph (a) of this section, the director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the city employees and the city shall indemnify the user against loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions as required in section 23-74.

(c) The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of repair and maintenance of any portion of the sewage work lying within such easement. All

entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property.

(Code 1970, § 19-13(7.1)—(7.3); Ord. of 3-82)

Sec. 23-28. License for sewer contracting.

Any person engaged to make a sewer shall first obtain a license to conduct the business of sewer contracting from the department of public works, and for each application shall pay a fee to the department of public works in accordance with the provisions of section 21-96 and section 23-54 of this Code.

(Code 1970, § 20-34(c); Ord. of 5-86, § 19; No. 26824-1, 2-27-02)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 23-29. Penalties.

(a) Any person found to be in violation of any provisions of this article, except section 23-26, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who continues any violation beyond the time limit provided for in paragraph (a) of this section shall be guilty of a misdemeanor and subject to a fine not to exceed ninety-nine dollars (\$99.00) for each violation.

(c) Any person who is found to be in violation of any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(d) Any person who is found to be in violation of section 22a-430 of the General Statutes, as amended, shall be subject to a monetary penalty or forfeiture under section 22a-438 of the statutes.

(Code 1970, § 19-13(8.1)—(8.4); Ord. of 3-82; Ord. of 5-86, § 20)

Sec. 23-30. Nonstormwater discharges.

(a) *Declaration of policy.* The intent and purpose of this section is to provide for the health, safety, and general welfare of the citizens through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by illicit stormwater discharges by any user;
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance.

(b) *Definitions.* For the purposes of this section, the following shall mean:

- (1) *Authorized enforcement agency.* Employees or designees of the director of public works.
- (2) *Best management practices (BMPs).* Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (3) *Clean Water Act.* The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

- (4) *Construction activity.* Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- (5) *Hazardous materials.* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (6) *Illegal discharge.* Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in subsection (g).
- (7) *Illicit connections.* An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any nonstormwater discharge including sewage, processed or domestic wastewater to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or conveyance had been previously allowed, permitted, or approved by an authorized enforcement agency, or

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

- (8) *Industrial activity.* Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

- (9) *National pollutant discharge elimination system (NPDES) stormwater discharge permit.* Means a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.
 - (10) *Nonstormwater discharge.* Any discharge to the storm drain system that is not composed entirely of stormwater.
 - (11) *Person.* Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
 - (12) *Pollutant.* Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
 - (13) *Premises.* Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
 - (14) *Storm drainage system.* Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
 - (15) *Stormwater.* Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
 - (16) *Stormwater pollution prevention plan.* A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.
 - (17) *Wastewater.* Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
- (c) *Applicability.* This section shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.
- (d) *Responsibility for administration.* The director of public works shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.
- (e) *Severability.* The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section.
- (f) *Ultimate responsibility.* The standards set forth herein are minimum standards; therefore, this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(g) *Discharge prohibitions.*

- (1) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or liquids containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows as per section 3(a)(2) of the general permit for the discharge of stormwater from MS4, as amended from time to time.

The following discharges are exempt from discharge prohibitions established by this section providing they contain no pollutants:

- Landscape irrigation;
- Uncontaminated groundwater discharges such as pumped groundwater, foundation drains, water from crawl space pumps and footing drains;
- Irrigation water;
- Lawn watering runoff;
- Residual street wash water;
- Discharges or flows from firefighting activities (except training); and
- Naturally occurring discharges such as rising groundwaters, uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands.

This prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency or the Connecticut Department of Environmental Protection, provided that the discharger is in full compliance with

all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval by the director of public works has been granted for any discharge to the storm drain system.

(2) *Prohibition of illicit connections.*

- a. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- c. A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(h) *Suspension of MS4 access.*

- (1) *Suspension due to illicit discharges in emergency situations.* The director of public works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.
- (2) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement

agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.

(i) *Industrial, commercial or construction activity discharges.* Any person subject to an industrial, commercial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director of public works prior to the allowing discharges to the MS4.

(j) *Monitoring of discharges.*

(1) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial, commercial or construction activity.

(2) *Access to facilities.*

- a. The director of public works shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- b. Facility operators shall allow the director of public works ready access to all parts of the premises for the purposes of inspection, sampling, and the examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

- c. The director of public works shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- d. The director of public works has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the director of public works and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- f. Unreasonable delays in allowing the director of public works access to a permitted facility is a violation of a stormwater discharge permit and of this section. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial, commercial or construction activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
- g. If the director of public works has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to

inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

(k) *Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.* The director of public works will adopt requirements identifying best management practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the state. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial, commercial, or construction activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) or stormwater management plan (SMP) as necessary for compliance with requirements of the NPDES permit.

(l) *Watercourse protection.* Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adja-

cent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(m) *Notification of spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the State of Connecticut, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director of public works within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(n) *Enforcement.*

(1) *Notice of violation.* Whenever the director of public works finds that a person has violated a prohibition or failed to meet a requirement of this section, the authorized enforcement agency may order compliance by a written notice of violation to the responsible person. Such notice may require without limitation:

- a. The performance of monitoring, sampling, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;

- d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- e. Payment of a fine to cover administrative and remediation costs;
- f. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(o) *Appeal of notice of violation.* Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received by the director of public works within fifteen (15) days from the date of the notice of violation. Hearing on the appeal before the conservation commission, acting in its capacity as the inland wetlands agency, shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the conservation commission shall be final.

(p) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or in the event of an appeal, within fifteen (15) days of the decision of the conservation commission upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the governmental agency or designated contractor to enter upon the premises for the purposes set forth above.

(q) *Cost of abatement of the violation.* Within fifteen (15) days after abatement of the violation by the city pursuant to subsection (p), the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within fifteen (15) days. If the amount due is not paid within a timely manner as determined by the decision of the conservation commission or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this section shall become liable to the City of New Britain by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of eighteen (18) per cent per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

(r) *Injunctive relief.* If a person has violated or continues to violate the provisions of this section, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(s) *Compensatory action.* In lieu of enforcement proceedings, penalties, and remedies authorized by this section, the authorized enforcement agency may impose upon a violator alternative compensatory actions including but not limited to storm drain stenciling, attendance at compliance workshops and watercourse cleanup.

(t) *Fines/penalties.* Any person that has violated or continues to violate this section shall be subject to a fine of ninety-nine dollars (\$99.00) per day and each day any such violation shall continue shall constitute a separate offense.

