

Section	Page	Change	Reason
ALL	ALL	All modified sections to include <b>[Ammended 6-18-2025]</b>	Consistency
143	ALL	Replace "Sewer Authority" with "Water Pollution Control Authority" or "WPCA"	To reflect current practices.
143	ALL	Replace "Supertindent" with "Administrator"	To reflect current practices.
143-1.B.	3	Remove the election of a Secretary and the responsibility of secretary.	To reflect current practices.
143-1.C.	3	Insert "shall" for "may" and "administrative" for "technical".	To reflect current practices.
143-4.	6	Insert "ADMINISTRATOR" FOR "SUPERINTENDENT".	To reflect current practices.
143-5.C	8	Insert "See 143-13. Order to connect building to public sewer" Per Town Attorney.	Clarity.
143-6.B	9	Insert sections I, ii, & ii.a.	Clarity.
143-6.F.	10	Remove "Ellington House Connection Policy and"	To reflect current practices.
143-6.F.	10	Replace "ATSM and WPCF Manual of Prattice No.9" with "TR-16 GUIDES FOR THE DESIGN OF WASTEWATER TREATMENT WORKS 2011 Edition, Prepared by the New England Interstate Water Pollution Control Commission.	To reflect current guidelines.
143-6.H.	10	Separated plan submission statement (section I) and corrected language.	Clarity.
143-6.I.	11	Replace "ATSM and WPCF Manual of Prattice No.9" with "TR-16 GUIDES FOR THE DESIGN OF WASTEWATER TREATMENT WORKS 2011 Edition, Prepared by the New England Interstate Water Pollution Control Commission.	To reflect current guidelines.
143-6.L.	11	Revised language for installation of sewer within well protection area.	To reflect current guidelines.
143-7.D.	15	Revised misspelled "Manganese"	Clarity.
143-7.G.	15	Revised language to make more sense.	Clarity.
143-7.L.	17	Added "Department of Energy and"	Reflecfts current title.
143-13.A.3.	20	Added "Energy and"	Reflecfts current title.

## **Chapter 143**

### **SEWERS**

**[HISTORY: Adopted by the Town of Ellington as indicated in article histories.  
Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Building construction — See Ch. 32.**

**Subdivision of land — See Ch. 225.**

**Streets and sidewalks — See Ch. 154.**

**Water Pollution Control Authority — See Chs. 305 to 330.**

**Water — See Ch. 180.**



## ARTICLE I

~~Sewer Authority~~Water  
Pollution Control Authority  
(WPCA)

[Adopted effective 3-21-  
1966]

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**§ 143-1. Creation; membership; compensation; officers.**

There is herewith created pursuant to Chapter 103 of the General Statutes of Connecticut a body to be known as the "~~Sewer Authority~~Water Pollution Control Authority of the Town of Ellington-" or "WPCA".

- A. Said ~~Sewer Authority~~WPCA shall consist of five persons, all of whom shall be residents and electors of the Town of Ellington. If any person serving as a member of said ~~Sewer Authority~~WPCA shall cease to be a resident of the Town, his membership on said ~~Sewer Authority~~WPCA shall terminate and the position held by him shall be legally vacant.
- B. The members of the ~~Sewer Authority~~WPCA, and any vacancies occurring therein, shall be filled by appointment of the Board of Selectmen. Initial appointment of members shall be for terms of one through five years, respectively, all terms to commence on April 1, 1966. Any vacancy occurring on said Authority shall be filled for the unexpired portion of the term. No member of the Authority shall be entitled to compensation for his services, but any member shall be entitled to reimbursement or payment for reasonable expenses in connection with his duties when approved by a majority vote of the full membership or approved by the Chairman. The members shall, upon assuming office, elect from among their members a Chairman ~~and Secretary~~ who shall, ~~respectively~~, conduct all meetings ~~of the Authority and keep a record of the same~~.
- C. The Authority ~~may~~ shall employ necessary secretarial and ~~technical~~ administrative assistance in the performance of its duties, and the salaries of such persons shall be deemed necessary expenses of the Authority.

**§ 143-2. Powers and duties.**

The ~~Sewer~~Water Pollution Control Authority of the Town of Ellington shall have all the powers and duties provided in Chapter 103 of the General Statutes of Connecticut, Revision of 1958, as amended.



ARTICLE II  
**Sewer Construction and Use**  
**[Adopted effective 12-26-1980]**

**§ 143-3. Purpose.**

In order to protect, preserve and ensure the public health of the residents of the Town of Ellington and in order to ensure proper removal and disposal of sewage wastes and sewage waters within the Town of Ellington, to ensure the proper operation and maintenance of public sanitary sewers and sewage pumping facilities within said Town, and to provide for the keeping of adequate records of sewers, appurtenances, and connections thereto, the following article regulating the construction, use, repair, alteration and discontinuance or abandonment of sewers and appurtenances of the public sanitary sewer system of the Town of Ellington as provided in § 7-247 et seq. of the General Statutes of the State of Connecticut is hereby enacted.

**§ 143-4. Definitions.**

As used in this article, the following terms shall have the meanings indicated. The word "shall" is mandatory; "may" is permissive.

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

BOD (denoting BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

CHLORINE DEMAND — The amount of chlorine, in milligrams per liter, which must be added to water or wastes to produce a free residual chlorine in such waters or wastes of 1.0 milligram per liter.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

COMMERCIAL WASTES — The liquid wastes from commercial processes as distinct from sewage, including but not limited to laundries, restaurants, gas stations, etc.

COOLING WATER — Includes clean wastewater from air-conditioning, industrial cooling, condensing and similar apparatus and from hydraulically powered equipment. In general, "cooling water" will include only water which is sufficiently clean and unpolluted to admit for discharge without treatment or purification into any natural open stream or watercourse without offense.

EASEMENT — An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL — Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater

shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**GARBAGE** — Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES** — The liquid wastes from industrial processes as distinct from sewage.

**NATURAL OUTLET** — Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and other bodies of water, natural or artificial, public or private, which are contained within, flow through or border upon the boundaries of the Town of Ellington.

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

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

**PROPERLY SHREDDED GARBAGE** — The wastes from the preparation, cooking, and dispensing of food which have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

**PUBLIC SANITARY SEWER** — A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

**REASONABLE LENGTH OF TIME** — Ninety days, weather permitting.

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

**SEPTIC TANK or PRIVATE SEPTIC DISPOSAL SYSTEM** — An on-site subsurface waste disposal system constructed and maintained in accordance with all requirements of the Public Health Code, Building Code, Zoning Ordinance,<sup>1</sup> this article and any other regulations, laws or ordinances of the Town of Ellington.

**SEWAGE** — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, excluding, however, all those industrial and commercial wastes other than from toilets, normal bathroom use, or on-premises restaurant kitchens.

**SEWER** — A pipe or conduit for carrying sewage.

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

**STORM SEWER or STORM DRAIN** — A sewer which carries storm- and surface waters and drainage but excludes sewage.

**SUBSOIL DRAINAGE** — Includes water from the soil percolating into subsoil drains and through foundation walls or basement floors or from underground pipes or from similar sources.

**~~SUPERINTENDENT-ADMINISTRATOR~~** — That person designated by the Ellington Water Pollution

1. Editor's Note: See Ch. 230, Zoning.



Control Authority to implement and enforce the provisions of this article, or his authorized deputy, agent or representative.

**SUSPENDED SOLIDS** — Solids that either float on the surface of or are in suspension in water, sewage, or wastewater and which are removable by laboratory filtering, expressed as milligrams per liter (mg/l) by weight (or pounds per day).

**TOWN** — The Town of Ellington, Connecticut.

**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 § 307(u) of the Act or other acts.

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

**WPCA or WATER POLLUTION CONTROL AUTHORITY** — The Ellington WPCA as defined in Chapter 103 of the Connecticut General Statutes (1958), as amended, and as designated in the Ellington Charter, § 812.

**WPCF or WATER POLLUTION CONTROL FACILITY** — All facilities for collecting, pumping, treating and disposing of wastewater.

**Commented [TM1]:** Dory mentions that we call it the Sewer Authority in 143-1. We should be consistent with Sewer Authority OR WPCA.

#### § 143-5. Unlawful deposits and discharges; connection to public sewers required.

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Ellington or in any area under the jurisdiction of said Town any human or animal excrement, garbage, sanitary sewage, industrial or commercial wastes or any polluted waters. Customary agricultural utilization and disposition of animal excrement in a sanitary manner upon public or private property shall be lawful within the Town of Ellington.
- B. It shall be unlawful to discharge to any natural outlet within the Town of Ellington, or any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article and the appropriate permits obtained from the Connecticut Department of Environmental Protection and the Ellington WPCA.
- C. The owner of all existing or subsequently constructed houses, buildings or properties used or to be used for human occupancy, employment, recreation, or other purposes situated within the Town and abutting on any public street, alley or right-of-way in which there is located an adjoining public sanitary sewer of the Town is hereby required, at his expense, to install suitable toilet, bathroom and kitchen facilities therein, as appropriate to its use, and to connect such facilities directly with the public sanitary sewer in accordance with the provisions of this article, within six months after date of official notice to do so. See 143-13. Order to connect building to public sewer

**Commented [TM2]:** Is this appropriate? Should there be language such as: "or if the septic system fails in any manner"

**Commented [MG3R2]:** There might be language in the PHC

**Commented [MG4R2]:** Beneficiary - how is this defined?

#### § 143-6. Building sewers and connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the ~~Superintendent~~ Administrator.

**Commented [TM5R2]:** Dory Mentions:  
This appears to be mandatory upon order/notice - see title "connection to public sewers required". But I think we have to tie it to section 143-13 which provides when connection can/will be ordered by the WPCA.

**B.** There shall be two classes of building sewer permits: for residential and commercial service and for service to establishments producing industrial wastes. In either case, the owner, licensed drain layer, or a duly authorized agent shall make application on a form furnished by the WPCA. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the ~~Superintendent~~ Administrator. A permit and inspection fee will be established by the WPCA from time to time.

- i. ~~Sanitary sewer lateral connections existing, or to be installed, within the gravity flow sections of the Ellington wastewater collection system, shall be owned and maintained by the beneficiary of the connection or the property owner in which the lateral connection serves. The ownership shall be from the connection of the interior plumbing of the structure, up to and including the connection to the sanitary sewer main or manhole. The beneficiary/property owner shall be responsible for all expenses related to the establishment (new construction), maintenance, repair, and replacement of the sanitary sewer lateral. This includes, but is not limited to all locating, licensing, Call Before You Dig (CBYD) notification, permitting, excavation, paving, restoring, pipe removal/installation, and sanitary sewer lateral connection to the sanitary sewer main. The beneficiary, property owner, or their representative must notify the Ellington Water Pollution Control Authority (WPCA) of all repairs, alterations, and/or replacements of sanitary sewer infrastructure prior to commencement. The Ellington WPCA reserves the right to inspect, deny, and/or modify any connection to the sanitary sewer system.~~
  - ii. ~~Sanitary Sewer lateral connections existing within the low-pressure, forced main sections of the Ellington wastewater collection system, shall be owned jointly by the Ellington WPCA and the beneficiary or property owner. The Ellington WPCA shall own and be responsible for the low-pressure sanitary sewer lateral service from the forced main to the Town Right of Way (R.O.W.) line at the beneficiary's property line. The beneficiary or property owner shall own and be responsible for the low-pressure sanitary sewer lateral service from the Town's R.O.W. or property line to the connection of the structure's interior plumbing. All expenses related to maintenance, repairs and replacements shall be borne by the respective owners as described above. These may include, but are not limited to all locating, licensing, CBYD notification, permitting, excavation, paving, restoring, pipe removal/installation, and sanitary sewer lateral connection to the sanitary sewer forced main. The beneficiary, property owner, or their representative must notify the Ellington WPCA of all repairs, alterations, and/or replacements of sanitary sewer infrastructure prior to commencement. The Ellington WPCA reserves the right to inspect, deny, and/or modify any connection to the sanitary sewer system. This section does not apply to existing grinder pump agreements.~~
- ~~**B.** a. Any expenses related to new connections to the low-pressure sanitary sewer system, shall be borne by the developer, or connecting beneficiary/property owner. Said lateral service (Within the Town's R.O.W.) will then be transferred to the Town for ownership.~~

**C.** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or drain layer shall indemnify the Town or WPCA from any loss or damage to the public sanitary sewer and/or road or public facility that may directly or indirectly be occasioned by the installation of the building sewer.

**D.** A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on a interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may, with the approval of the ~~Superintendent~~ Administrator, be extended to the rear building and the whole considered as one building sewer.

**E.** Existing building sewers may be used in connection with new buildings only when they are found by the ~~Administrator~~ Superintendent on examination and test to meet all requirements of this article. All costs incurred for such testing are to be borne by the owner.

