

## Chapter 130

### SEWERS

- |   |  |
|---|--|
| § 130-1. Definitions and word usage.              | § 130-6. Protection from damage.                 |
| § 130-2. Use of public sewers required.           | § 130-7. Powers and duties of inspectors.        |
| § 130-3. Private sewage disposal.                 | § 130-8. Penalties for offenses;<br>enforcement. |
| § 130-4. Building sewers and connections.         |  |
| § 130-5. Restrictions on use of public<br>sewers. |  |

[HISTORY: Adopted by the Board of Trustees of the Village of Wilson 10-17-1968 as Local Law No. 1-1968. Amendments noted where applicable.]

#### GENERAL REFERENCES

Drainage control — See Ch. 66.

Flood damage prevention — See Ch. 83.

Solid waste — See Ch. 135.

Water — See Ch. 163.

#### § 130-1. Definitions and word usage.

- A. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

BOD (denoting “biochemical oxygen demand”) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (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 (5) 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.

EASEMENT — An acquired legal right for the specific use of land owned by others.  
[Added 11-19-1987 by L.L. No. 2-1987]

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

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

MAJOR CONTRIBUTORY INDUSTRY — An industrial user of the publicly owned treatment works that has a flow of fifty thousand (50,000) gallons or more per average workday; has a flow greater than five percent (5%) of the flow carried by the municipal

system receiving the waste; has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Water Pollution Control Act Amendments (FWPCAA) of 1972; or is deemed by the Superintendent to have significant impact, either singularly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works. **[Added 2-17-1977 by L.L. No. 1-1977]**

**MASS EMISSION RATE** — The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the “mass emission rate” shall mean pounds per day of a particular constituent or combination of constituents. **[Added 2-17-1977 by L.L. No. 1-1977]**

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION** — The New York State Department of Environmental Conservation (NYSDEC) or a duly authorized official of said Department. **[Added 11-19-1987 by L.L. No. 2-1987]**

**PERMIT OFFICER** — The Superintendent of Public Works or his designee, who shall issue permits for connections, construction and other necessary work in connection with sewers.<sup>1</sup>

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

**PUBLIC SEWER** — A sewer in which all owners of abutting properties have equal rights and which has been dedicated to and accepted by the Village of Wilson.

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

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

**SEWAGE TREATMENT PLANT** — Any arrangement of devices and structures used for treating sewage.

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

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

---

<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.



SLUG — Any discharge of water, sewage or industrial waste which exceeds, in concentration of any given constituent or in quantity of flow, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration or flow during normal operation.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM — The State Pollutant Discharge Elimination System (SPDES) as set forth in the New York State Environmental Conservation Law Article 17, Title 8. **[Added 11-19-1987 by L.L. No. 2-1987]**

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

SUPERINTENDENT OF PUBLIC WORKS — The person from time to time designated by the Village Board to be in charge of supervision of the sewage works of the Village of Wilson; his authorized deputy, agent or representative.

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY — The United States Environmental Protection Agency (USEPA) or a duly authorized official of said Agency. **[Added 11-19-1987 by L.L. No. 2-1987]**

USER — Any person that discharges, causes or permits the discharge of wastewater into a community sewer. **[Added 2-17-1977 by L.L. No. 1-1977]**

WASTE — Includes sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal origin or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to and for purposes of disposal. **[Added 2-17-1977 by L.L. No. 1-1977]**

WASTEWATER — Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer. **[Added 2-17-1977 by L.L. No. 1-1977]**

WASTEWATER CONSTITUENTS AND CHARACTERISTICS — The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater. **[Added 2-17-1977 by L.L. No. 1-1977]**

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

- B. "Shall" is mandatory; "may" is permissive.

**§ 130-2. Use of 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 Village of Wilson any human or animal excrement, garbage or other objectionable waste.

- B. It shall be unlawful to discharge to any natural outlet within the Village of Wilson any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- D. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the village and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the village are hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

**§ 130-3. Private sewage disposal.**

- A. Where a public sanitary sewer is not available under the provisions of § 130-2D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- B. Before commencement of a private sewage disposal system, the owner shall first obtain a written permit signed by the permit officer. The application for such permit shall be made on a form furnished by the village, which the applicant shall supplement by any plans, specifications and other information deemed necessary by the Superintendent.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the permit officer. Before any construction is commenced, the permit officer shall make a field inspection of the layout and shall approve the layout with such modifications as he shall require. He shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the permit officer when the work is ready for final inspection and shall not cover any underground portions until inspection and approval of the work has been made.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all rules and regulations of the village with respect thereto and with any other requirements of the Niagara County Health Department. No permit shall be issued for any private sewage disposal system to be constructed upon a lot having an area less than authorized by Chapter 170, Zoning, of the Village of Wilson, except by special approval of the Zoning Board of Appeals.
- E. No septic tank or cesspool shall be permitted to discharge to any natural outlet, whether by original construction or by reason of any act or circumstance occurring after construction, nor shall the disposal field of any private sewage disposal system be reduced in area by reason of any act or circumstance.
- F. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in § 130-2D, a direct connection shall be made to the public



sewer in compliance with this chapter within ninety (90) days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

- G. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the village.