(u) *Remedies not exclusive.* The remedies listed in this section are not exclusive of any other remedies available under any applicable federal,

state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Res. No. 29628-2, 6-27-07)

Secs. 23-31—23-40. Reserved.

**DIVISION 2. PUBLIC SANITARY SEWERS
AND CONNECTIONS GENERALLY**

Sec. 23-41. Sanitary sewer connection permit—Required; application; issuance; voidance.

A person intending to connect a sanitary sewer connection from his property to the public sanitary sewer shall first obtain a permit to connect from the director, and it shall be accompanied by a sketch or plan showing the proposed installation in sufficient detail to enable the director to determine that the proposed installation meets the requirements of this regulation and other applicable specifications, codes, and laws. The application shall be signed by the owner of the premises to be served or his authorized agent and by the qualified contractor (see section 23-54) who has been chosen to perform the work of installing and connecting the sanitary sewer connection to the public sanitary sewer. Upon approval of the application and plan, a permit shall be issued to have the work performed by the stated contractor. If the premises changes ownership before the work is completed, or if another contractor is chosen to perform or finish the work, the original permit becomes void, and a new permit must be obtained by the new parties in interest.

(Code 1970, § 19-13(4.2(a)); Ord. of 3-82)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 23-42. Same—Revocation.

Permits to connect to the public sanitary sewer may be revoked and annulled by the director for such cause and at such time as he may deem sufficient and the city held harmless as a consequence of such revocation or the cause thereof. All other parties in interest shall be held to have waived the right to claim damages from the city or its agents on account of such revocation.

(Code 1970, § 19-13(4.2(c)); Ord. of 3-82)

Sec. 23-43. Unauthorized connections prohibited.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, repair, or disturb any public sanitary sewer or appurtenance thereof.

(Code 1970, § 19-13(4.1); Ord. of 3-82)

Sec. 23-44. Changes in discharges or connection; prior application to director required.

Any person proposing a new discharge into the public sanitary sewer system or a substantial change in the volume or character of pollutants that are being discharged into the public sanitary sewer system shall apply to the director not less than ten (10) days prior to the proposed change or connection.

(Code 1970, § 19-13(4.2); Ord. of 3-82)

Sec. 23-45. Connection prerequisites.

A connection to the public sanitary sewer will be made only after the building's plumbing has been approved by the city building inspector in order to insure that minimum standards are met for the installation. A fresh air vent shall be required for the building and all plumbing shall be in good working order. No trench containing a connection to the sanitary sewer shall be backfilled until the director has completed an inspection of and approved the work. The water level in the trench shall be maintained at a level below the sanitary sewer connection before the cap is removed and while the connection is being made and until such time as it has been inspected, approved and backfilled. The contractor shall notify the director twenty-four (24) hours before starting any work authorized under this permit.

(Code 1970, § 19-13(4.2(b)); Ord. of 3-82; No. 26824-1, 2-27-02)

Sec. 23-46. Installation and connection costs to be borne by owner.

All costs and expenses incidental to the installation and connection of the sanitary sewer shall be borne by the owner. The owner shall indemnify

the city from any loss or damage that may directly or indirectly be occasioned by the installation of the sanitary sewer connection.

(Code 1970, § 19-13(4.3); Ord. of 3-82)

Sec. 23-47. Separate and independent connection required for each building; exception.

A separate and independent sanitary sewer connection shall be provided for every building;

except where one building stands at the rear of another on an interior lot and no public sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the sanitary sewer connection that provides service for the building which fronts on the public sewer may be extended to the rear building and the whole considered as one sanitary sewer connection only upon written permission from the director; but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such aforementioned connection.

(Code 1970, § 19-13(4.4); Ord. of 3-82)

Sec. 23-48. Use of existing connections for new buildings restricted.

Existing sanitary sewer connections may be used in connection with new buildings only when they are found, on examination and test which may be required by the director to meet all requirements of this article.

(Code 1970, § 19-13(4.5); Ord. of 3-82)

Sec. 23-49. Size, slope, alignment and materials of connections; methods of installation, etc.

The size, slope, alignment, materials of construction of a sanitary sewer connection, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of trench and connection of the sanitary sewer connection to the public sanitary sewer shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(Code 1970, § 19-13(4.6); Ord. of 3-82)

Sec. 23-50. Elevation; lifters.

Whenever possible, the sanitary sewer connection shall be brought to the building at an elevation below the basement floor. In all buildings in which any sanitary sewer connection is too low to permit gravity flow to the public sewer, sanitary

sewage carried by such sanitary sewer connection shall have holding capacity and be lifted by an approved means and discharged to the public sanitary sewer. Duplex lift systems shall be provided for commercial and industrial buildings.

(Code 1970, § 19-13(4.7); Ord. of 3-82)

Sec. 23-51. Connection of surface water runoff sources to public sanitary system prohibited.

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a sanitary sewer connection which in turn is connected directly or indirectly to a public sanitary sewer; any basement floor drains are to remain sealed at all times unless cleaning is being performed.

(Code 1970, § 19-13(4.8); Ord. of 3-82)

Sec. 23-52. Excavation safeguards.

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 city.

(Code 1970, § 19-13(4.9); Ord. of 3-82)

Sec. 23-53. Proximity of connections to water supply restricted.

No sanitary sewer connection shall be constructed within twenty-five (25) feet of a water supply well. If a sanitary sewer connection is constructed within twenty-five (25) to seventy-five (75) feet of a water supply well, it shall be constructed in accordance with all applicable guidelines promulgated by the commissioner.

(Code 1970, § 19-13(4.10); Ord. of 3-82)

Sec. 23-54. Connections to be installed by licensed drain layer.

All sanitary sewer connections shall be installed by a drain layer who possesses a valid license issued under chapter 393 of the General Statutes as amended.

(Code 1970, § 19-13(4.11); Ord. of 3-82)

Sec. 23-55. Assessments for sewer connections in adjacent streets.

No permit shall be issued for a sewer connection between a property and a sewer in an adjacent street where a petition for permission to make such a connection has been granted, until an assessment for such connection has been made by the department of public works, approved by the council, and paid to the city.

(Code 1970, § 19-5; No. 26824-1, 2-27-02)

Sec. 23-56. Water closets in cellar; special permit required.