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**Commented [TM6]:** Dory asks: Why would the beneficiary of the connection be different that the property owner?

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**Commented [TM7]:** Dory asks: Is this subparagraph altering any existing agreements between the town and the property owner with regard to ownership/maintenance responsibilities? I'm thinking of the town's standard sewer line grinder pump agreement. If so, then I don't think the town can unilaterally change obligations without the consent of the other party to those agreements. But if this merely codifies what's already in those other agreements, then we should be ok.

**Commented [TM8R7]:** Tom: There is no language that exists that identify to what extent homeowners are responsible. This language puts prior practice into effect via the code.

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F. The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the ~~Ellington House Connection Policy~~ and local building and plumbing codes or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials of the TR-16 GUIDES FOR THE DESIGN OF WASTEWATER TREATMENT WORKS 2011 Edition, Prepared by the New England Interstate Water Pollution Control Commission ~~ASTM and WPCF Manual of Practice No. 9~~, as amended, shall apply.

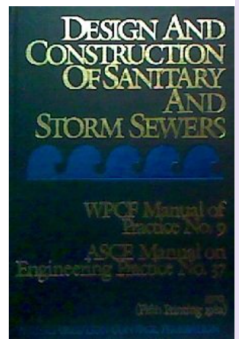
G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

~~G.H.~~ Plans and specifications of ~~the lift stations/pump stations~~ shall be submitted to ~~the Administrator for review and subsequently~~ ~~subsequently~~ to the Connecticut Department of ~~Energy and Environmental Protection (CDEPCTDEEP)~~ based upon their current guidance at the time of design. Copies of the ~~CDEP-CTDEEP~~ approval must be submitted to the ~~Superintendent-Administrator~~ before a connection permit will be issued. Duplex lift systems shall be provided for commercial and industrial buildings.

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

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of

Commented [TM9]: What is this?



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Commented [TM11]: Is the DEEP requirement still necessary?

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the TR-16 GUIDES FOR THE DESIGN OF WASTEWATER TREATMENT WORKS 2011 Edition, Prepared by the New England Interstate Water Pollution Control Commission ASTM and WPCF Manual of Practice No. 9, as amended. All such connections shall be made gastight and watertight. Any deviations from the prescribed procedures and materials must be approved by the ~~Administrator~~Superintendent before installation.

- J. The applicant for the building sewer permit shall notify the ~~Administrator~~Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the ~~Administrator~~Superintendent or his representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town or appropriate Town agency.
- L. ~~No A~~ building sewer shall be constructed within well protection radius, based upon the flow withdrawal rate, may not be allowed. The installation shall conform to the local health requirements and be approved by the local health authority

~~L. 25 feet of a water supply well. If a building sewer is constructed within 25 to 75 feet of a water supply well it shall be constructed of extra heavy cast iron (ASTM 74-69) with leaded joints, ductile iron or PVC (SDR 35) whose infiltration/exfiltration rate shall not exceed 25 gallons/ diameter/mile/day. Said installation shall be approved by the local health authority.~~

#### § 143-7. Discharges to public sewers.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.
- B. Industrial cooling water or unpolluted process waters may be discharged on approval of the ~~Administrator~~Superintendent to a storm sewer or natural outlet in accordance with all applicable state and federal laws and regulations.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (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 successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter.
  - (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to, grease, garbage with particles greater than 1/2 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,

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spent hops, wastepaper, 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 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 exceed the limitation set forth in federal pretreatment standards.
  - (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 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 the 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 § 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Resource Conservation Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
  - (7) Any wastewaters which are not amenable to treatment or reduction by the sewage treatment processes employed or which are amenable to the treatment only to such degree that the sewage treatment plant cannot meet the requirements of a state and/or federal agency having jurisdiction over the discharge of wastewaters.
- D. The following described substances, materials, waters, or wastes shall be limited in discharges to public sewers to concentrations or quantities which will not harm either the sewers or 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 ~~Administrator~~Superintendent or Commissioner of Environmental Protection may set limitations lower than the limitations established in the regulations below if more severe limitations are necessary to meet the above objectives. The limitations or restrictions on materials or characteristics of sewage discharged to the public sewer are as follows:
- (1) Sewage having a temperature higher than 150° F. (65° C.).
  - (2) Sewage containing fats, wax, grease, petroleum, or mineral oil, whether emulsified or not, in excess of 100 mg/l with floatable oil not to exceed 20 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).
  - (3) Any garbage that has not been properly shredded. 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.

- (4) Any sewage containing odor-producing substances exceeding limits which may be established by the Commissioner of Environmental Protection.
- (5) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioner of Environmental Protection in compliance with all applicable state and federal regulations.
- (6) Materials which exert or cause:
  - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (c) Unusual BOD, chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the water pollution control facility.
  - (d) Unusual volume of flow or concentration of wastes constituting a slug as defined in § 143-4.
- (7) Sewage containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the water pollution control facility effluent cannot meet the limits stipulated in the WPCF NPDES permit.
- (8) Any sewage which, by interaction with other sewage in the public 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 NPDES permit to be exceeded.
- (9) Overflow from holding tanks or other receptacles storing organic wastes.
- (10) Sewage with concentrations of pollutants in excess of the following limits:

<b>Constituent</b>	<b>Concentration</b>
	<b>[parts/million (ppm)]</b>
Arsenic as As	.05
Barium as Ba	5.0
Boron as Bo	5.0
Cyanides as CN (amenable)	.1
Fluoride as F	20
Chromium (Total)	1.0
Chromium (Cr <sup>+6</sup> )	0.1
Magnesium as Mg	100

Constituent	Concentration
	[parts/million (ppm)]
<del>Maganese</del> Manganese as Mn	5.0
Copper as Cu	1.0
Zinc as Zn	1.0
Nickel as Ni	1.0
Cadmium	.1
Lead	.1
Tin	2.0
Silver	.1
Mercury	.01

Note: All metals are to be measured as total metals.

- E. State permit required.
- (1) In accordance with § 22a-430 of the Connecticut 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:
    - (a) Industrial wastewater of any quantity.
    - (b) Domestic sewage in excess of 5,000 gallons per day through any individual building sewer connection to a public sewer.
  - (2) A potential discharger must submit a permit application to the Department of Environmental Protection not later than 180 days prior to the anticipated date of initiation of the proposed discharge.
- F. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain the substances or possess the characteristics enumerated in Subsection D of this section and which in the judgment of the ~~Administrator~~Superintendent may have a deleterious effect upon the sewage facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the ~~Administrator~~Superintendent may reject the wastes, require pretreatment of the wastes to an acceptable condition for discharge to the public sewers, require control over the quantities and rates of discharge, and/or require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection K of this section. If the ~~Administrator~~Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the requirements of all applicable codes, ordinances, and laws.
- G. Grease, oil, and sand interceptors shall be provided when, ~~the option of the the~~ ~~Administrator~~Superintendent,determines they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes,



sand, or other harmful ingredients, except that such interceptors shall not be required for private

- living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the ~~Administrator~~Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- H. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- I. When required by the ~~Administrator~~Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the ~~Administrator~~Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- J. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage facilities and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of the premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, where pH values are determined from periodic grab samples.)
- K. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Ellington Water Pollution Control Authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Ellington WPCA for treatment, subject to pretreatment and payment therefor by the industrial concern.
- L. Within five days following an accidental discharge, the user shall submit to the ~~Administrator~~Superintendent and the ~~Department of Energy and Commissioner of~~ Environmental Protection 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 sewer system, 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.
- M. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a dangerous discharge.

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

**§ 143-8. Drain laying for building drains and sewers.**

- A. The Town of Ellington may license as a drain layer any person, firm, or corporation found to be suitable and competent who or which shall have applied to it on forms to be provided for that purpose and who shall have furnished the surety bond and insurance required by §§ 143-11 and 143-12 hereof.
- B. No person other than those described in Subsection A or E of this section shall construct, repair, alter or remove any sewer, building drain, building sewer, or sewer line connected to or with or discharging directly or indirectly to or into any public sanitary sewer of said Town or intended to discharge thus at some future time, regardless of whether said work is located in a public street or in public or private land.
- C. The following may, as indicated, construct, repair, alter, or remove sewers, subject to supervision and approval by the Ellington WPCA:
  - (1) Regular forces of a contractor employed by the Town, operating under orders of the WPCA and in the performance of work for said Town.
  - (2) Regular forces of the Town and/or the State Department of Transportation operating under and subject to permit for the particular job to be issued by said WPCA or the ~~Administrator~~Superintendent and while engaged in the regular work and operations of said Town or State Department of Transportation.
  - (3) Regular forces of any public utility corporation authorized by state law to construct, maintain, and operate pipes or ducts within public highways within said Town, while engaged in work incidental to the regular structures of said utility company and operating under and subject to the conditions of a permit for the particular job issued by said WPCA or the ~~Administrator~~Superintendent.
- D. The limitations as to persons who may construct, alter, or repair building drains and building sewers as provided in Subsection B of this section shall not restrict the usual work of plumbers or others when operating in accordance with local plumbing and building codes of the Town when they are working on pipes within or not more than five feet outside the walls of a building or similar structure, provided that no plumber, drain layer or other person shall make any connection to a public sewer of said Town without a permit therefor, even if said sewer is located under or immediately adjacent to any building or similar structure, and provided that all fixtures within said building or structure and all use made of them shall conform to the requirements of this article as to what may and may not be permitted to be discharged into public sanitary sewers.
- E. Owner performance. Nothing herein contained shall prohibit the owner of a building or structure from personally installing the building sewer on his own property under the conditions herein specified:
  - (1) Approval of plans and final approval by the ~~Administrator~~Superintendent shall be obtained;

- (2) A permit shall be secured as herein provided before the work is performed;
- (3) Permit fees shall be paid and applications made for inspections; and
- (4) All work shall be performed by the owner himself in accordance with the provisions of this article.

#### § 143-9. Permits.

- A. No person, other than those working for and under the direction of the Town, shall make any excavation for or construct, install, lay, repair, alter, or remove any sewer, building drain, building sewer, sewer connection, or appurtenance thereof or connect to such sewer within the Town which is in any way connected to or discharges directly or indirectly to or into any public sanitary sewer of said Town, or is intended at some future time to be so connected or so discharged, until said person or party shall have applied for and secured from the ~~Administrator~~Superintendent a permit for doing such work. Such permits may be issued only to those qualified to perform such work as provided in § 143-8A or E of this article.
- B. Every application for a permit shall be made in writing on forms to be provided by the WPCA for that purpose and shall be signed by the drain layer, owner, or an authorized agent thereof. The application shall state the location and ownership of the property to be served by the sewer in question, the post office address of said property owner, and a brief description of the work to be done and shall contain an agreement that the permittee will do the work in accordance with the requirements of Town and local laws, ordinances, regulations and permits as those laws, etc., may apply to the particular locations of work and will save said Town and others harmless from damages, loss, damage claims, etc., in accordance with the terms of the drain layer's surety bond provided for in § 143-12 hereof.
- C. Any person who applies for a permit to connect into a public sanitary sewer or sewer line shall pay the prescribed fee for each such permit. Permits shall not be transferable or assignable by the permittee. Permits shall be kept on the premises where and at all times when work is in progress and shall be shown to any proper person asking to see the same. All persons operating under such permits shall be held responsible for conformity with the requirements thereof and with this article.
- D. Any permit, in whole or in part, may be suspended, canceled, or terminated by the WPCA or the ~~Administrator~~Superintendent on written notice to the permittee for violation of the conditions thereof or for the violation of the requirements of this article.

#### § 143-10. Conduct of permittee.

Each drain layer licensed in accordance with § 143-8A hereof shall be responsible for the proper performance of all work performed under the permits issued to him and for the conduct of all work and all materials furnished on work by his employees or agents. Work may be sublet only to another drain layer licensed under § 143-8A, and then the drain layer to whom the permit was issued shall be fully responsible for compliance with this article and the conditions of the permit as if he had done the work.

**§ 143-11. Liability and insurance.**

Each drain layer shall save the Town of Ellington, its agents, and servants harmless from all loss or claims of loss, damage or injury arising from the operations of said drain layer under any permits issued him by reason of his negligence in performing the work for which he has been issued a permit. He shall file with the Town a certificate or certificates of insurance, as required by the Ellington WPCA.

**§ 143-12. Surety bond.**

Every person making application for a permit shall file with the WPCA a satisfactory bond with surety in a form satisfactory to the WPCA or the ~~Administrator~~<sup>Superintendent</sup>. The bond shall be in an amount determined by the WPCA or the ~~Administrator~~<sup>Superintendent</sup>, conditioned upon the applicant:

- A. Substantially and properly performing all work to be done under the permit issued to him in a workmanlike manner;
- B. Using proper materials;
- C. Restoring that portion of any street or public place which has excavated in accordance with the rules contained in the permit issued to him and maintaining the same for a period of one year; and
- D. Reimbursing the Town for any expense for repairs to such street or public place made necessary by reason of the excavation.