**§ 130-4. 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.
- B. Classes of sewer permits.
- (1) There shall be two (2) classes of building sewer permits:
    - (a) For residential and commercial service.
    - (b) For service to establishments producing industrial wastes.
  - (2) In either case, the owner or his agent shall make application on a special form furnished by the village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.
- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village from any loss or damage 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 where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.
- F. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Uniform Fire Prevention and Building Code or other applicable rules and regulations of the village.
- 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.
- H. The connection of the building sewer into the public sewer shall conform to the requirements of the Uniform Fire Prevention and Building Code or other applicable rules and regulations of the village. All such connections shall be made gastight and watertight.

Any deviation from the prescribed procedure and materials must be approved by the Superintendent before installation.

- I. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- J. 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 village.

**§ 130-5. Restrictions on use of public sewers.**

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer, except in compliance with the federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972. **[Amended 2-17-1977 by L.L. No. 1-1977; 11-19-1987 by L.L. No. 2-1987]**
- B. Subject to all United States Environmental Protection Agency, New York State Department of Environmental Conservation and State Pollutant Discharge Elimination System regulations, stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet. **[Amended 11-19-1987 by L.L. No. 2-1987]**
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter of cyanide in the wastes as discharged to the public sewer.
  - (3) Any waters or wastes having a pH lower than five point five (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
  - (4) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty



degrees Fahrenheit (32° and 150° F.) [zero and sixty-five degrees centigrade (0° and 65° C.)].

- (5) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ( $\frac{3}{4}$ ) horsepower [seventy-six hundredths (0.76) horsepower metric] or greater shall be subject to the review and approval of the Superintendent.
- (6) Any waters or wastes containing strong-acid ironpickling wastes or concentrated plating solutions, whether neutralized or not.
- (7) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage is at the limits established by the Superintendent for such materials.
- (8) Any waters or wastes containing phenols or other tast- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.
- (9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (10) Any waters or wastes having a pH in excess of nine point five (9.5).
- (11) Materials which exert or cause:
  - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved 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 requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (13) Any liquid, solid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.) [sixty-five degrees Celsius (65° C.)]; however, such liquid, solid or vapor shall not cause the temperature of the influent to the sewage treatment plant to be greater than one hundred four degrees Fahrenheit (104° F.) [forty degrees

Celsius (40° C.)). The Superintendent reserves the right to prohibit wastes at temperatures above sixty degrees Fahrenheit (60° F.) [eighteen degrees Celsius (18° C.)]. [Added 11-19-1987 by L.L. No. 2-1987]

- D. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection C above and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (3) Require control over the quantities and rates of discharge; and/or
  - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this § 130-5. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances and laws.
- E. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.
- F. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment, subject to payment therefor by the industrial concern.
- G. In addition to the requirements of this chapter, every major contributory industry shall comply with all federal pretreatment standards and all other applicable requirements promulgated by the United States Environmental Protection Agency in accordance with Section 307 of the Federal Water Pollution Control Act Amendments (FWPCA) of 1972. [Added 2-17-1977 by L.L. No. 1-1977]



**§ 130-6. Protection from damage.<sup>2</sup>**

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

**§ 130-7. Powers and duties of inspectors.**

- A. The Superintendent and other duly authorized employees of the village, the United States Environmental Protection Agency and the New York State Department of Environmental Conservation, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. **[Amended 2-17-1977 by L.L. No. 1-1977]**
- B. While performing the necessary work on private properties referred to in Subsection A above, the Superintendent or duly authorized employees of the village shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the village employees, and the village shall indemnify the company against loss or damage to its property by village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 130-5.
- C. The Superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- D. The Superintendent may require that any person discharging or proposing to discharge wastewater into a public sewer file a periodic discharge report. The discharge report may include, but need not be limited to, the nature of the process, volume, rates of flow, mass emission rate, production qualities, hours of operation, number and classification of employees or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on the site, even though they may not normally be discharged. In addition to discharge reports, the Superintendent may require information in the form of wastewater discharge permit applications and self-monitoring reports. **[Added 2-17-1977 by L.L. No. 1-1977]**