No water closet shall be installed in any cellar or basement without a special permit from the department of health.

(Code 1970, § 19-7; No. 26824-1, 2-27-02)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 14.

Secs. 23-57—23-65. Reserved.

**DIVISION 3. PUBLIC SANITARY SEWER
DISCHARGE RESTRICTIONS**

Sec. 23-66. Discharge of unpolluted waters to sanitary sewers prohibited.

(a) No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers and discharged to a watercourse in accordance with all applicable state and federal laws and regulations. (Code 1970, § 19-13(5.1), (5.2); Ord. of 3-82)

Sec. 23-67. Discharge of certain substances to sanitary sewers prohibited.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the WPCF. These general prohibitions apply to all such users of a WPCF whether or not the user is subject to national categorical pretreatment standards or any other federal or

state pretreatment standards or requirements. A user shall not contribute the following substances to any WPCF:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WPCF or to the operation of the WPCF. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the sewage collection system (or at any point in the system) be more than five (5) per cent nor any single reading over ten (10) per cent of the lower explosive limit (LEL) of the meter.
- (2) Solids or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the WPCF, including substances such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (3) Any sewage having a pH lower than five and five-tenths (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the WPCF. The upper limit of pH for any industrial wastewater discharge shall be established under the discharger's state discharge permit.
- (4) Any sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to

humans or animals, or plant life, create a
toxic effect in the receiving waters of the
WPCF, or to

exceed the limitations set forth in a "categorical pretreatment standard." A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act.

- (5) Any noxious or malodorous sewage, gases, or solids which either singly or by interaction with other sewage are sufficient to prevent entry into the public sewers for their maintenance and repair.
 - (6) Any sewage which, by interaction with other sewage in the public sanitary sewer releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition which may be deleterious to structures and treatment processes or which may cause the effluent limitations of the governing NPDES permit to be exceeded.
 - (7) Any substance which may cause the WPCF's effluent or any other product of the WPCF such as residues, sludges, or scums, to be unsuitable for reclamation process where the WPCF is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the WPCF cause the facility to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under section 405 of the act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the resource conservation recovery act, clean air act, the toxic substances control act, or state criteria applicable to the sludge management method being used.
 - (8) Any substance which will cause a WPCF to violate its NPDES permit or the receiving water quality standards.
 - (9) Sewage containing substances which are not amendable to treatment or reduction by the wastewater treatment process employed, or are amendable to treatment only to such degree that the water pollution control facility effluent cannot meet the limits stipulated in the city's NPDES permit.
- (Code 1970, § 19-13(5.3); Ord. of 3-82)

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Sec. 23-68. Restricted substances.

The following described substances, materials, waters, or waste shall be limited in discharges to public sanitary sewers to concentrations or quantities which will not harm either the sewers, water pollution control facility, will not have an adverse effect on the receiving stream, or will not otherwise endanger public property or constitute a nuisance. The commissioner may set lower limitations if more severe limitations are necessary to meet the water quality standards of the receiving stream. The limitations or restrictions on materials or characteristics of sewage discharged to the public sanitary sewer are as follows:

- (a) Sewage having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).
- (b) Sewage containing fat, wax, grease, petroleum, or mineral oil, whether emulsified or not, in excess of one hundred (100) mg/l with floatable oil not to exceed twenty (20) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) degrees and sixty-five (65) degrees Celsius).
- (c) Any garbage that has not been properly shredded (as defined in section 23-18). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (d) Any sewage containing odor-producing substances exceeding limits which may be established by the commissioner.
- (e) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the commissioner in compliance with all applicable state and federal regulations.
- (f) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, sodium chloride and sodium sulfate).

- (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the water pollution control facility.
 - (4) Unusual volume of flow or concentrations of wastes constituting a "slug" as defined in section 23-18.
 - (g) Overflow from holding tanks or other receptacles storing organic wastes.
 - (h) Sewage with a concentration of pollutants in excess of the current levels set by the Mattabassett District.
- (Code 1970, § 19-13(5.4); Ord. of 3-82; Ord. of 1-92)

Sec. 23-69. Permit required for discharge of certain wastes.

(a) In accordance with section 22a-430 of the general statutes as amended, a permit from the commissioner of environmental protection is required prior to the initiation of a discharge of any of the following wastewaters to a public sewer:

- (1) Industrial wastewater of any quantity.
- (2) Domestic sewage in excess of five thousand (5,000) gallons per day through any individual building sewer to a public sewer.

(b) A potential discharger must submit a permit application to the department of environmental protection not later than ninety (90) days prior to the anticipated date of initiation of the proposed discharge.

(Code 1970, § 19-13(5.5); Ord. of 3-82)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 23-70. Commissioner's authority re section 23-68 wastes.

(a) If any sewage is discharged or is proposed to be discharged to the public sewers which contains the substances or possesses the characteristics enumerated in section 23-68 of this article, and which in the judgment of the commissioner may have a deleterious effect upon the wastewa-

ter facilities, processes, equipment, or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the commissioner may in accordance with section 22a-430(b) of the general statutes, as amended:

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

(b) If the commissioner permits the pretreatment or equalization of waste flows, the design and installation of the equipment shall be subject to the review and approval of the commissioner subject to the requirements of all applicable codes, ordinances and laws.

(Code 1970, § 19-13(5.6); Ord. of 3-82)

Sec. 23-71. Director's right to reject or restrict any wastes.

The director shall have the right to reject the discharge of any wastes; or, require more stringent effluent limitations than required by the user's general statutes section 22a-430 permit, the decisions of the commissioner notwithstanding.

(Code 1970, § 19-13(5.7); Ord. of 3-82)

Sec. 23-72. Grease, oil and gross particle separators.

Grease, oil and gross particle separators shall be provided when, in the opinion of the commissioner they are necessary for the proper handling of sewage containing floatable grease in excessive amounts, as specified in section 23-68(b), or any flammable wastes, sand, or other harmful substances; except that such separators shall not be required for private living quarters or dwelling units. All separators shall be of a type and capacity approved by the commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these separators, the owners shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the commissioner. Any removal and hauling of the collected materials shall be performed by a waste disposal firm which possesses a valid permit from the commissioner under section 22a-454 of the general statutes, as amended.

(Code 1970, § 19-13(5.8); Ord. of 3-82)

Sec. 23-73. Owner to maintain pretreatment of flow-equalizing facilities.