**§ 143-13. Order to connect building to public sewer.**

- A. Within 60 days after a public sanitary sewer in a public street becomes operational, the Sewer Authority may order the owner of any building to which a sewerage system is available to connect such building with the system.
- B. The basis for an order to connect will be: **[Amended effective 7-26-1989]**
  - (1) The existence of an inadequate or failing on-site subsurface sewage disposal system;
  - (2) By reason of density of development, proximity to natural outlets or watercourses, proximity to water supply wells, and/or soil or other conditions affecting subsurface drainage and water flow, the Water Pollution Control Authority determines that continued use or construction of a septic tank or other private septic disposal system will not adequately ensure the public health or protect against discharge of sewage into natural outlets or watercourse; or
  - (3) Any order by the Connecticut Department of Energy and Environmental Protection or other regulatory authority directing the Town to abate pollution by the installation of a municipal sanitary sewage system.
- C. No such order shall be issued until after a public hearing with respect thereto after due notice in writing to such property owner.

**Commented [TM13]:** Dory asks:

Do you only allow surety bonds? Do you want to allow of letters of credit or cash bonds?

**Commented [TM14R13]:** Let's stick with surety bonds only.

- D. Such order, when issued, shall notify such property owner that he or she must connect with said sewer within six months after such notification.
- E. Failure to obtain a permit to make such connection shall be prima facie evidence that no connection has been made.
- ~~F.~~ No subsurface sewage disposal system shall, after the effective date of this regulation, be constructed, altered, repaired or rebuilt in an area where public sewers are available and the connection thereto is feasible.

**Commented [TM15]:** Dory asks:

How will notification be made? I suggest certified and regular mail to the property owner at the address listed on the Assessor's records. We should include a general notice paragraph because notice is required in a number of different subsections (143-16; 143-18; etc)

**Commented [TM16R15]:** Do you have suggested language?

#### § 143-14. Protection from damage.

Any person who willfully breaks, damages, destroys, or injures any structure, appurtenance, or equipment that is a part of the public sanitary sewer system shall be subject to the penalties imposed under § 53a-117 of the Connecticut General Statutes (Rev. 1958), as amended.

#### § 143-15. Right of entry by inspectors.

The Water Pollution Control Authority and the ~~Administrator~~~~Superintendent~~, and any other duly authorized employees of the Town bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing of all discharges into the building drain and sanitary sewer, in accordance with the provisions of this article.

#### § 143-16. Notice of violation; penalties for offenses.

- A. Any person who shall violate any provision of this article except § 143-15 shall be served by the Town with written notice stating the nature of the violation and providing a 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 shall violate any provision of this article may be fined not more than \$100. Each day that any violation of this article continues and each day that person continues to discharge prohibited wastes or substances into any public sanitary sewer shall be deemed a separate offense for the purpose of applying the above penalty.

#### § 143-17. Enforcement.

- A. If any person shall construct, install, alter, or repair any sewer, building drain, building sewer or connection to any public sanitary sewer of the Town in violation of the requirements of this article or, having obtained a permit as provided in this article, shall construct, install, alter, or repair any sewer, building drain, building sewer or connection thereto without having given the ~~Administrator~~~~Superintendent~~ or his authorized representative adequate notice, time, opportunity and assistance, during regular working hours, to inspect such sewer, connection and the work and materials used thereon, said ~~Administrator~~~~Superintendent~~ shall order or direct the person who constructed, installed, altered, or repaired such sewer, etc., to uncover and fully expose any or all portions of such sewer, etc., and afford said ~~Administrator~~~~Superintendent~~ and his authorized representatives adequate opportunity to examine and inspect such

sewer, etc., and to secure such records thereof as may be proper. If such sewer, etc., and the appurtenances thereof shall be found not to be in full accord with the requirements of this article and the standards established under its provisions, then said ~~Administrator~~<sup>Superintendent</sup> shall order and direct such person, owner or lessee to make such changes in or additions to or remove portions of appurtenances of such sewer, etc., as may be necessary to ensure that such sewer, etc., will conform to the requirements of this article and of the standards established under its provisions. All of such work shall be performed by said person, owner or lessee without delay and without expense to the Town.

- B. If any person, after proper order or direction from the ~~Administrator~~<sup>Superintendent</sup>, fails to take the remedial steps or perform the acts required by this article, or fails thereof, as required by this article, the WPCA or the ~~Administrator~~<sup>Superintendent</sup>, by such agents and/or facilities as it or he may choose, may disconnect the sewer, etc., which was wrongfully connected, altered, repaired or used or through which improper wastes were discharged into the public sanitary sewer system of the Town. All costs for disconnecting shall be borne by such person and shall be paid to the WPCA immediately upon notice of the amount of such costs. **[Amended effective 7-26-1989]**
- C. If any person, after order or direction from the WPCA, as authorized by this article, fails to make connection with a public sanitary sewer, the WPCA, or its duly authorized agent, may choose to construct said connection. All costs for construction are to be borne by the owner. All costs for such construction shall be borne by such person and shall be paid to the WPCA immediately upon notice of the amount of such costs. **[Amended effective 7-26-1989]**
- D. The ~~Administrator~~<sup>Superintendent</sup> and other duly authorized representatives of the WPCA bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in accordance with the terms of the easement pertaining to the private property involved.
- E. The WPCA, or its duly authorized agent, may seek any other remedy or means of enforcement provided by law, including an order from a court of competent jurisdiction enjoining further violation of any provision of this article. Any person who fails to pay any amount due under this article shall, in addition to such amount, be liable to the Town of Ellington for the costs of collecting the amount due, including reasonable attorney fees. Enforcement under this section shall be in addition to and not in lieu of any penalties imposed under § 143-16 of this article. **[Added effective 7-26-1989]**

#### § 143-18. Appeals.

An appeal may be taken to the WPCA by any person aggrieved by any order, requirement, or decision made by ~~an official charged with the enforcement of this article, the WPCA Administrator or WPCA Board.~~ Said appeal shall be taken within 30 days after notification of the aggrieved person of the order, requirement, or decision. An appeal shall stay all proceedings in the action appealed from, unless the official from whom the appeal has been taken certifies to the

**Commented [TM17]:** Is the "official charged with enforcement" the Administrator? If so, let's replace that here.

**Commented [TM18R17]:** Will do.

WPCA that, by reason of fact, a stay would cause imminent peril to life or property. Said WPCA shall fix a reasonable time for the hearing of any appeal and give due notice thereof to the parties. Said WPCA shall decide such appeal within 65 days after the hearing. Said WPCA may reverse or affirm, wholly or partly, or may modify any order, requirement, or decision appealed from and shall make any such order, requirement, or decision as in its opinion should be made in the premises.

**§ 143-19. Construction of sewers by developers. [Added effective 9-18-1985]**

- A. The Water Pollution Control Authority, hereinafter referred to as "WPCA," is authorized to enter into agreements on behalf of the Town of Ellington with developers or other owners of land, hereinafter referred to as "developers," for the construction of sewers, which may become part of the public sewer system under the conditions hereinafter stipulated. The WPCA is empowered to make, from time to time, any necessary regulations stipulating the terms and conditions of said agreement not inconsistent with the provision of this article. For the purposes of this section, a developer is one who is required pursuant to Article VII, § 230-22 of the Zoning Regulations<sup>2</sup> of the Town of Ellington to submit a site development plan or any person, firm or corporation who or which shall subdivide and develop land.
- B. The terms and text of a standard form of agreement for work under this article or any variations of said standard form to apply to any particular project thereunder shall be as approved by the Town Attorney. Prior to any such agreement and construction pursuant thereto, the developer shall have the development site approved by the Planning and Zoning Commission of the Town of Ellington. No construction shall commence until the developer has secured approval of construction plans and specifications for the proposed sewers. Approval from the WPCA does not relieve the developer of the obligation to obtain any other authorizations required by law.
- C. Such agreements shall provide that the full cost of construction of the sewer and all expenses incidental thereto shall be borne by the developer. The developer, upon application to the WPCA for approval of plans and specifications, shall deposit with the Finance Officer of the Town of Ellington a sum deemed by the WPCA to be sufficient to defray the cost of work to be performed by the Town prior to or during construction or during any maintenance period stipulated. Such work shall include but not be limited to preliminary surveys, preparation of designs and plans, other expenses of preliminary engineering, inspection, supervisory engineering, grade staking, measuring, and testing. Such agreements shall also provide that, in case said deposit proves to be insufficient at any time during the progress of the work, further deposit shall be made upon notification by the Finance Officer of said Town and that, upon acceptance of the sewer, any unexpended portion of said deposit shall be returned to the developer. The developer is further subject to payment of an assessment under the Sewer Benefit Assessment Policy of the WPCA.
- D. The WPCA may require as part of said agreement that adequate bond or other surety acceptable to the Town be submitted to insure completion and maintenance of the work.

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2. Editor's Note: See Ch. 230, Zoning.



- E. Such agreements shall require, whenever the work is not in a duly accepted public highway, that adequate rights-of-way be conveyed to the Town prior to the acceptance of the sewer, the terms of conveyance being subject to the approval of the Town Attorney.
- F. All designs for developer sewers shall be accomplished by a licensed professional engineer in the State of Connecticut. The sewer system shall be properly designed in accordance with Guides for the Design of Wastewater Treatment Works, latest edition, as prepared and published by the New England Interstate Water Pollution Control Commission and in strict conformance with all requirements of the State of Connecticut and Town of Ellington. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area, the drainage area being that area which can be easily sewered by gravity. Construction plans and specifications for sewer extensions shall be submitted to, and approval obtained from, the WPCA before construction may proceed. A report presenting the basis of design of the proposed sewers shall be submitted by the developer to the WPCA for approval of the WPCA prior to approval of the final construction plans and specifications.
- G. The installation of the sewers must be subject to the inspection of the Town Building Official, the WPCA or the WPCA's engineer, and the expenses for this inspection shall be paid for by the developer. The sewer as constructed must pass the infiltration/exfiltration test required in Subsection H before it is used.
- H. Upon completion of construction of any sewer extension, but before final acceptance by the WPCA, the sewer system shall be tested for infiltration and exfiltration of both sewer lines and manholes under the direction and inspection of professional engineer registered in the State of Connecticut and in the presence of the WPCA's designated agent. When the sewers have passed tests to demonstrate that they meet the standards presented in the Guides for the Design of Wastewater Treatment Works, then the Engineer shall certify in writing to the Authority as to the nature of the tests and results thereof and the fact that the tests meet acceptable standards.
- I. Upon completion of construction and acceptance by the WPCA of the infiltration/exfiltration test results, the developer shall submit as-built record drawings of the completed sewer project. As-built record drawings shall meet the requirements contained in the WPCA Policy on Procedures for Review, Acceptance and Construction of Developers' Sewers.<sup>3</sup> Said policy is available from the office of the Ellington Building Official.
- J. The WPCA may, by resolution, incorporate said sewers into the Ellington sewer system, to become effective as specified in such resolution upon the following events:
  - (1) Acceptance of the as-built record drawings by the Authority;
  - (2) Expiration of the maintenance period fixed in the agreement;
  - (3) Proper restoration of all roadways, curbs, walks and other surfaces and

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3. Editor's Note: See Ch. 325, Sewer Construction and Acceptance.

§ 143-19

SEWERS

§ 143-19

appurtenances disturbed by the work; and

- (4) The furnishing of adequate security by bond or otherwise to assure such restoration.

**§ 143-20. Notice Statement**

All notices required per section 143 shall be made in writing and mailed by first class mail, postage prepaid, to the property owner at the address of record with the Ellington Assessor's Office.