<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

E. Wastewater discharge permits. [Added 2-17-1977 by L.L. No. 1-1977]

- (1) All major contributory industries proposing to connect to or to discharge into a public sewer must obtain a wastewater discharge permit before connecting to or discharging into a public sewer. All existing major contributory industries connected to or discharging into a public sewer must obtain a wastewater discharge permit within ninety (90) days after the effective date of this chapter.
- (2) Required information.
  - (a) Users seeking a wastewater discharge permit shall complete and file with the Superintendent an application in the form prescribed by the Superintendent and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:
    - [1] The name, address and SIC number of applicant.
    - [2] The volume of wastewater to be discharged.
    - [3] Wastewater constituents and characteristics, including but not limited to those mentioned in Section 307 of the Federal Water Pollution Control Act Amendments (FWPCAA) of 1972.
    - [4] The time and duration of discharge.
    - [5] Average and thirty-minute-peak wastewater flow rates, including daily, monthly and seasonal variation, if any.
    - [6] Site plans, floor plans, mechanical plans and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
    - [7] A description of activities, facilities and plant processes on the premises, including all materials, processes and types of materials which are or could be discharged.
    - [8] Each product produced by type, amount and rate of production.
    - [9] The number and type of employees and hours worked.
    - [10] Any other information as may be deemed by the Superintendent to be necessary to evaluate the permit application.
  - (b) The Superintendent will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue a wastewater discharge permit subject to terms and conditions as provided herein.
- (3) Wastewater discharge permits shall be expressly subject to all provisions of this Subsection E and all other regulations, user charges and fees established by the United States Environmental Protection Agency. The conditions of wastewater discharge permits shall be uniformly enforced by the Superintendent in accordance with this Subsection E and applicable state and federal regulations. Permits may contain the following:



- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged into a public sewer.
  - (b) The average and maximum wastewater constituents and characteristics.
  - (c) Limits on rate and time of discharge or requirements for flow regulations and equalization.
  - (d) Requirements for installation of inspection and sampling facilities.
  - (e) Pretreatment requirements.
  - (f) Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule.
  - (g) Requirements for submission of technical reports or discharge reports.
  - (h) Requirements for maintaining records relating to wastewater discharge as specified by the United States Environmental Protection Agency and affording the United States Environmental Protection Agency access thereto.
  - (i) Mean and maximum mass emission rates.
  - (j) Other conditions as deemed appropriate by the United States Environmental Protection Agency to ensure compliance with this chapter.
- (4) Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the United States Environmental Protection Agency or the Superintendent thirty (30) days prior to the expiration date of the permit, the permit shall be extended one (1) additional year. The terms and conditions of the permit may be subject to modification and change by the Superintendent during the life of the permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (5) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.
- (6) Any user who violates the following conditions of the permit or of this chapter or applicable state and federal regulations is subject to having his permit revoked:
- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
  - (b) Failure of the user to report significant changes in operations or wastewater constituents and characteristics.
  - (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

- (d) Violation of conditions of the permit.
- (7) Special agreements and arrangements between the Superintendent and any person or agency may be established when, in the opinion of the Superintendent, unusual or extraordinary circumstances compel special terms and conditions.
- (8) A user shall notify the Superintendent immediately upon accidentally discharging wastes in violation of this chapter to enable countermeasures to be taken by the Superintendent to minimize damage to the public sewer, treatment facility, treatment processes and the receiving water. This notification shall be followed, within fifteen (15) days of the date of the occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process or for any fines imposed pursuant to this chapter.
- (9) Whenever a discharge of wastes causes an obstruction, damage or any other impairment to village facilities, the village may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's charges and fees.
- (10) Any person who violates any provision of this Subsection E or a permit condition or who discharges wastewater which causes pollution or who violates any order, prohibition, effluent limitation, national standard of performance or pretreatment or toxicity standard shall be liable civilly to a penalty not to exceed ten thousand dollars (\$10,000.) for each day in which such violation occurs.

**§ 130-8. Penalties for offenses; enforcement.**

- A. Except as otherwise provided in § 130-7E(10), any person found to be violating any provision of this chapter shall be served by the village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. **[Amended 3-16-1978 by L.L. No. 1-1978<sup>3</sup>]**
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A above shall be guilty of an offense against this chapter and, on conviction thereof, shall pay a penalty in an amount not exceeding five hundred dollars (\$500.) for each violation or imprisonment for a period not exceeding fifteen (15) days, or both. Each day in which any such violation shall continue shall be deemed a separate offense. **[Amended 11-19-1987 by L.L. No. 2-1987]**
- C. Any person violating any of the provisions of this chapter shall become liable to the village for any expense, loss or damage occasioned the village by reason of such violation.

---

<sup>3</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.