Where pretreatment or flow-equalizing facilities are provided or required for any sewage, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Code 1970, § 19-13(5.9); Ord. of 3-82)

Sec. 23-74. Owner to provide sampling structure when required by commissioner.

When required by the commissioner, the owner of any property serviced by a public sanitary sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the commissioner. The sampling structure shall be located at a point along the industrial waste

stream where a representative sample of the industrial wastewater may be obtained prior to its being diluted by domestic sewage in the sanitary sewer connection. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Code 1970, § 19-13(5.10); Ord. of 3-82))

Sec. 23-75. Required monitoring of discharges.

All industries discharging into a public sanitary sewer shall perform such monitoring of their discharge as required by the commissioner in any state discharge permit issued pursuant to section 22a-430 of the general statutes, as amended, including, but not limited to, installation, use, and maintenance of monitoring equipment, keeping records and reporting the results to the commissioner. Such records shall be made available upon request of the commissioner or the superintendent.

(Code 1970, § 19-13(5.11); Ord. of 3-82)

Sec. 23-76. Measurements, tests, etc.

All measurements, tests, and analyses of the characteristics of sewage to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to the stipulations and general conditions of the dischargers state discharge permit.

(Code 1970, § 19-13(5.12); Ord. of 3-82)

Sec. 23-77. Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, provided that such agreements do not contravene any requirements of existing state or federal regulations and are compatible with any user charge system in effect.

(Code 1970, § 19-13(5.13); Ord. of 3-82)

Sec. 23-78. Applicability of federal standards.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory shall supersede the limitations imposed under this article. (Code 1970, § 19-13(5.14); Ord. of 3-82)

Sec. 23-79. Dilution of discharge with process water prohibited.

No user shall increase the use of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any specific pollutant limitations which may be developed by the commissioner. (Code 1970, § 19-13(5.15); Ord. of 3-82)

Sec. 23-80. Accidental discharges.

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. The commissioner may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities.

(b) Within five (5) days following an accidental discharge, the user shall submit to the director and the commissioner, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WPCF, fish kills, aquatic plants, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a

dangerous discharge. Employers shall ensure that all employees are advised of the emergency notification procedure.

(Code 1970, § 19-13(5.16); Ord. of 3-82)

Secs. 23-81—23-90. Reserved.

DIVISION 4. RATES AND CHARGES*

Sec. 23-91. Purpose.

The purpose of this division is to establish fair and effective charges for use of the city's sewer system so that the maintenance and operation of the sewer system shall be self-supporting. Maintenance and operation shall include replacement of publicly-owned treatment works to the pollutant source and to promote self-sufficiency of the treatment works with respect to operation and maintenance.

(Code 1970, § 19-12(1); Ord. of 10-80)

Sec. 23-92. Definitions.

As used in this division, the following terms shall have the meanings indicated in this section:

Commercial. Any user identified in the Standard Industrial Classification Manual 1972, Office of Management and Budget, as listed below:

Division A. Agriculture, Forestry and Fishing:

The entire division is included in this user class except for the following categories:

- 0200 Agricultural Production—Livestock
- 0723 Crop Preparation Services for Market, except Cotton Ginning
- 0843 Extraction of Pine Gum
- 0910 Commercial Fishing

Division B. Mining:

The following categories in this division are included in this user class:

- 1080 Metal Mining Services
- 1112 Anthracite Mining Services
- 1213 Bituminous Coal and Lignite Mining Services
- 1380 Oil and Gas Field Services

*Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 14. *sewer assessments, § 23-101 et seq.*

Division C. Construction:

The entire division is included in this user class.

Division E. Transportation, Communications, Electric, Gas and Sanitary Services:

The entire division is included in this user class except for the following categories:

- 4910 Electric Services
- 4925 Mixed, Manufactured or LP Gas Production and/or Distribution
- 4930 Combination Companies and Systems
- 4960 Steam Supply

Division F. Wholesale Trade:

The entire division is included in this user class.

Division G. Retail Trade:

The entire division is included in this user class.

Division H. Finance, Insurance and Real Estate:

The entire division is included in this user class.

Division I. Services:

The entire division is included in this user class except for the following categories:

- 7395 Photofinishing Laboratories
- 7397 Commercial Testing Laboratories
- 7535 Pawn Shops
- 7819 Services Allied to Motion Picture Production
- 8060 Hospitals
- 8100 Legal Services
- 8200 Educational Services
- 8400 Museums, Art Galleries, Botanical and Zoological Gardens
- 8600 Membership Organizations
- 8800 Private Households
- 8900 Miscellaneous Services

Industrial. Any user identified in the Standard Industrial Classification Manual 1972, Office of Management and Budgets, as amended and supplemented under Division G, Manufacturing, and those in other divisions as listed below:

Division A. Agriculture, Forestry and Fishing:

The following categories in this division are included in this user class:

- 0200 Agricultural Production—Livestock
- 0723 Crop Preparation Services for Market Except Cotton Ginning
- 0843 Extraction of Pine Gum
- 0910 Commercial Fishing

Division B. Mining:

The entire division is included in this user class except for the following categories:

- 1080 Metal Mining Services
- 1112 Anthracite Mining Services
- 1213 Bituminous Coal and Lignite Mining Services
- 1380 Oil and Gas Field Services

Division E. Transportation, Communications, Electric, Gas and Sanitary Services:

The following categories from this division are included in this user class:

- 4910 Electric Services
- 4925 Mixed, Manufactured or LP Gas Production and/or Distribution
- 4930 Combination Companies and Systems
- 4960 Steam Supply

Division I. Services:

The following categories in this division are included in this user class:

- 7395 Photofinishing Laboratories
- 7397 Commercial Testing Laboratories
- 7535 Paint Shops
- 7819 Services Allied to Motion Picture Production

Institutional. Any user primarily engaged in social or community services such as schools, colleges, rest homes, hospitals, sanatoria, museums, and botanical and zoological gardens.

New Britain Water Company. The New Britain Water Company, its successors or assigns.

Operation and maintenance. Includes all costs for labor, power and fuel, and expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works.

Replacement. Those expenditures for obtaining and installing equipment, accessories, or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed. The phrase "operation and maintenance" includes replacement.

Residential. Any user whose waste discharge is composed exclusively of domestic wastes and who does not appear in any of the other classes.