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Section	Page	Change	Reason
ALL	ALL	All modified sections to include <b>[Ammended 6-18-2025]</b>	Consistency
305	1	Added section 305-8 Regulations, Rules and Conditions	Consistency
305-2.A.1.	3	Changed 230-11 to 3.1 and removed "year round single family dwellings and seasonal use of"	To reflect current guidelines.
305-2.B.2.	3	Added "for commercial properties and restaraunts"	To reflect current guidelines.
305-3.A.1.	3	Changed \$3125 to \$4000	To reflect current district needs.
305-3.A.1.	3	Removed "For increased bedrooms of four or more, or as set by the WPCA after a public hearing."	Suggested by Town Attorney.
305-3.A.2.	3	Changed \$1000 to \$2000	To reflect current district needs.
305-4.A.	3	Reworded for concistency.	Consistency
305-4.B	4	Added "defined in 320-3"	Suggested by Town Attorney.
305-4.B.1.	4	Changed 3.75% to 4.75%.	To reflect current district needs.
305-4.B.1.	4	Changed 2,500 to 1,500.	Consistency
305-4.B.1.	4	Revised "space" to "floor area"	Per Town Attorney
305-4.C.1.	3	Added "by the office of the Ellington Tax Assessor", removed "value charge and"	Clarity
305-4.C.1.	3	Removed "3" and changed \$2,200 to \$3,000.	Clarity & to reflect current district needs.
305-5	3	Removed "the option of" added "(prior to development)", added "if there is one"	Clarity
305-6.A.	3	Added "an increase in"	Clarity
305-7.A.	4	Added payment terms and updated interest rate.	To reflect current district needs.
305-7.B.	4	Added "sale or" & "for value". Removed "ownership".	Suggested by Town Attorney.
305-7.C.	4	Added language for benefit assessments on new residences built within the sanitary dstrict.	To reflect current district needs.
305-7.D.	4	Added language for benefit assessments on new commercial development built within the sanitary dstrict.	To reflect current district needs.
305-8.A-D.	4	Added enitre section to mirror language in Hockanum District.	Clarity

Chapter 305

CRYSTAL LAKE SEWERAGE SYSTEM

§ 305-1.	Purpose and scope.	§ 305-4.	Calculation of commercial charge.
§ 305-2.	Determination of benefit assessments.	§ 305-5.	Vacant land.
§ 305-3.	Calculation of residential charge.	§ 305-6.	Other assessments.
		§ 305-7.	Payment schedule.

§ 305-8. Regulations, Rules and Conditions.

[HISTORY: Adopted by the Water Pollution Control Authority of the Town of Ellington 8-16-1994 . amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 143.

User charges — See Ch. 330.

Sewer line extensions — See Ch. 325.

§ 305-1. Purpose and scope.

- A. The purpose of this chapter is to outline the methodology employed by the Ellington Water Pollution Control Authority (WPCA) in determining the sewer benefit assessments levied against those commercial and residential property owners especially benefited by the installation of a sanitary sewer system serving the Crystal Lake area.
- B. The Crystal Lake sewerage system was constructed to eliminate the public health hazards of undersized on-lot disposal systems and raw wastewater discharges which occurred in this area. The construction of the sewerage system was determined by the WPCA to be the only feasible alternative to correcting this problem due to a large degree to the density of the dwelling units in the community.
- C. The sewer system has and will preserve the quality of Crystal Lake as well as the health and safety of the individual properties of which provide a special additional benefit to each property served. The density and existing lot sizes, in most cases, precluded the repair, replacement, or construction of new on-lot systems. These same factors necessitated the development of a benefit assessment policy unique to the Crystal Lake area.

§ 305-2. Determination of benefit assessments.

- A. In determining the factors to be used in the determination of the benefit assessments, the WPCA evaluated the factors which it considered unique to the Crystal Lake area. Among these factors the following were considered to be significant:
- (1) The Crystal Lake sewerage system was constructed to serve residential and, to a small extent, commercial uses around Crystal Lake. Permitted uses of property in the sewer service area, as determined through the application of the Town of Ellington's Zoning Regulations,<sup>1</sup> are for the

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Town of Ellington, CT

**1. Editor's Note: See Ch. 230, Zoning.**

most part single-family residential and, in a limited area, Lake Residence Zone. The Lake ~~Residence-Residential~~ Zone, as defined in ~~§ 230-113.1~~ of the Town of Ellington Zoning Regulations, permits ~~year-round single-family dwellings and seasonal use of~~ single-family dwellings. ~~The~~ WPCA has assumed that the permitted use of the property has to be taken into account in the determination of the assessed value of the property by the Tax Assessor.

- (2) The topography of the area necessitated the construction of a sewerage collection system which used both gravity sewers and low-pressure (grinder pump) sewers. Slightly more than 1/3 of all of the initial units served by the system required grinder pump service.
- (3) The nature of the Crystal Lake community was initially that of several lakeside associations of summer cottages. Many of these dwelling units were constructed on lots of minimal size with little or no frontage on private roads. Over the years many of these cottages have been converted to year-round use.

B. Given the above factors, the WPCA has determined that the following items shall be used in the determination of sewer benefit assessments:

- (1) A unit charge for each dwelling unit served by the sewerage system.
- (2) A value charge for commercial properties and restaurants based on the assessed value of each property served by the sewerage system.
- (3) A connection charge which shall reflect the benefit of a Town-installed lateral connection to the collection system.

#### § 305-3. Calculation of residential charge. [Amended 1-22-2008 ]

A. The sewer benefit assessment charge for residential property shall be the sum of the following two factors:

- (1) Unit charge. New single-family and multifamily dwellings shall be assessed ~~\$3,1254,000~~ per bedroom; additions shall be assessed ~~\$3,1254,000~~ per bedroom. ~~for increased bedrooms of four or more, or as set by the WPCA after a public hearing.~~
- (2) Connection charge. In addition to and in recognition of the further benefit conferred upon property where a connection has been joined to the sewer line to serve the property, a connection charge of ~~\$1,0002,000~~ per connection shall be made.
  - (a) In the event of a future connection to the system, whether by gravity or pressure system, the connection charge shall be levied only if the future user connects to a lateral installed as part of the original construction of the system
  - (b) Multiple-dwelling-unit structures shall be charged one connection charge for each connection to the sewerage system.

#### § 305-4. Calculation of commercial charge.

A. Hotels, motels, rooming houses and bed-and-breakfast operations. All properties classified as hotels, motels, rooming houses and bed and breakfast operations ~~commercial or mixed use (residential/commercial)~~ by the office of the Ellington Tax Assessor shall be assessed through the application of the previously presented residential property formula [see § 305-3A(1), (2) and (3)] plus 1/4 of the existing residential unit charge for each additional unit.

**Commented [CK1]:** DORY States:

I don't think the current regulations differentiate between year round and seasonal.

**Commented [CK2]:** DORY States:

This isn't clear. For additions, Is it 4000 per bedroom only if they are adding 4 or more bedrooms at that time? Or is it 4000 for each bedroom over 4? What if prior to the addition there were only 2 bedrooms and the addition is just adding one more? Is there a charge?

**Commented [CK3]:** All purple changes made by Caroly are Dory Reiser's comments/suggestions

- B. ~~Commercial properties, defined in 320-3.~~ This classification is intended to include all commercially classified properties with the exception of restaurants, hotels, motels, rooming houses, and bed-and-breakfast operations.

**Commented [TM4]:** Dory states:  
I'd like to include the definition of commercial unit from Chapter 320 into this Chapter.

- (1) Commercial properties shall be assessed a value charge, connection charge and a unit charge. Value charge: in addition and in recognition of the greater benefit conferred upon larger more valuable structures, an assessment of ~~34.75%~~ of the cost of construction, as determined by the Building Department using the cost factors for building permits, shall be made. Connection charges shall be as stated in § 305-3A(2). Commercial unit charges shall be \$2,200 for the first unit and ½ of the commercial unit charge for each additional commercial unit or fraction thereof. For the purpose of this assessment formula, a commercial unit is defined as ~~2,500~~ 1,500 square feet of commercial ~~space~~ floor area. ~~[Amended 1-22-2008]~~

**Commented [MG5]:** Different than the Hockanum definition

- (2) In the case of mixed-use properties (residential/commercial), the residential formula shall be applied to the property first, with the commercial unit charge(s) applied subsequently.

**Commented [TM6]:** Dory states:  
This should be either floor area or net floor area (as defined in the zoning regulations).

C. Restaurants.

- (1) All properties classified as restaurants ~~by the office of the Ellington Tax Assessor~~ shall be assessed a ~~value charge and~~ connection charge(s) as presented within the residential section of this chapter [see § 305-3A(1) ~~and, (2) and (3)~~] plus a restaurant unit charge of ~~\$2,200~~ 3,000 for the first unit plus 1/2 of the restaurant unit charge for each additional unit or fraction thereof. For the purpose of this assessment formula, a restaurant unit is defined as each block of 12 persons the restaurant is permitted to seat as defined by the permit issued by the Ellington Fire Marshal.

**Commented [TM7]:** Dory states:  
There is no value charge in the residential section, only a unit charge and connection charge.

- (2) In the case of mixed-use properties (residential/restaurant) the residential formula shall be applied to the property first, with the restaurant unit charge(s) applied subsequently.

§ 305-5. Vacant land.

Vacant land shall not be assessed by the WPCA until such time as it is built upon and derives a direct benefit from the sewerage system. Owners of vacant land may approach the WPCA and request ~~the option of~~ having a sewer benefit assessment levied against said vacant land ~~(prior to development)~~ based upon the application of this chapter. For the purposes of this type of assessment levy, the average (mean) residential assessment of

\$72,582 shall be used for the determination of the value charge portion of the sewer benefit assessment formula. The value charge portion of sewer benefit assessments levied in this manner, ~~-if there is one,~~ shall be adjusted at the issuance of a certificate of occupancy, and any increased amount due shall be subject to appreciation charges as described below and shall be due and payable at the time of levy.

§ 305-6. Other assessments.

- A. The WPCA reserves the right to review and reassess properties if improvements thereto result in ~~an~~ increase in assessed value greater than 50%, the use or classification of the property changes, the property converts to year-round use from seasonal use or other reason which, in the opinion of the WPCA, directly results in the increased value of property due to the special benefit of the availability of public sewers. Reassessments made in response to improvements in residential structures are intended to reflect the value added due to new construction initiated by the property owner and not intended to include land values. No new assessments shall be made in response to increased property values relating to Town-wide reevaluations. Any reassessment based on increased property value shall reflect the aforementioned fifty-percent increase over the value computed in the most recent grand list and shall not be retroactive to any previous property value.



- B. The property owner against which an additional assessment has been levied shall have the option of paying the assessment in full at the time of levy or adding the additional assessment to the owner's existing payment plan for the initial assessment levy. In no case shall the payment of the additional assessment extend beyond the original term of the initial assessment levy.
- C. The WPCA reserves the right to adopt other classifications and methods of assessment should they be deemed in the best interest of the WPCA.
- D. Any change in assessment classification, assessment method or reassessment shall be subject to all statutory hearing and levy requirements as presented in C.G.S. Ch. 103, §§ 7-249 through 7-254.

#### § 305-7. Payment schedule.

- A. Sewer benefit assessments for existing residences, exceeding \$10,000 (ten-thousand dollars), may be paid over years, not to exceed 30 years, as determined by the WPCA as follows: 10 year term for \$10,000-\$15,000, 20 year term for \$15,000-\$20,000 and 30 year term for \$20,000 and over. All assessments paid on said payment plan shall be charged interest on the unpaid principal of their installments at the rate of 4.69% effective for the June 1, 1995, billing. All assessments after July 1, 2025 that qualify for a payment plan, shall be charged interest on the unpaid principal at the rate of 5%.
- B. The remaining principal balance of any sewer benefit assessment shall be due and payable upon the sale or transfer for value of ownership of the property upon which an assessment has been levied.
- C. New residential assessments must be paid in full at the time of permit issuance. Permit(s) may be held until full payment is received unless the payment plan option above (305-7.A) has been granted by the WPCA Board.
- BD. New commercial, industrial, restaurant, hotels, motels and rooming house assessments must be paid in full at the time of Certificate of Occupancy (C/O) issuance. C/O may be held until assessment is paid in full unless the payment plan option above (305-7.A) has been granted by the WPCA Board.

#### § 305-8. Regulations, rules and conditions.

- A. Upon the sale or transfer for value of any property against which a lien for deferred payment plan has been filed, the unpaid principal, together with interest, shall be paid in full. The deferred payment plan shall not be assumable.
- B. The installation and cost of connecting each building to main sewer lines or lateral lines shall be the obligation of the property owner.
- C. The WPCA shall be entitled to costs of collection, including a reasonable attorney's fee, court costs, lien fees, advertising, sales and sheriff's fees, in connection with the collection of all delinquent assessments and the enforcement of this chapter as provided in the General Statutes.
- D. Default in installment payments.
- Failure to pay any installment of principal or interest when due or within 30 days thereafter shall constitute a delinquency under the provisions of Connecticut General Statutes § 7-254.
  - Interest upon said delinquent payment shall be at the rate provided in the General Statutes for delinquent property taxes or 5%, whichever is greater.
  - After any payment has become delinquent, the Tax Collector may permit the owner to pay

**Commented [TM8]:** Dory asks:

Does the WPCA has discretion on a case by case basis to set the repayment term? This could lead to challenges on unfair, unequal treatment. I think it would be better to have a standard repayment term - or perhaps tie the term to the amount of the benefit assessment (ex: 10 yr term if 10k-15k; 20 yr term if 15k-20k; 30 yr term is over 20k)

**Commented [TM9]:** Dory asks:

So these can't go on a payment plan?

**Commented [TM10]:** Dory asks:

Which category do restaurants, hotels, motels, rooming houses and B&Bs fall into?  
Also, so these can't go on a payment plan?

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Town of Ellington, CT

the delinquency together with all accrued charges and reinstate the installment method of paying the remaining installments when due. In the event of a subsequent default in payment, then the installment method of payment shall be reinstated only after a written petition by the owner to the WPCA, accompanied by payment of all past due installments together with accrued interest and charges, and approval by the WPCA.

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Section	Page	Change	Reason
ALL	ALL	All modified sections to include <b>[Ammended 6-18-2025]</b>	Consistency
320-3	9	Added "undeveloped" to Assessment Deferred definition.	Consistency
320-3.B, 1-2	10	Revise Industrial Unit Assessment defintiion from 2,500 to 1,500 square feet	To reflect distrctits current needs.
320-3	10	Revise "In-Law Apartment" to "Accessory Apartment"	To reflect current regulations.
320-3.A & B	11	Revise "Unit" to "Bedroom"	To reflect current practices.
320-3.B	11	Revise "exception" to "permit"	To reflect current regulations.
320-4.A.1.	11	Revise \$1,875 to \$2,000 and omit "for increased bedrooms of four or more, or as set by the WPCA after a public hearing.	To reflect distrctits current needs.
320-4.A.2.	11	Revise \$1,000 to \$2,000	To reflect distrctits current needs.
320-4.B.1.	11	Revise \$1,100 to \$1,300 and \$550 to \$650	To reflect distrctits current needs.
320-4.B.1.a.	11	Revise \$1,100 to \$1,300 and \$400 to \$500	To reflect distrctits current needs.
320-4.B.1.b.	11	Revise \$1,100 to \$1,300 and \$550 to \$650	To reflect distrctits current needs.
320-4.B.2.	12	Revise \$1,000 to \$2,000	To reflect distrctits current needs.
320-4.B.3.	12	Revise "footage" to "frontage", \$8 to \$10 and "front" to "of frontage", removed definition referral.	Clarity & reflection of distrctit needs.
320-4.B.4.	12	Revise \$320 to \$400	To reflect distrctits current needs.
320-4.B.5	12	New section.	Per Town Attorney
320-C	12	Reworded for clarity.	Clarity
320-4.C.1.	12	Revise \$320 to \$400	To reflect distrctits current needs.
320-4.C.2.	12	Refer to 320-4.B for defintion. Added "sale or" & "for value".	Clarity
320-4.C.3	12	OMIT	Uneccessary
320-4.E.2	13	Added "but shall be made in connection with" and "as provided hereinafter"	Clarity
320-4.E.3.a.	13	Revised "necessary" to "statutory"	Clarity
320-4.E.3.b.	13	Added "in accordance with the provisions of this Chapter" and "and file a copy of the approved assessment with the Town Clerk".	To reflect current practices.
320-4.E.3.c.	13	Remove "and file a copy with the Town Clerk"	To reflect current practices.
320-4.E.3.e.	13	Added "actual"	Clarity
320-4.E.3.f.	13	Added "in accordance with CGS §7-250"	Clarity
320-4.E.3.g.	13	New section	To reflect current regulations.
320-4.E.5	13	OMIT	Per Town Attorney
320-4.G.2	15	OMIT	Per Town Attorney
320-4.G.3	15	Now #2. Omit last sentence.	Per Town Attorney
320-5.A	15	OMIT	Uneccessary
320-5.D.	15	Now "C". Added "The WPCA shall be entitle to" and " in connection with the collection". Omit "shall be payable to enforce payment".	Clarity
320-5.D.3.	16	Omit "from the authority" and "If more than one installment is delinquent" and "only by the WPCA upon a". Added "In the event of a subsequent default in payment", "after a", "to the WPCA" and "and approval by the WPCA"	Clarity

Chapter 320

HOCKANUM RIVER WATERSHED SEWERAGE SYSTEM

§ 320-1.	Findings; statutory authority.	§ 320-5.	Regulations, rules and conditions.
§ 320-2.	General rules of assessment.	§ 320-6.	Effective date.
§ 320-3.	Definitions.		
§ 320-4.	Assessment of benefits.		

[HISTORY: Adopted by the Water Pollution Control Authority of the Town of Ellington 2-9-1981 , as amended through 4-18-1995 . Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 143. User charges — See Ch. 330.  
Sewer line extensions — See Ch. 325.

§ 320-1. Findings; statutory authority.

- A. The Water Pollution Control Authority (WPCA) has considered at length the manner of assessment of benefits so as to provide the funds necessary to pay the costs of installing the sanitary sewer facilities which constitute this project. After considering the various alternatives for assessment, the WPCA has concluded that there are four factors which are most significant: first, there is a general benefit to each property regardless of size or property value; second, there is some greater benefit to larger or more valuable buildings; third, the size of each property has a distinct bearing on the cost of construction; and fourth, there are special costs incidental to a property becoming connected to the sewer system. The WPCA has analyzed and evaluated those factors.
- B. No assessment shall be made against any property in excess of the special benefit to accrue to such property in accord with the General Statutes.
- C. Pursuant to the above, the WPCA herewith adopts pursuant to Chapter 103, §§ 7-245 through 7-273a of the General Statutes of Connecticut, as amended, the following schedule of assessment of benefits, regulations, and standard practices and requirements for the Hockanum River Watershed Sewerage System.

§ 320-2. General rules of assessment.

- A. The WPCA shall determine and adopt rates of sewer benefit assessment for the construction of each sewer project. Such rates shall be based on the total project cost as ordered published by the WPCA or a portion thereof determined by said WPCA. In determining said sewer assessment rates, consideration shall be given to costs, as determined by the provisions below, and the characteristics of the properties and areas expected to be improved.
- B. The total cost of the sewer construction shall include the cost of preliminary studies and surveys, detailed working plans and specifications, acquiring necessary land or property or any interest therein, damage awards, interest charges during construction, legal and other fees, outlet benefits or deferred

assessments, or any other expense incidental to the completion of the work, in addition to the cost of construction.

### § 320-3. Definitions.

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

APARTMENT HOUSE or MULTIFAMILY DWELLING — A building used by two or more families living independently of each other.

ASSESSMENT, DEFERRED — Whenever a sewer is laid out and benefits assessed by the WPCA through or adjacent to undeveloped land, the assessment of such undeveloped land shall be deferred until such time as the land shall be built upon, a building permit issued therefor, approval of a subdivision plan of such undeveloped property or a special permit approved by the Planning and Zoning Commission, whichever event occurs first, at which time the assessment shall be made as provided herein in accordance with this chapter and regulations. The WPCA shall place a caveat on the land records in each instance where assessment of benefits to anticipated development of land has been deferred.

CAPACITY CHARGE — The cost associated with the purchase of additional capacity from the Town of Vernon through the execution of a second amendment to the Intermunicipal Agreement dated December 6, 1989. The capacity charge shall be levied against all properties connected to the sewer which benefit from new sewer construction or extension occurring after December 6, 1989.

COMMERCIAL PROPERTY — Property located in those areas specifically set aside for retail or wholesale sale of consumer, commercial or industrial goods and equipment or the rendering of either retail or wholesale services, the performance of which is either consumer, commercial or industrial in nature, including but not limited to all those uses permitted or requiring special permits under the Ellington Zoning Regulations.<sup>2</sup>

COMMERCIAL UNIT ASSESSMENT —

- A. A commercial enterprise for purposes of assessment shall be assigned one unit for each commercial unit located thereon.
- B. A single commercial unit shall be defined as a structure with a total area of no more than 1,500 square feet of floor area devoted to a single business enterprise or operation. **[Amended 4-27-2015]**
  - (1) For a single business which occupies an area greater than 1,500 square feet, then an additional unit will be assessed for each additional 1,500 square feet of area or fraction thereof.
  - (2) Two or more separate business units having less than 1,500 square feet total area cannot be combined to form one unit but each shall be assessed as one unit.
- C. A commercial unit shall also include each separate unit or store within a commercial building. Separate units shall be as determined under a building or zoning permit issued for said property or, in the case of existing buildings, the actual unit arrangement as determined by actual use or firewalls.
- D. Both occupied and vacant commercial units shall be included in this assessment method.
- E. A restaurant unit shall be defined as each block of 12 persons the restaurant is permitted to seat as defined by the permit issued by the Ellington Fire Marshal.
- F. Storage space shall be included into the total area in this assessment method.

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2. Editor's Note: See Ch. 230, Zoning.

**Commented [TM11]:** Dory states:  
I like how you address this here better than how you did in Chapter 305. Maybe make them more consistent?

**DEVELOPER** — Any person who, or any firm, corporation or other legal entity which, shall subdivide or develop land.

**FARMLAND** — An area devoted to farm uses, with a minimum area of three acres, for gain or expectation of gain, in the raising of agricultural products, livestock and/or poultry and/or the production of dairy products.

**HOTEL** — A building designed as a temporary abiding place for more than 10 persons or having six or more sleeping rooms in which lodging with or without meals is provided.

**INDUSTRIAL PROPERTY** — Property located in those areas specifically set aside for manufacturing, fabricating, assembling, warehousing, finishing, packaging, processing or research and development, including but not limited to all those uses permitted or requiring special permits under the Ellington Zoning Regulations.<sup>3</sup>

**INDUSTRIAL UNIT ASSESSMENT** —

- A. An industrial enterprise for purposes of assessment shall be assigned one unit for each industrial unit located thereon.
- B. A single industrial unit shall be defined as a structure with a total area of no more than ~~2,500~~1,500 square feet of floor area devoted to a single business enterprise or operation.
  - (1) For a single business which occupies an area greater than ~~2,500~~1,500 square feet, then an additional unit will be assessed for each additional ~~2,500~~1,500 square feet of area or fraction thereof.
  - (2) Two or more separate business units having less than ~~2,500~~1,500 square feet total area cannot be combined to form one unit but each shall be assessed as one unit.
- C. An industrial unit shall also include each separate unit or store within an industrial building. Separate units shall be as determined under any building or zoning permit issued for said property or, in the case of existing buildings, the actual unit arrangement as determined by actual use or fire walls.
- D. Both occupied and vacant industrial units shall be included in this assessment method.
- E. Storage space shall be included into the total area in this assessment.

~~IN-LAW APARTMENT~~ACCESSORY APARTMENT — Living space within a single-family dwelling for related family members as defined by the Ellington Zoning Regulations.<sup>4</sup>

**LATERAL LINE (SEWER LATERAL)** — A line that connects the main or local community sanitary sewer line or trunk line and runs lateral or perpendicular thereto and extends to the individual property line providing a connection with the sanitary sewer building connection.

**LOT** — A parcel of land occupied or intended to be occupied by a building or buildings and accessory buildings or uses, including open spaces, and such open spaces as are used in connection with the building or buildings.

**MOTEL** — A building or group of buildings containing one or more guest rooms for transient guests, and including motor court, motor hotel, tourist cabins, and tourist rooms.

**RESIDENTIAL PROPERTY** — Property located in those areas specifically set aside for development or actually developed for the use of single-family dwellings or residences, including but not limited to all

3. Editor's Note: See Ch. 230, Zoning.

4. Editor's Note: See Ch. 230, Zoning.

**Commented [TM12]:** Dory States:  
Zoning Regs not use the term Accessory Apartment

those uses permitted or requiring special permits under the Ellington Zoning Regulations.<sup>5</sup>

RESIDENTIAL UNIT ASSESSMENT — The unit for purposes of assessment shall be assigned as follows:

- A. In residential zones, property improved for residential use, property which has been approved as a building lot under applicable zoning or subdivision regulations,<sup>6</sup> and property on which a residential unit or units may be constructed under zoning regulations without the need for approval under zoning or subdivision regulations shall be assigned one unit for each residential ~~unit~~ bedroom thereon or for each residential unit permitted to be constructed thereon.
- B. In any zone, one unit shall be assigned to each residential ~~unit~~ bedroom in a multifamily residential development which has either been approved as a special ~~exception permit~~ by the zoning authority or approved under zoning regulations governing such developments.
- C. In any zone, one unit shall be assigned to each three persons permitted to occupy a rooming house, bed-and-breakfast, boardinghouse or group home establishment as defined below.

ROOMING HOUSE, BED-AND-BREAKFAST, BOARDINGHOUSE or GROUP HOME ESTABLISHMENT — A building in which a rooms or rooms and meals are provided for compensation to persons other than members of the family of the proprietor.

STORAGE SPACE — A storehouse, storeroom, or warehouse that provides space or place for storing as part of a commercial enterprise, including but not limited to space rented for storage.