Sewer user charge. A charge levied on the users of the treatment works for the users' proportionate share of the cost of operation and maintenance (including replacement) of such works and bond indebtedness, including interest, for capital costs related to the treatment works.

Treatment works. Any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment. In addition, treatment works means any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm water runoff or industrial waste in combined storm water and sanitary sewer systems. (Code 1970, § 19-12(8), (11); Ord. of 10-80)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 23-93. Sewer user charge.

(a) **Water consumption basis.** Consideration having been given to the volume of water discharged to the wastewater system, and that approximately all sewer users consume all water from a metered source, approximately all wastewater flows are discharged to the sanitary sewer system, wastewater flows to private disposal systems or storm drains are metered, the percentage of water consumed to wastewater flow is approximately equal for all users, the metered flows include costs for

infiltration/inflow transportation and treatment, the public works department finds that the water consumption method is to be used for establishing a fair and reasonable charge for the use of the wastewater system.

(b) **Properties to be charged.** All properties which are connected to the wastewater system shall be charged for the use of the wastewater system for the year as determined by the water department billing cycles delineated in section 23-94.

(c) **Description of water consumption method.** Properties served by the wastewater system are hereby metered and totalled on a six (6) cycle basis of each year for which the charge is being made. The total system flow will neglect system loss, discharge to other outlets by users and include any and all well usage discharged to the wastewater system.

(d) **User charge formula.** All buildings or users shall be charged a sewer user charge based upon water consumption; each charge shall include the costs charged for wastewater operation and maintenance and the cost for annual debt service; such charges shall be computed as follows:

$$C_u = \frac{V_u}{V_T} (C_{T_o}) + \frac{V_u}{V_T} (C_{T_d})$$

C_u = a user's annual charge (building's sewer use charge for the period of use)

V_u = annual volume contribution from a user (based on building's water consumption for the period and system infiltration/inflow)

V_T = total sewer system flow for the year.

C_{T_o} = total annual costs for operation and maintenance

C_{T_d} = total annual costs for debt service

Such charges shall be computed at the same time and for the same periods as set forth in paragraph (b) of this section.

(e) **Computation of water usage from meter readings for buildings serviced by water company.** Water consumption of each building serviced by the New Britain Water Company, except those set forth in paragraph (c) of this section, shall be computed in

accordance with meter readings obtained by the city water department.

(f) *Estimation of water consumption for industrial buildings not serviced by water company.* Water consumption of each industrial building not serviced by the New Britain Water Company, shall be estimated by the director of public works, or its designated agents, servants or employees, on the basis of records it has of water consumption of similar buildings and uses. In order to expedite such estimate, the director of public works may require the owner of any industrial building not serviced by the New Britain Water Company to submit a sworn statement of water consumption for the year, such statement to be supported by any available records or other evidence of water consumption. The director of public works may also require the owner of any industrial building not serviced by the New Britain Water Company, or not metered, to install and maintain a water meter at the sole expense of such owner.

(g) *Reduction of charges in certain cases.* In any instance in which the director of public works determines that the water consumption of any particular building is greatly disproportionate to the effluent actually discharged from such building into the sewerage system and thereby determines that, if the charges were computed solely in accordance with paragraph (d) of this section, the building in question would actually bear more than its proportionate share of the operation and maintenance costs of the wastewater system, the director of public works may make any appropriate reduction in the building's water consumption figure.

(h) *Applicable to all connected properties.* The user charge shall apply to all connected properties, without exception, including municipally-owned and other tax-exempt properties. (Code 1970, § 19-12(2); Ord. of 10-80)

Sec. 23-94. Computation cycles.

(a) Sewer user charges shall be computed on a six-cycle basis coinciding with the water meter reading system with billings distributed on a semiannual basis. The following cycles shall be used to compute sewer user charges:

Cycle	Period	Due and payable on	Period	Due and Payable on
1	July 1—Dec. 31	Jan. 1	Jan. 1—June 30	July 1
2	Aug. 1—Jan. 31	Feb. 1	Feb. 1—July 30	Aug. 1
3	Sept. 1—Feb. 28	Mar. 1	Mar. 1—Aug. 31	Sept. 1
4	Oct. 1—Mar. 31	Apr. 1	Apr. 1—Sept. 30	Oct. 1
5	Nov. 1—Apr. 30	May 1	May 1—Oct. 31	Nov. 1
6	Dec. 1—May 31	June 1	June 1—Nov. 30	Dec. 1

(b) *Meters read monthly will be billed monthly for the previous month's usage.* If, however, any residential bill exceeds one hundred dollars (\$100.00), such bill shall be due and payable in two (2) installments. One-half may be paid within thirty (30) days of bill issuance and one-half at mid-period. In the case of a property which was not connected during the entire period, the user charge will be prorated for the actual number of months within the stated period that the property was connected. A period of less than fifteen (15) days shall be disregarded and a period in excess of fifteen (15) days shall be deemed a full month. (Code 1970, § 19-12(3); Ord. of 10-80)

Sec. 23-94.1. Liability of owner.

The owner of record as of July 1 of each year of the property on which a building is located shall be liable for the payment of sewer user charges. (Code 1970, § 19-12(4); Ord. of 10-80)

Sec. 23-95. Lien and collection.

Sewer user charges, together with interest thereon, shall constitute a lien upon the property on which the building is located, and such lien may be foreclosed and such charges may be collected in the manner provided in section 7-258 of the General Statutes and other applicable statutes. (Code 1970, § 19-12(5); Ord. of 10-80)

Sec. 23-96. Collections.

Sewer use charges shall be collected by the tax collector and turned over periodically to the city finance director and deposited in a special account, separate from other city funds, designated the "wastewater operating fund." This fund shall be used for operation, maintenance and administration of the treatment works and for payment of

principal and interest on bonds and notes of the city issued for construction of sewerage facilities. (Code 1970, § 19-12(6); Ord. of 10-80)

Sec. 23-97. Annual audit of operating fund.

The wastewater operating fund shall be audited annually at the end of each fiscal year and the results of the audit presented to the mayor, finance director and common council. (Code 1970, § 19-12(9); Ord. of 10-80)

Sec. 23-98. Periodic cost of service studies required.