#### § 320-4. Assessment of benefits.

- A. The sewer benefit assessment charge for residential property shall be the sum of the following two factors: [Amended 1-22-2008 ]
- (1) Unit charge. New single-family and multifamily dwellings shall be assessed \$~~1,875~~2,000 per bedroom; additions shall be assessed \$~~1,875~~2,000 per bedroom. ~~for increased bedrooms of four or more, or as set by the WPCA after a public hearing.~~ [Amended 4-27-2015 ]
- (2) Lateral charge. In addition and in recognition of the further benefit conferred upon property where a lateral line has been joined to the sewer line to serve the property, a further assessment of \$~~1,000~~2,000 shall be made. Said lateral charge shall be due and payable with the levying of the overall assessment of basic benefits if in fact said lateral line is in place and presently capable of serving said benefited property.
- B. Commercial and industrial property. [Amended 1-22-2008 ; 4-27-2015 ]
- (1) Unit charge. Each commercial and industrial unit or store shall be assessed at \$~~1,100~~1,300 for the first unit (1,500 square feet), and \$~~550~~650 for each additional unit or portion thereof.
- (a) Hotels and motels connecting to the sewer will be assessed at the rate of \$~~1,100~~1,300 for the first room and \$~~400~~500 for each additional room.
- (b) Restaurants connecting to the sewer shall be assessed at the rate of \$~~1,100~~1,300 for the first unit (12 seats), and \$~~550~~650 for each additional unit or portion thereof.

Commented [TM13]: Dory asks:  
Should this be bedroom?

Commented [TM14]: Dory asks:  
Should this be bedroom?

Commented [TM15]: Dory states:  
This isn't clear For additions, is it 4000 per bedroom only if they are adding 4 or more bedrooms at that time? Or is it 4000 for each bedroom over 4? What if prior to the addition there were only 2 bedrooms and the addition is just adding one more? Is there a charge?  
Also, doesn't this conflict with the definition of residential unit assessment which contemplates each dwelling unit (regardless of the number of bedrooms) will be a unit?

Commented [TM16]: Dory states:  
Again, I like how you word this here better than in Chapter 305 - maybe make it more consistent?

Commented [TM17]: Dory states:  
If its not in place, address when this charge is payable.

5. Editor's Note: See Ch. 230, Zoning.

6. Editor's Note: See Ch. 225, Subdivision of Land, and Ch. 230, Zoning.



- (2) Lateral charge. In addition and in recognition of the further benefit conferred upon the property where a lateral line has been joined to the sewer line to serve the property, a further assessment of ~~\$1,000~~ \$2,000 shall be made. Said lateral charge shall be due and payable with the levying of the overall assessment of basic benefits if in fact said lateral line is in place and presently capable of serving said benefited property.
- (3) Frontage charge. In addition, a ~~footage-frontage~~ charge shall be assessed at ~~\$8~~ \$10 per ~~front~~ foot of frontage, defined and applied as more specifically set out in Subsection A(4) to (g)<sup>2</sup>, inclusive, measured to the nearest whole foot.
- (4) Capacity charge. Future units connected to sewers constructed or extended after December 6, 1989, shall be assessed an additional capacity charge of ~~\$320~~ \$400 per unit. Said capacity charge will not be subjected to appreciation charges.

~~(4)(5)~~ All charges listed above are payable at the time of Certificate of Occupancy issuance.

- C. Developer-constructed sewer extensions. When a developer constructs sewers which are to service single-family or multifamily residences (including sewers constructed to provide future service to planned or proposed residences) and such sewers are to be connected to existing Town sewer mains and subject to the terms of the WPCA's standard developer's agreement, a capacity charge, ~~the unit charge~~ and ~~the value charge~~, as provided hereinafter, will be assessed, in addition to the unit charge and lateral charges set forth in Section 320-4 above. These charges shall be collectable by the WPCA at the following points in time as reflected by the development process:

- (1) Capacity charge. In recognition of the costs associated with the purchase of additional treatment plant capacity from the Town of Vernon, a charge of ~~\$320~~ \$400 per unit shall be payable for each unit at the time of execution of the developer's agreement (applies only to agreements executed after December 6, 1989) between the developer and the WPCA.
- (2) Unit charge. ~~A~~ The unit charge of ~~\$1,100~~ per unit as specified in Subsection A(1) set forth in Section 320-4.B above shall be payable for each unit upon the sale or transfer for value of an undeveloped lot, the acceptance by the WPCA of the sewer main constructed by the developer, or the issuance of a building permit, whichever occurs first.
- ~~(3) Value charge. The value charge shall be payable for each unit after completion of a public hearing and all other WPCA levy procedures are completed as specified elsewhere in this chapter.~~

D. Farmland.

- (1) Farm residences shall be assessed as in Subsection A above with a front footage of 175 feet or minimum frontage permissible in the zone. Such assessments shall be payable in the regular manner hereunder.
- (2) Farmland in excess of a conforming building lot under applicable zoning for each farmhouse shall have its assessment deferred so long as it continues to be used as farmland.

E. Deferred assessments.

- (1) In any case under this chapter where the assessment is to be deferred wholly or partially, a caveat may be placed upon the land records and mailed to the owner of record on the last Assessor's grand list stating the fact that said property has been benefited by installation of the sewer system but the assessment has been deferred by this chapter. Where only a portion of the assessment is required to be deferred, the assessment not deferred may be levied immediately.

**Commented [TM18]:** Dory states:

Again, if not in place, then address when this charge is payable.

**Commented [TM19]:** Dory asks:

Do we not have a formula for calculating the value charge?

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7. **Editor's Note: So in original.**

- (2) The deferred assessment may be made at any time following the recording of a caveat or following the time when a caveat might have been recorded, ~~upon~~ but shall be made in connection with the issuance of a building permit for construction or reconstruction of any structure or development of any property for which the sewer benefit may be measured under this chapter, as provided hereinafter.
- (a) After issuance of the building permit, the Building Official shall determine whether the property for which the permit was issued must connect to an existing sewer line or that the property is not on an existing line. The Building Official will notify the WPCA of this permit and determination by use of a form approved by the WPCA.
- (b) The WPCA will compute the sewer benefit assessment in one of two methods:
- [1] As a new account not previously assessed on a partial basis. In this method, the entire sewer benefit assessment would be due and payable, in full. Upon written request, the WPCA may allow an extended payment plan.
- [2] As a new account that has been previously assessed, on a partial basis. In this method, only the additional assessment computed after June 30, 1981, is due and payable, in full. The sewer benefit assessment computed prior to June 30, 1981, may still be paid over a fifteen-year period, at five-percent interest. Two separate bills will be issued by the WPCA.
- (3) WPCA benefit assessment levy procedure.
- (a) The WPCA will notify the owner that he will be heard at the next available meeting of the WPCA at a public hearing on the proposed assessment and give notice of the date and time of said hearing and follow all ~~necessary~~ statutory notice procedures.
- (b) Following the hearing, the WPCA will determine the actual assessment of benefits then to be laid upon said property in accordance with the provisions of this Chapter and give notice to the property owner and file a copy of the approved assessment with the Town Clerk.
- (c) The Tax Collector will mail a bill for the sewer benefit assessment that is outstanding, with a notice of explanation, to the current property owner ~~and file a copy with the Town Clerk~~.
- (d) Said bill shall notify the owner of his right to appeal within 21 days after said filing.
- (e) Said assessment shall be due within 30 days following written notice of the assessment to the property owner or actual connection of the premises to the system, whichever shall first occur. In the event no new connection is made to the sewer system, then issuance of a certificate of occupancy by the Building Official shall be deemed the time of actual connection.
- ~~(f)~~ (g) The property owner may appeal the sewer benefit assessment that has been levied to the court no later than 21 days after the bill is filed with the Town Clerk in accordance with CGS §7-250.
- ~~(g)~~ (g) All notices required per this subparagraph shall be made in writing and mailed by first class mail, postage prepaid, to the property owner at the address of record with the Ellington Assessor's Office.
- (4) Farmland, forest land, open space land, unclassified land and land rezoned and used for residential, commercial or industrial purposes shall be reassessed under this chapter as its use changes to a use which would have been assessed upon the effective date of this chapter, whether or not a caveat has been recorded.

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~~(5) Elderly exemptions under the provisions of Connecticut General Statutes § 7-253a. Assessments shall be made pursuant to this chapter at regular values. Thereafter, property owners who qualify for elderly exemptions under general municipal tax law or for frozen or deferred taxes shall be entitled to elect under the provisions of Connecticut General Statutes~~

**Commented [TM20]:** Dory states:

These only apply is the town has an ordinance that allows qualifying elderly taxpayers to apply to the WPCA for alternate payment plans. I'm not aware of an ordinance that allows this - are you? If there isn't one, we should strike this.

§ 7-253a to pay only the accrued interest under a deferred payment plan. After an election has been filed, said owner may pay any installation of principal without revoking said election. The entire unpaid balance of said assessment, together with accrued interest and any other appropriate charges, shall be due and payable on transfer of title from said eligible owner or upon the death of such eligible owner.

F. (Reserved)<sup>8</sup>

G. Other/additional assessments.

- (1) Assessments for users where Subsection A, B, C or D is not applicable shall be established by the WPCA after a hearing at which the owner may present evidence and be heard.

- ~~(2) The WPCA may, at its discretion, make adjustments in assessments of benefits in cases where, in the judgment of the WPCA, substantial hardships would result through strict application of the provisions of Subsections A, B, C and D.~~

- ~~(2)~~ (2) The WPCA reserves the right to review and reassess properties if, or when, improvements thereto result in an increase in the number of assessable units, the use or classification of the property changes, or other reason which, in the opinion of the WPCA, directly results in the increased value of the property due to the special benefit of the availability of public sewers. Reassessments made in response to improvements in residential, commercial or industrial structures are intended to reflect the value added due to new construction initiated by the property owner and not intended to include land values which have been previously assessed. No new assessments shall be made in response to increased property values relating to Town- wide reevaluations. ~~Any reassessment based on increased property value shall reflect the aforementioned increase over the value computed in the most recent grand list and shall not be retroactive to any previous property value.~~

§ 320-5. Regulations, rules and conditions.

- ~~A.~~ Total charges and assessment of benefits for existing units shall be due and payable June 1, 1981, and may be paid in full at any time prior to July 1, 1981. As of June 1, 1981, the assessment of benefits will be filed as a charge against the property of the owner, subject to interest at a rate of 5%, payable thereafter in a maximum of 15 equal annual installments, together with accrued interest. Owners may elect the deferred method of payment by paying the first annual installment or principal on or before June 1, 1981. Any unpaid balance, with interest, may be paid in full at any time with no penalty.

- ~~B.~~ Upon the sale or transfer for value of any property against which a lien for deferred payment plan has been filed, the unpaid principal, together with interest, shall be paid in full. The deferred payment plan shall not be assumable.

- ~~C.~~ The installation and cost of connecting each building to main sewer lines or lateral lines shall be the obligation of the property owner.

- ~~D.~~ The WPCA shall be entitled to ~~c~~ costs of collection, including a reasonable attorney's fee, court costs, lien fees, advertising, sales and sheriff's fees, in connection with the collection shall be payable to enforce payment of all delinquent assessments and the enforcement of this chapter as provided in the General Statutes.

- ~~E.~~ Default in installment payments.

**Commented [TM21]:** Dory asks:

What's the basis for this? It raises issues of unequal treatment.

**Commented [TM22]:** Dory states:

I don't think this applies here since the assessment formula contemplates bedrooms, floor area, etc and doesn't seem tied to land value.

**Formatted:** Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.07" + Indent at: 0.4"

8. Editor's Note: Former Subsection F, regarding appreciation charges for deferred assessments, was repealed 1-22-2008.

- (1) Failure to pay any installment of principal or interest when due or within 30 days thereafter shall constitute a delinquency under the provisions of Connecticut General Statutes § 7-254.
- (2) Interest upon said delinquent payment shall be at the rate provided in the General Statutes for delinquent property taxes or 5%, whichever is greater.
- (3) After any payment has become delinquent, the Tax Collector ~~from the Authority~~ may permit the owner to pay the delinquency together with all accrued charges and reinstate the installment method of paying the remaining installments when due. ~~If more than one installment is delinquent~~In the event of a subsequent default in payment, then the installment method of payment shall be reinstated ~~only by the WPCA upon a~~after a written petition by the owner ~~to the WPCA~~ accompanied by payment of all past due installments together with accrued interest and charges, and approval by the WPCA.

**§ 320-6. Effective date.**

This chapter shall become effective on April 18, 1995.

**Commented [TM23]:** Is this section necessary?

Section	Page	Change	Reason
ALL	ALL	All modified sections to include <b>[Ammended 6-18-2025]</b>	Consistency
325-2.A.	16	Revised "notification" to "request" and \$100 to \$150	Clarity and to reflect current district needs.
325-2.B.	16	Added "If denied, the WPCA or its agent shall provide written notice of the denial to the applicant and state reasons for the denial"	Clarity
325-3.A	16	Revise "three copies" to "an electronic copy"	To reflect current standards.
325-3.B.	16	Revise "five" to "electronic" and add "final"	To reflect current standards.
325-3.C.	17	Added " along with copies of the" "design"	To reflect current standards.
325-4.A.	17	Added "in form prepared by the Town Attorney"	To reflect current standards.
325-4.B.	17	Added language to reflect current requirements.	To reflect current standards.
325-5	17	Revised "Public Works Director" to " WPCA Administrator". Added "Town Engineer".	To reflect current standards.
325-6.A	17	Omit "full" & "Town". Insert "WPCA".	To reflect current standards.
325-6.B	17	Omit "daily"	To reflect current standards.
325-6.C.	17	Revised "Public Works Director" to " WPCA Administrator" & "WPCA Engineer". Added CCTV & pressure testing requirements.	To reflect current standards.
325-7	17	Revised language for electronic As-Builts and recipients	To reflect current standards.
325-7.D	19	Added "labeled and"	Clarity
325-7.H	19	Added "with its appropriate vertical elevation"	Clarity
325-7.J	19	Revised to meet current standards	To reflect current standards.
325-8	19	Revised "acceptable Mylar" to "electronic", "Van" to "Engineer", "Town" to "WPCA" and "to" to "from".	To reflect current standards.
325-9	19	Revised "Upon" to "Prior to final" and "within 30 days" to "prior to final acceptance". Omit last sentence.	Per Town Attorney.

Chapter 325

SEWER LINE EXTENSIONS

§ 325-1.	Purpose.	§ 325-5.	Meeting prior to construction.
§ 325-2.	Submission and review of application.	§ 325-6.	Inspections; notice of substantial completion.
§ 325-3.	Submission of design documents and plans; review fee.	§ 325-7.	As-built drawings.
		§ 325-8.	Notice of final acceptance.
§ 325-4.	Preparation of developer's agreement.	§ 325-9.	Final accounting.

[HISTORY: Adopted by the Water Pollution Control Authority of the Town of Ellington 6-23-1998 . Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 143.	Hockanum River Watershed Sewerage System— See Ch. 320.
Crystal Lake Sewerage System — See Ch. 305.	User charges — See Ch. 330.

§ 325-1. Purpose.

The purpose of this chapter is to establish procedures for the extension of the sewer lines for the Hockanum Sewer System and the Crystal Lake Sewer System. To gain approval for construction, the applicant should also refer to the Town of Ellington's Sewer Ordinance<sup>9</sup> and Drain Layers' Manual for additional requirements.

§ 325-2. Submission and review of application.

- A. The applicant will submit a formal ~~notification request~~ (i.e., application and key map of location) to the WPCA for its conceptual approval with a ~~nonrefundable~~~~non-refundable~~ fee of ~~\$400~~~~150~~. The applicant will complete the number of units and average daily flow.
- B. The WPCA or its agent will review the application, and, upon acceptance, an approval letter will be issued by the WPCA to the applicant. ~~If denied, the WPCA or its agent shall provide written notice of the denial to the applicant and state the reasons for the denial.~~

§ 325-3. Submission of design documents and plans; review fee.

- A. The applicant will submit to the WPCA ~~an three copies~~~~an electronic copy~~ of the design documents, including the applicable fee (review fee) to cover the cost of the review. The review fee will only be an estimate of the anticipated review costs. The amount will be specified in the approval letter.
- B. Upon acceptance by the WPCA's Engineer and the Water Pollution Control Authority, ~~five electronic~~ copies of all ~~final~~ plans, specifications, and reports will be submitted by the applicant to the WPCA for approval.



**9. Editor's Note: See Ch. 143, Art. II, Sewer Construction and Use.**

- C. An approval letter listing the conditions will be distributed, along with copies of the ~~and~~-designed documents as follows:

- (1) One copy retained by WPCA.
- (2) One copy to the Planning and Zoning Commission.
- (3) One copy to the Director of Public Works.
- (4) One copy to the Building Official.

**§ 325-4. Preparation of developer's agreement.**

- A. Upon approval of the design documents submitted, the Ellington WPCA and applicant will enter into a developer's agreement for construction, in form prepared by the Town Attorney.
- B. A developer's agreement shall ~~also~~ include provision for inspection fees, legal fees, and engineering fees estimated and required in advance, as well as the posting of a performance bond to ensure satisfactory completion of construction. If money is left from the review fee, it will be credited to the developer's agreement fees. If costs exceed the estimate, the developer will be required to pay the same prior to final acceptance of the sewer extension by the WPCA, and if costs are lower, the money will be returned to the developer promptly following final acceptance of the sewer extension by the WPCA.
- C. Attached is the checklist attachment to the developer's agreement.<sup>10</sup>

**§ 325-5. Meeting prior to construction.**

Prior to the start of construction, a preconstruction meeting will be arranged by the ~~Public Works Director~~ WPCA Administrator. The WPCA Engineer, Town Engineer, WPCA Administrator, Building Inspector, and Town Planner will attend this meeting if the project's size or complexity justifies participation.

**§ 325-6. Inspections; notice of substantial completion.**

- A. During construction, ~~full~~ inspections will be provided by the Ellington WPCA staff and ~~or Town~~ WPCA Engineer.
- B. The inspector will fill out ~~daily~~ inspection reports and will file copies with the Town Engineer and Building Inspector.
- C. Ellington's WPCA staff, the ~~Public Works Director~~ WPCA Administrator, Town Engineer, WPCA Engineer, and Building Inspector will inspect the project upon its completion. Additionally, the contractor, at its own expense, will provide CCTV footage of the completed installation, where applicable, and pressure test results. If all facilities have been installed to specification, a notice of substantial completion will be prepared and submitted to the applicant indicating any additional work requirements and requesting the submission of an as-built drawing of the completed facilities.

**§ 325-7. As-built drawings.**

~~Three copies of the as~~As-built drawings will be electronically submitted, electronically, within 30 days following the aforesaid final inspection of construction completion, in a Portable Document Format (PDF) to the Ellington WPCA, electronically, within 30 days. For and copied to the ~~following~~ Town Engineer, Public Works Director, Building Official and WPCA Engineer:

- A. All buildings shall be shown in proper scale and location.

**Commented [TM24]:** Dory asks:  
Don't we typically require the developer to provide a tv inspection? Should we reference this?

Town of Ellington, CT

- B. All correct invert elevations, top of manhole from elevations and stationing of manholes shall be shown to scale.
- C. Each wye shall be stationed and shown on plans to scale.

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**10. Editor's Note: The checklist attachment is on file at the office of the Water Pollution Control Authority.**

- D. All building connection laterals shall be shown on the plan to scale and shall be tied by three dimensions on the plan. Below sill or below ground depth shall be labeled and shown.
- E. Chimneys shall be shown on cross section.
- F. Size of pipe, type of pipe material, slope or grade, and length of each manhole-to-manhole pipe run shall be indicated.
- G. Areas having additional bedding, temporary sheeting or permanent sheeting shall be shown. Any concrete encasement shall be shown.
- H. A bench mark, with its appropriate vertical elevation, shall be referred to on each drawing.
- I. Drawings shall be indicated as "revised to an as-built," dated and initialed by a registered professional engineer.
- J. The ~~Town-engineered~~ as-built drawings shall be ~~on reproducible Mylar~~ electronic with a plan sheet scale of one inch to 40 feet inches and profile sheet scale of one inch to 40 feet inches horizontal, one inch to four feet inches vertical. The drawings shall be 24 inches to 30 inches.

**§ 325-8. Notice of final acceptance.**

Upon satisfactory completion of all the checklist items and receipt of ~~acceptable Mylar~~ electronic as-builts, with copies for the WPCA, Public Works Director, WPCA ~~Van Engineer~~, and Building Inspector, the ~~Town~~ WPCA Engineer will issue a notice of final acceptance to the developer ~~from~~ to the Ellington WPCA.

**§ 325-9. Final accounting.**

~~Upon~~ Prior to final acceptance by the WPCA, a final accounting will be made to have all fees paid. Any money left on the account will be returned to the applicant. If money is owed, the WPCA will require payment to be made ~~within 30 days prior to final acceptance~~. ~~The reduction of the performance bond will not be approved until all outstanding fees are paid in full.~~

**Commented [TM25]:** Dory asks:  
Should we reference that this is subject to the one year maintenance period?

**Commented [TM26]:** Paul mentioned to include this earlier, however I do not think this is necessary. The performance bond is set by the Town not the WPCA. This statement just ensures that the bond will not be considered for reduction until all WPCA fees are satisfied.

**Commented [TM27]:** Dory states:  
I think you should hold off on final acceptance until all fees are paid. Then the perf bond will be reduced to a one year maintenance bond.

Section	Page	Change	Reason
ALL	ALL	All modified sections to include <b>[Ammended 6-18-2025]</b>	Consistency
330	20	Added "and Notices" to 330-7 heading	Clarity
330-2	20	Revised defintion to refer to Zoning Regualtions	Per Town Attorney.
330-4.D.	26	Added "Prior to 7-1-2025" and "No new deduct meters will be permitted or consdered."	Per Board of WPCA
330-4.G.	24	Now "F". Added "or most recent addition", omitted "approved by DEP" and last sentence.	To reflect current standards.
330-4.H.	24	OMIT	Per Board of WPCA
330-4.I.	24	Now "G". Revised \$50 to \$150.	Per Town Attorney.
330-6.C.	24	OMIT	No longer in place.
330-7.C.	26	New section	Per Town Attorney.

Chapter 330

USER CHARGES

§ 330-1.	Purpose.	§ 330-5.	Billing and payments.
§ 330-2.	Definitions.	§ 330-6.	Special charges.
§ 330-3.	Fund management.	§ 330-7.	Appeals <u>and Notices.</u>
§ 330-4.	Determination of charge.		

[HISTORY: Adopted by the Water Pollution Control Authority of the Town of Ellington 3-9-1992 , as amended 8-31-1993 . Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 143.	Hockanum River Watershed Sewerage System — See Ch. 320.
Crystal Lake Sewerage System — See Ch. 305.	Sewer line extensions — See Ch. 325.

§ 330-1. Purpose.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Town of Ellington WPCA to collect charges from all users which contribute wastewater to the WPCA's collection and treatment works. The proceeds of such charges, so derived, will be used for the purpose of operating and maintaining the public wastewater collection and treatment works. It is intended that user charges meet all costs of operation and maintenance of the sewer systems on an annual basis.

§ 330-2. Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows. "Shall" is mandatory; "may" is permissive.

ACCESSORY ~~APARTMENT~~ — ~~The same definition in the Ellington Zoning Regulations, <sup>11</sup> which is a subordinate dwelling unit located within a single family residence. An accessory apartment shall not have more than one bedroom. For the purposes of calculating the user charge, it will be at .3 (1/3) EDU. Refer to Ellington Zoning Regulations 7.2.~~ [Added 5-15-2001 ]

BOD (denoting BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in days at 20° C., expressed in milligrams per liter (mg/l).

COMMERCIAL USER — All retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

CRYSTAL LAKE SEWER SERVICE AREA — That area from which collected wastewater is discharged to the Town of Stafford and defined in the facility plan adopted by the WPCA, as amended from time to time.

11. Editor's Note: See Ch. 230, Zoning.

**Commented [TM28]:** Dory States:  
Just refer to the zoning regulations for the definition. It has changes and does not need to be located only within a SF residence. It can be detached as well. Also, I don't think it's restricted to no more than 1 bedroom.

**EQUIVALENT DWELLING UNIT (EDU)** — The average wastewater flow discharged from a single dwelling unit in the Town of Ellington. For the purposes of this chapter, an EDU is defined as 150 gallons per day (gpd) of wastewater flow.

**EXCESSIVE WASTEWATER FLOWS** — When water consumption records or other separate meter(s) reveals that a property uses more than the average amount of water. Excessive water use translates to excessive sewage use, transferring sewage treatment cost to others and the potential lack of sewage availability to other parcels. **[Added 5-15-2001 ]**

**FIXED CHARGES** — Those components of the WPCA's annual expenditures which are not directly related to wastewater flow. These charges may include, but are not limited to, the costs associated with staffing, equipping and supplying those employees of the Town of Ellington Department of Public Works dedicated to the WPCA; WPCA administrative expenses, including salaries of administrative personnel, administrative office expenses and administrative charges paid to the Town of Ellington; purchased services, including engineering, administrative consulting, legal advice and insurance expenses; and the cost associated with annual deposits to the equipment/capacity replacement fund.

**GOVERNMENTAL USER** — Includes legislative, judicial, administrative, and regulatory activities of federal, state and local governments.

**HOCKANUM SEWER SERVICE AREA** — That area from which collected wastewater is discharged to the Town of Vernon and defined in the facility plan adopted by the WPCA, as amended from time to time.

**INDUSTRIAL USER** — Includes any user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A, Agriculture, Forestry, and Fishing; Division B, Mining; Division D, Manufacturing; Division E, Transportation, Communications, Electric, Gas and Sanitary; and Division I, Services, or any other user which is not a residential user, commercial user, institutional user or governmental user.