The common council may direct the department of public works to conduct a sewer user cost of service study upon recommendation of the department of public works. The recommendation of the department of public works initiating a cost of service study shall specify the goals and objectives of the engagement. Project initiation and financing is contingent upon the availability of monies within the sewer operating fund. The department of public works shall report the findings of the cost of service study to the mayor and common council. The report of the department of public works shall detail the study findings and make comparison with the project goals and objectives. A proposed implementation plan of any study recommendation requires common council approval and shall be part of the department's report.

(Code 1970, § 19-12(10); Ord. of 10-80; Ord. of 12-3-97; No. 26824-1, 2-27-02)

Sec. 23-99. System to generate sufficient revenue to pay costs; council to appropriate funds in case of deficit.

The user charge system shall generate sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the city. In the event that collections do not finance the expenditures of the fund function, the common council shall appropriate an amount sufficient to meet the financial requirements.

(Code 1970, § 19-12(12); Ord. of 10-80)

Sec. 23-100. Amendments.

This division may be amended by the city council as it deems necessary, subject to the charter of the city and the statutes of the state. (Code 1970, § 19-12(14); Ord. of 10-80)

DIVISION 5. SEWER ASSESSMENTS*

Sec. 23-101. Determination of assessment of property owner for sewer construction.

(a) The maximum assessment per front foot of land shall be determined by the department of public works subject to the approval of the common council on a property by property basis for each owner benefiting from the construction of a sewer and shall be based on a proportionate share the actual total cost of providing the sewer. Actual total cost of the sewer construction shall include the cost of preliminary studies and surveys, design, detailed working plans and specifications acquiring necessary land or property or any interest therein, damage award, interest charges during construction, legal and other administrative fees or costs, outlet benefits or deferred assessments, or any other expense incidental to the completion of the work, in addition to the cost of construction of an eight-inch diameter local sanitary sewer or a storm sewer a size appropriate for the design storm flows.

(b) For sanitary sewers, the cost of construction, engineering, rights-of-way and miscellaneous charges for pump stations, force mains, trunk sewers, relief sewers and major interceptors not containing house connection laterals and that portion of sanitary sewers greater than an eight-inch diameter, local sewer shall not be assessed against property owners initially benefiting but shall be prorated to all ultimate users through user fees or by owners as may be stipulated in a developer's agreement or through general taxation.

(c) Whenever a sanitary sewer has been laid out and constructed by the city to serve a particular area, no connection will be permitted thereto

*Cross reference—Rates and charges for sewers and sewage disposal, § 23-91 et seq.

for any property which has not been assessed or has not shared in an equitable manner in the expense thereof, unless, prior to such connection, the owner of such property first enters into a special agreement, to be recorded in the land records and providing for payment by the owner of a special charge. Such special charge shall be based upon the department of public work's estimate of current cost for providing sanitary sewers in the specific service area. The department of public works may permit payment of the charge over a period to be determined by the department of public works, and providing that the permission granted will not affect the power of the department of public works to make future sewer layouts, and benefit assessments thereof, against the property of the owner, in the same manner as if permission to connect has never been granted. The department of public works may agree to credit the payment toward any such future assessment, without allowance for interest between the date of payment of the charge and the date of any future assessment billed the owner.

(d) When, in the opinion of the department of public works, acting as the sewer authority, the size, shape or location of, or the improvements on, or use of any properties subject to assessment does not reflect the extent of the benefit as computed and plotted for such property would otherwise indicate the property to be benefited, a factor or percentage of such units or any other reasonable adjustment thereof may be used for determining the benefit to such property which the department of public works believes fairly measures the extent to which the property is specifically benefited.

(e) For storm sewers, all properties contributing flows into the newly constructed storm sewer improvements shall be assessed in proportion to their estimated discharges assuming the highest and best use of the land allowed under the zoning ordinance, or in the cases of properties with variances, on the actual use.

(Ord. of 5-89; No. 26824-1, 2-27-02)

Sec. 23-102. Collection and payment of assessment connection charges.

(a) *Notification of assessments.* After the acceptance of any public sewer improvement, the sewer authority shall give notice by publication that

benefits assessed therefor are due and payable. It shall deliver to the tax collector the description of the properties assessed with the names of the owners and the amounts of such assessments, and he shall prepare and send notices to each of the owners whose properties have been so assessed, stating the amount of the assessment and when the same is due and payable.

(b) *Installment payment for assessment.* Any property owner who elects to utilize the installment plan as defined herein shall notify the tax collector of such request within thirty (30) days after the established due date. The sewer authority may provide for the payment of an assessment in substantially equal annual installments, not exceeding thirty (30), and may provide for interest charges applicable to such deferred payments, provided the last installment of any assessment shall be due not later than one year prior to the date of the last maturity of any bonds or notes issued by the city to finance the acquisition or construction of the sewerage system or portion thereof in respect to which the assessment was levied, and provided further that such interest charges may not exceed the maximum rate of interest which the city is obligated to pay on such bonds or notes.

When sewer improvements are constructed in conjunction with other public improvements subject to assessment, the water pollution control authority shall endeavor, within the limitations contained above and providing that the financial burden is not deemed excessive, to set the assessment payment period equal to that for the other improvements.

All installment payments shall be substantially equal in amount with the first installment being principal only, and the remaining installments consisting of varying amounts of principal and interest on the unpaid balance.

The first installment shall be paid within thirty (30) days after the same is declared by publication to be due and payable and if so paid, the installment shall be without the addition of any interest charge. Each installment thereafter for the period of years established shall be due and payable on the dates stipulated by the tax collector.

The sewer authority shall cause the city clerk to record on the land records a certificate, signed by the tax collector, of such facts in form substantially as shown at the end of this section.

Such certificate shall operate as notice of the existence of any plan for payment of such assessment by installments and the city clerk shall cancel or remove the same within seven (7) calendar days after the last installment due has been satisfied, or the total assessment together with all interest, fees and charges has been paid in full and after receiving notification from the tax collector that such payment has been made.

(c) *Delinquent assessments and liens.* Any assessment of benefits or any installment thereof not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the interest rate and in the manner provided by the general statutes for delinquent property taxes. Each addition of interest shall be collectable as a part of such assessment.

Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided above or five dollars (\$5.00), whichever is greater. Any unpaid assessment and any interest due thereon shall constitute a lien upon the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property tax liens. The tax collector may collect such assessments in accordance with any mandatory provision of the general statutes for the collection of property taxes and the city may recover any such assessment in a civil action against any person liable therefor. (Ord. of 5-89)

Secs. 23-103—23-115. Reserved.