**INSTITUTIONAL USER** — Includes social, charitable, religious, and educational activities, such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

**MINIMUM BILL** — That portion of the total user charge assessed against all users of the system, regardless of the volume of wastewater discharged. The minimum bill shall be computed by dividing the total value of the fixed charges (see definition of "fixed charges" above) by the number of users. The minimum bill for commercial, industrial, institutional and governmental users whose flows exceed those defined for an EDU (see the definition of "equivalent dwelling unit" above) shall be computed by dividing the total flow from the facility by the EDU flow value and multiplying the resulting number of EDUs by the minimum bill amount.

**NORMAL DOMESTIC WASTEWATER** — Wastewater that has a BOD concentration of not more than 200 mg/l and a suspended solids concentration of not more than 200 mg/l.

**OPERATION AND MAINTENANCE** — Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and using the facilities for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined below.

**REPLACEMENT** — Expenditures for obtaining and installing equipment, accessories or appurtenances that are necessary during the useful life of the treatment works to maintain the capacity and performance for which the works were designed and constructed. "Replacement" is not intended to mean the costs associated with depreciation of the collection or treatment system.

**RESIDENTIAL USER** — Any contributor to the WPCA's treatment works whose lot, parcel, real estate or

building is used for domestic dwelling purposes only.

**SEASONAL OCCUPANCY** — The use of a property and sewer system for less than the full calendar year on a consistent basis. During the period of ~~nonoccupancy~~ **non occupancy**, no discharge shall be made to the sewer system or any holding tank. For the purpose of this limited use, proof in the form of original copies of electric utility bills for the off season shall be required or other documentary evidence of seasonal use found acceptable to the WPCA. The WPCA shall review this documentation and may adjust billing for the unused period.

**SS** (denoting **SUSPENDED SOLIDS**) — Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

**TREATMENT WORKS** — Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method of system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

**USEFUL LIFE** — The estimated period during which a treatment works will be operated.

**USER CHARGE** — That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

**VARIABLE CHARGES** — Those components of the WPCA's annual expenditures which are directly related to the volume of wastewater flow. These charges may include, but are not limited to, the cost associated with providing utility services, including electricity, potable water, alarm service, user fees paid to the Town of Stafford and user fees paid to the Town of Vernon.

**WATER METER** — A water volume measuring and recording device, furnished and installed by a user and approved by the Town of Ellington WPCA.

### § 330-3. Fund management.

- A. The revenues collected as a result of the user charges levied shall be deposited in a separate nonlapsing fund known as the "Operation, Maintenance and Replacement Fund."
- B. Fiscal year-end balances in the Operation, Maintenance and Replacement Fund shall be used for no other purposes than those designated by the WPCA. Moneys which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred moneys will be returned to their respective accounts within six months of the fiscal year in which the moneys were borrowed.

### § 330-4. Determination of charge.

Users within both the Hockanum Sewer Service Area and the Crystal Lake Sewer Service Area shall pay

**Commented [TM29]:** Do we eliminate this or add a budget line in for seasonal user discounts so that the WPCA is not subsidizing this reduction?



their equitable share of the expense of operating the respective wastewater collection and disposal system on a semiannual basis. The user charge shall be the total of the variable charge and fixed charge (see § 330-2). The determination of the equitable share and subsequent individual user charge shall be based upon the application of the following general rules:

- A. On or before May 1 of each year the WPCA shall determine the costs associated with the operation of each of the WPCA's systems, Hockanum and Crystal Lake, and adopt a schedule of these expenses as an operational budget for the coming fiscal year. Each user of either of the WPCA's systems will be assessed a minimum charge semiannually, based on the determination of the minimum bill and related fixed charges as defined in § 330-2.
- B. Those users within the Hockanum Sewer Service Area shall pay for the services provided by the WPCA defined as variable charges (defined in § 330-2) based on their actual use of the treatment works. The actual use of the treatment works shall be determined by water meter readings for those users in the Hockanum Sewer Service Area.
  - (1) In situations where one water meter may serve more than one residential or commercial unit, the WPCA shall divide the total metered flow equally among the units served through the meter or make other reasonable adjustments that more accurately reflect the actual water use of the individual units.
  - (2) Those residential users that derive potable water from on-site wells within the Hockanum System, without metered water service, shall have their bills computed based on the average water use associated with other residential users within the system as calculated by the WPCA based on information supplied by water meter readings.
  - (3) The system-wide variable charges shall be determined through the application of the following formula:  $\text{Total annual variable expenses} \div \text{total annual wastewater flow} = \text{cost per gallon of variable expenses}$ .
  - (4) The variable charge attributable to an individual property shall be calculated and billed semiannually through the application of the following formula:  $\text{Cost per gallon of variable expenses} \times \text{gallons of water used} = \text{property's variable charge}$ .
- C. Those users within the Crystal Lake Sewer Service Area shall pay equal shares of the Crystal Lake variable charges based on the number of equivalent dwelling units (EDUs), as defined in § 330-2, attributable to their property. The cost per EDU shall be determined through the application of the following formula:  $\text{Total Crystal Lake variable charges} \div \text{total number of EDUs} = \text{variable charge per EDU}$ .
- D. Prior to 7-1-2025, If a residential, commercial, institutional, or industrial user has a consumptive use of water or in some other manner uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter(s) or separate water meter(s) installed, maintained and read at the user's expense. No new deduct meters will be permitted or considered.
- E. Any residential or commercial user whose property is occupied on a seasonal basis may apply to the WPCA to determine qualification as season occupancy. For the period of occupancy the charge will contain both fixed and variable charges as previously defined. For the period of nonuse, only the minimum charge will be made.
- F. In all cases where the wastewater flow must be estimated for commercial, industrial, recreational, restaurant, church or governmental uses, the WPCA shall apply the flow information contained in the

most recent version of the State of Connecticut Department of Public Health publication titled "Connecticut Public Health Code Regulations and Technical Standards for Subsurface Sewage Disposal Systems" on file with the WPCA.

- G. If a residential, commercial, institutional, or industrial user exceeds the wastewater flow gallons per day (gpd) approved in the 1998 Facilities Plan Update, or most recent edition, for the Hockanum River Watershed ~~approved by DEP~~, the WPCA will levy a surcharge rate for excessive wastewater flows. ~~The surcharge rate is to encourage conservation and secure individual compliance to stay within the total contracted flows of 819,200 gpd sent to Vernon's Treatment Plant and the total contracted flows of 98,000 gpd to Stafford's Treatment Plant.~~ **[Added 5-15-2001 ]**

- ~~H. If a residential, commercial, institutional, or industrial user has potable water for his or its property without a metered service, the WPCA plans to implement a requirement that all contributors install a separate water meter(s) to be maintained at the user's expense. Approved in the 1998 Facilities Plan Update.~~ **[Added 5-15-2001 ]**

- ~~I.H.~~ Any residential, commercial, institutional, or industrial user who or which violates Ellington WPCA Sewer Ordinance § 143-6H by connecting roof downspouts, foundation drains, building drains, storm sewers, storm drains, subsoil drainage or other sources of surface runoff directly or indirectly into the public sanitary sewer shall be subject to a minimum semiannual sewer user penalty surcharge of **\$150**. [The sewer user penalty charge will be in addition to any penalties imposed by Ellington's Sewer Ordinance.<sup>12</sup> **[Added 5-15-2001 ]**

#### § 330-5. Billing and payments.

- A. The WPCA shall bill users of the WPCA's systems on a semiannual basis. Semiannual bills shall be due and payable on April 1 and October 1.
- B. Penalty interest shall be charged at the rate of 1.5% per month on past-due accounts as provided by statute.

#### § 330-6. Special charges.

- A. All users whose waste strength is greater than 200 mg/l BOD or 200 mg/l SS shall prepare and file with the WPCA a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these shall be used to calculate the user charge for that user. The WPCA shall have the right to gain access to the waste stream and take its own samples. Should the WPCA do so, and should the results be substantially different as determined by the WPCA from the data submitted by the user, the user charge for that user shall be revised for the next billing cycle/period.
- B. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent of the sludge from the WPCA's treatment works or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works shall pay for the increased costs. The charge to each such user shall be determined by the appropriate personnel and approved by the WPCA.
- ~~C. The sewer user charge levied against Connecticut Petroleum for the groundwater treatment system discharge located on West Road, within the Hockanum Sewer Service Area, shall be defined as a~~

<sup>12</sup> ~~Editor's Note: See Ch. 143, Art. H, Sewer Construction and Use.~~

**Commented [TM30]:** Verify current flow

**Commented [TM31R30]:** Dory asks:  
Is this necessary here? Doesn't 330-6D address this issue? If so, then delete.

**Commented [TM32]:** Do we need this if deduct meters are no longer a topic for discussion?

**Commented [TM33]:** Is this enough?

**Commented [TM34R33]:** Dorys states:  
I think 50 is too low. Maybe use \$150 - similar to wetlands and zoning violations.

~~commercial discharge (see § 330-2). As voted at the May 18, 1993, regular meeting of the WPCA, Connecticut Petroleum's charge shall be determined consistent with the methods outlined in § 330-4, save for the referenced definition of an EDU (§ 330-2). An EDU shall be defined as 175 gallons per day for the purposes of computing the charges due from Connecticut Petroleum. This EDU value shall be used in the calculation of Connecticut Petroleum's charges through April 1, 1998. This adjustment in EDU flow in no way affects any special charges which may be levied and determined through the application of Subsections A and B of this section.~~

**D.C. Excess discharge. [Added 1-20-2009]**

- (1) Findings. All sewage effluent collected in the Town of Ellington is discharged for treatment to a facility in another town; and the Town of Ellington has been granted a limited quantity of flow that it is permitted to discharge to the treatment facilities. Any excess flow discharged from Ellington results in a violation of its contract with the treating town and either jeopardizes Ellington's ability to discharge to that facility at all, or results in a surcharge to Ellington to cover the excess treatment costs incurred or excessive discharges that may violate the treatment plant's permitted rate of discharge under its permit. As a result, the Ellington WPCA finds it necessary to discourage excessive discharges from its users and, in the event that a user does discharge greater flow than it was permitted, may impose the cost of that excess upon the user rather than all of the users and the WPCA.
- (2) Purpose. To address the foregoing issues, the WPCA does hereby adopt the following regulations.
- (3) Definitions. As used in Subsection D, the following terms shall have the meanings indicated:
 

ESTABLISHED FLOW — That quantity of average daily flow and that quantity of peak daily flow allocated to the user by the WPCA at the time the user was permitted to connect to the sewerage system, or as the quantity of flow may have been modified from time to time.

TWO-YEAR PERIOD — A rolling period of two years beginning on the first day of the billing cycle during which there is a sewage discharge greater than the established flow and ending on the last day of the billing cycle two years later, subject to adjustment for any fluctuations in the beginning date of any billing cycle that may extend or shorten the period by a few days.
- (4) First offense. In the event a user is or has discharged effluent greater than his or its established flow during a single time or period within any two-year period, then the WPCA shall notify the user, who shall immediately conduct an investigation to determine the cause of the excess discharge and will take such action as necessary to correct the condition or problem to reduce the discharge to the established flow or less. If the discharge is reduced to or below the established flow for the billing period next after the notification, there will be no increase in the user rate.
- (5) Subsequent offense. In the event a user is or has discharged effluent greater than his or its established flow a second time or any additional times within any two-year period, then the WPCA may impose a charge on the excess discharge, for the full billing period of that second or additional excess discharge, equal to three times the standard rate for that user, and shall continue that rate until the user reduces its discharge to or below the established rate of discharge.
- (6) In the event that the WPCA determines that the continued excess discharge is or will jeopardize its contractual relationship with the treating town and/or cause it to be subject to any enforcement action by the Connecticut Department of Environmental Protection, then it may

**Commented [TM35]:** Does this get billed?

**Commented [MG36R35]:** This was a groundwater pumping system in lieu of treatment that may not exist anymore?

issue an order to the user to cease any and all discharges to the Ellington sewer system and seek enforcement of this order through the Superior Court as a violation of the Ellington Sewer Ordinance.<sup>13</sup>

**§ 330-7. Appeals and Notices.**

- A. Any user which feels its user charge is unjust and inequitable may make written application to the WPCA requesting a review of the user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of its wastewater in comparison with values upon which the charge is based, including how the measurements or estimates were made.
- B. Review of the request shall be made by the WPCA, and, if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.
- B.C. All notices required per this Chapter shall be made in writing and mailed by first class mail, postage prepaid, to the property owner at the address of record with the Ellington Assessor's Office.

Commented [TM37]: Per Dory

Town of Ellington, CT

~~13~~, 12. **Editor's Note:** See Ch. 143, Sewers.