ARTICLE III. WATER

DIVISION 1. GENERALLY

Sec. 23-116. Board consent required for connection with city water works.

No person shall tap or make any connections with any city water main or distribution pipe or in any way introduce water from the city water works onto his premises without the prior written consent of the board of water commissioners. (Code 1970, § 23-1)

Sec. 23-117. Breaks to be repaired.

(a) *Notice to repair.* The board of water commissioners shall give notice in writing by depositing such notice at the post office, postage prepaid, to the property owner at the address used for water service bills whenever a break occurs in the water service pipe of such property.

(b) *Consequence of failure to repair.* If the property owner fails to repair the break within forty-eight (48) hours from the time the notice should have reached him, the board of water commissioners shall proceed to repair such break and shall bill the owner of the property for the reasonable cost thereof. Should the property owner fail to pay such bill, an action to recover the same shall be brought against him in the name of the city. (Code 1970, § 23-3)

Sec. 23-118. Owner to bear cost of disconnection.

If an existing water service, which consists of a water line extending from a water main to a water meter on private premises, is discontinued, the disconnection shall be made at the water main and the owner of the premises shall bear the entire cost of disconnecting the discontinued water service. (Code 1970, § 23-4)

Sec. 23-119. Plumbing services prohibited where consent not obtained.

No person shall perform any plumbing services requiring the consent of the board of water com-

missioners pursuant to the terms of this Code where such person knows or has reason to believe that such consent has not been obtained.
(Code 1970, § 23-5)

Sec. 23-120. Waste of water prohibited; board to judge.

(a) No owner or occupant of any premises shall allow any unnecessary waste of water taken from the city water supply.

(b) The board of water commissioners shall determine what water uses are unnecessary and wasteful in light of existing public needs whenever it becomes necessary to limit the consumption of water in order to conserve the public water supply.
(Code 1970, § 23-6)

Sec. 23-121. Board to terminate service on violation.

(a) The board of water commissioners shall order water service terminated in any premises where:

- (1) The person responsible for the payment of the water bill has failed, neglected or refused to pay the same within the time specified; or
- (2) There has been a violation of any rules or regulations established by the board.

(b) No person shall cause or allow water service terminated pursuant to the terms of this section to be resumed without prior consent of the board of water commissioners.
(Code 1970, § 23-7)

Sec. 23-122. Certain activities on reservoir prohibited.

(a) No person shall trespass upon, or cast or discard any article into any public reservoir. This prohibition shall include engaging in any sports activities at such reservoirs, including, but not limited to, boating, swimming, skating, and fishing.

(b) Notwithstanding subsection (a) of this section, hiking shall be permitted on public watershed land in New Britain pursuant to section 52-557g of the Connecticut General Statutes.
(Code 1970, § 23-8; Res. No. 32274-2, 5-8-13)

Sec. 23-123. Water conserving equipment required on air conditioners.

No person shall use water from the public supply as a cooling agent in air conditioning or refrigerating equipment unless such person also uses water conserving equipment of a type approved by the board of water commissioners.
(Code 1970, § 23-9)

Secs. 23-124—23-130. Reserved.

DIVISION 2. BOARD OF WATER COMMISSION*

Sec. 23-131. Chairman; duties; compensation.

The chairman of the board of water commissioners shall be the acting commissioner, and shall be responsible for the performance of the duties assigned by the board pertaining to the management of the water department. The compensation of the chairman shall be determined by the council by ordinance.
(Code 1970, § 2-277)

Sec. 23-132. Reports to the council.

The board of water commissioners shall make an annual report to the council at its regular meeting in the month next following the end of the fiscal year. This report shall contain a financial statement of all sums received and expenditures incurred by the water department from any source. This report shall also include a general exhibit of the existing state of the water works and an account of related financial transactions. After this report has been audited, the clerk shall

***Charter reference**—Board of water commissioners, §§ 2521—2550.

record and publish it as the council shall direct. The council may require other reports from the board of water commissioners at any time. (Code 1970, § 2-278)

Sec. 23-133. Appointment of director of water department.

The board of water commissioners shall appoint, subject to the provisions of chapter 3 of the charter, a director of the water department who shall, under the direction of the board of water commissioners, manage all the operations of the board. (Code 1970, § 2-58)

Sec. 23-134. Board of water commissioners.

The board of water commissioners shall consist of five (5) members, of whom not more than three (3) shall belong to the same political party. (Ord. of 7-01)

Sec. 23-135. Term of membership.

Every member of the board shall be appointed to serve a term of four (4) years from the succeeding first day of December. (Ord. of 7-01)

Secs. 23-136—23-140. Reserved.

DIVISION 3. METERS

Sec. 23-141. Required.

All water from the city's water works shall be supplied through one primary meter or a battery or primary meters for each separate service. All water passing through such meters will be billed to the owner of the property supplied as it appears in the records of the department, whether the water is used or wasted. Customers are advised to read their meters frequently in order that leaks of waste may be detected early and large bills prevented. (Code 1970, § 23-2(A); Ord. of 2-72)

Sec. 23-142. Installation.

A water meter shall be installed by the city's water department at no cost to the customer. The

water department shall designate the size of the meter to be installed on any service. The property owner shall furnish a proper place for the water meter, which is to be installed in a horizontal position just inside and as near as possible to the point of entry of the service pipe through the building wall. All small services shall have meters located inside the building regardless of its distance from the street. Other meters shall be located in the building nearest to the street line, provided that this building is not more than seventy-five (75) feet from the street line. In the event that the nearest building is located more than seventy-five (75) feet from the street line, the meter shall be installed just inside the street line in a suitable housing or pit, provided and maintained at the expense of the property owner. (Code 1970, § 23-2(B); Ord. of 2-72)

Sec. 23-143. Condominiums.

Condominiums shall have separate lines and separate meter installation for each unit where, due to high-rise types, it is totally impractical to meter each individual unit, one meter or battery or meters shall be installed in each building. Until all units are sold, the builders shall be responsible and pay all bills due for that building. As part of the sale agreement, the builder shall provide for the establishment of an association comprised of buyers who shall be responsible for the meter, water charges and associated plumbing. The water department will bill the association's treasurer who shall pay the bill and all miscellaneous charges due. Ownership of any mains supplying multifamily units shall be of the group of families. Any repairs shall be paid for equally by the owners.

(Code 1970, § 23-2(C); Ord. of 2-72)

Sec. 23-144. Accessibility.

Meters shall be easily accessible at all times so that they may be examined and read by employees of the department. They shall not be exposed to danger from frost or contamination. (Code 1970, § 23-2(D); Ord. of 2-72)

Sec. 23-145. Repairs, etc., to be performed by department; stop and waste valves to be installed by owner.

The installation, repair, conversion and disconnection of all meters shall be performed by em-

ployees of the water department only. Approved stop and waste valves shall be installed by the property owner and kept in proper working condition at the expense of the property owner both before and after the meter on the service line to ease the removal or installation of the meters. (Code 1970, § 23-2(E); Ord. of 2-72)

Sec. 23-146. Owner to pay for damages.

If the meter or any part thereof, after being set, sustains damage by frost, hot water or any external cause by the occupant of the premises, property owner, or his agent, the city's water department will repair or replace the meter and the owner shall reimburse the department for all costs incurred.

(Code 1970, § 23-2(F); Ord. of 2-72)

Sec. 23-147. Owner to notify department immediately in case of breakage, stoppage, etc.

In case of breakage, stoppage or any other irregularity in the water meter which needs attention, the property owner shall notify the water department immediately.

(Code 1970, § 23-2(G); Ord. of 2-72)

Sec. 23-148. Testing; adjustment of bill.

Every meter is carefully tested before it is installed, and also before it is reset after being removed for repairs or for any other reason. Periodic tests for duty of each meter will also be made as often as the department may deem necessary. Should a property owner at any time question the accuracy of the meter on his service, it may be tested, only in the presence of the owner or his authorized agent after the department receives the request in writing. A deposit of five dollars (\$5.00) will be required for testing the meter before the meter is disconnected. The department may take the opportunity, after testing, to make any repairs that may be necessary to bring the meter to its standard. Should the meter test show that the meter has been overregistering in excess of two (2) per cent, the allowable tolerance, the deposit will be refunded. If the test is within limit or registers in favor of the customer, the deposit will be retained by the water depart-

ment to cover the cost of the removal, testing and resetting. If the testing of a meter as hereinbefore provided shows that it fails to register correctly within two (2) per cent, the charge to the customer shall be adjusted accordingly, as the registration varies from one hundred (100) per cent; and such adjustment shall apply to the current period only, unless apparent to the department that the previous period's consumption has also been affected by the same error. This means that if a meter registers over two (2) per cent fast, the bill will be adjusted downward to where it would be if the meter were one hundred (100) per cent correct. If a meter registers over two (2) per cent slow, the bill will be adjusted upward to where it would be if the meter were one hundred (100) per cent correct.

(Code 1970, § 23-2(H); Ord. of 2-72)

Sec. 23-149. Procedure in case of failure or removal.

In case a water meter fails to register or has been removed for repairs, testing, or other purposes during the billing period, the bill will be based on the average daily rate of consumption as shown by the meter after it has been returned to service and is in proper working order. If the meter has not been returned to service, the bill will be issued based on the average daily rate of consumption for the previous four (4) periods of billing.

(Code 1970, § 23-2(I); Ord. of 2-72)

Sec. 23-150. City's right to remove, test, etc.

The city's water department reserves the right at all times to remove, test, repair or replace any water meter. The water department of the city will prefer charges in accordance with state laws against any person who shall tamper or deface a meter to prevent the proper registration of the water consumed by altering the register index, the remote reading device or otherwise, or for breaking of any seal placed by the department for the protection of the meter, valve and fitting.

(Code 1970, § 23-2(J); Ord. of 2-72)

Sec. 23-151. Metered services to be equipped with remote reading device.

(a) All metered services shall be equipped with a device such that the water meter can be read remotely from outside of the building. This device

shall be of the standard being used by the city water department and shall be considered as part of the meter. The device will be installed by the water department.

(b) All new buildings shall be provided by the builder with a hole for the wiring and a space for the device to be attached on the exterior of the building before water service is allowed in the building. The exterior device shall be as near to the meter setting as possible, about four (4) feet above the finished grade and in a place affording protection from damage.

(c) All existing metered services shall be converted to read remotely outside the premises on a block by block basis as scheduled by the water department.

(Code 1970, § 23-2(K)—(M); Ord. of 2-72)

Secs. 23-152—23-169. Reserved.

DIVISION 4. WATER SERVICES

Sec. 23-170. Application for installation and renewal of water service line.

An applicant for the installation of a new water service line, or for the renewal of an old water service line, shall be made by the owner of a property, or their agent, by obtaining a tapping permit at the office of the building department of the City of New Britain. The application must state fully and truthfully the purpose for which the water service line is to be used, provide the proper legal description of the property to be served and state the official city street and the street number to be served. An acceptable plot plan which shows the location of the water service line must accompany the permit application.

(Ord. of 5-5-99)

Sec. 23-171. Installation of water service.

Corporation stops shall be installed by the water department only at the distribution main in the street. The charge for the installation of the corporation stop shall be at the rate established in [the] annual budget of the board of water commissioners and must be paid in advance by the owner of the property or its agent. The property owner or

its agent shall excavate around the water main and properly shore the excavation site in order for the corporation stop to be installed by the water department. The water service line must lay in a straight line from the corporation stop to the inside of the building perpendicular to the distribution main. The water service line must have at least four (4) feet of cover to avoid freezing. All water service lines two (2) inches or smaller in diameter shall be type K, extra heavy, soft temper, cold drawn, seamless, deoxidized copper tubing, having a minimum ultimate tensile strength of not less than thirty thousand (30,000) pounds per square inch. Water service lines larger than two (2) inches shall be class 52 cement-line ductile iron pipe in accordance with ASA specifications. All water service lines shall have a shutoff valve as close to the property line as possible. The shutoff valve must be accessible through a curb box bottom and top section. No water service line shall be laid in the same trench with a building drain or sewer pipe. The water service line shall be no closer to any sewer pipe than six (6) feet at any point. The water service line installation shall be inspected and approved by a representative of the water department before being covered. If the water service line is covered prior to inspection, the water department representative will order the area to be uncovered and will not approve the line until an inspection has taken place and is approved.

(Ord. of 5-5-99)

Sec. 23-172. Ownership of service pipes.

Any and all maintenance and repair of the water service line between the water main in the street and the water meter is the responsibility of the owner of the property it serves.

(Ord. of 5-5-99)