

Chapter 155. Sewers

Article I. Use of Sewer System

[Adopted 10-4-1971 by L.L. No. 1-1971 (Ch. 37, Art. I, of the 1971 Code)]

§ 155-1. Definitions; word usage.

- A. The definitions given herein deal only with certain terms used in this chapter, in the sense that they are used herein. These definitions are not of a general nature and are not generally applicable beyond the sense used in this article.
- B. As used in this chapter, the following terms shall have the meanings indicated:

BREWERY

Any place used for the brewing of beer or other malt liquors for the purposes of retail. For the purposes of this Chapter, "brewery" shall also include distilleries, wineries, cideries, meaderies, and any place used for producing alcoholic beverages. Home brew kits or similar operations used for small-scale, non-retail purposes shall not be considered a brewery.

CATEGORICAL PRETREATMENT STANDARD

Any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industry.

[Added 11-18-1985 by L.L. No. 5-1985]

CESSPOOL

A pit for the reception or detention of sewage.

DISTRICT

The district or sewer district shall be the boundaries of the Village of Buchanan. All properties within the boundaries of the Village shall be considered in-district users.

DRAIN

A pipe or other conduit used for conveying groundwater, surface water or stormwater.

FOOD SERVICE ESTABLISHMENT

An establishment that prepares and/or sells food for consumption either on or off the premises, including, but not limited to, restaurants, sandwich shops, delicatessens, bakeries, or pizzerias. The term, as used in this chapter, does not refer to food stores or establishments that do not prepare food on premises or process food in a manner so as to contribute grease to the sewer system.

GREASE INTERCEPTOR

A device designed and installed to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and to permit normal sewage or liquid wastes to discharge into the disposal terminal by gravity

GREASE TRAP

A device designed to retain grease from one to a maximum of four fixtures

INDUSTRIAL WASTES

The liquid wastes resulting from the processes employed in industrial establishments.

OUT OF DISTRICT

Any property or collection of properties forming a separate district connecting to the sewerage system that is located outside of the boundaries of the Village of Buchanan.

POTABLE WATER

Water which is safe for drinking or other sanitary purposes and is also suitable for domestic use.

POTW

Publicly Owned Treatment Works. The Village of Buchanan Sewage Treatment Plant (STP), also referred to as the Village of Buchanan Wastewater Treatment Plant (WWTP).

[Added 11-18-1985 by L.L. No. 5-1985]

ROOF DRAIN

A conduit for conveying the stormwater or rainwater from a roof.

SANITARY OR DOMESTIC SEWAGE

Liquid and water-carried wastes emanating from toilets, sinks and bathing facilities in residences and commercial buildings, together with minor quantities of groundwater, stormwater and surface water not admitted intentionally.

[Amended 11-18-1985 by L.L. No. 5-1985]

SANITARY SEWER

A sewer intended to receive sanitary sewage with or without the admixture of surface or stormwater.

SEPTIC TANK

A tank through which sewage flows and which permits solids in the sewage to settle in order that portions of such solids may be disintegrated by biological action.

SERVICE LATERAL

The conduit or pipe from the sewer line to the building served.

SEWAGE

The liquid wastes conducted away from residences, business buildings or institutions, together with those from industrial establishments, and with such groundwater, surface water and stormwater as may be present. Also referred to as "wastewater".

SEWER

A conduit for carrying off sewage.

SEWERAGE SYSTEM

The network of sewers, together with sewage lift stations and all appurtenances necessary for the collection of sewage. Also referred to as the "wastewater system".

SLUG

Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, for any period of duration longer than 15 minutes, exceeds five times the average twenty-four-hour concentration or flow occurring during normal operation and adversely affects the collection system and/or performance of the POTW.

[Added 11-18-1985 by L.L. No. 5-1985]

STORMWATER

That portion of the rainfall or other precipitation which runs off over the surface during a storm and for such a short period following a storm as the flow exceeds the normal or ordinary runoff.

SURFACE WATER

That portion of a rainfall or other precipitation which runs off over the surface of the ground, and water which emanates from the ground in the form of springs.

[Amended 11-18-1985 by L.L. No. 5-1985]

§ 155-2. Purpose; objectives.

[Added 11-18-1985 by L.L. No. 5-1985]

A. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Village of Buchanan and enables the Village to comply with all applicable state and federal laws required by the Clean Water Act of 1977^[1] and the general pretreatment regulations (40 CFR Part 403).

[1] Editor's Note: See 33 U.S.C. § 1251 et seq.

B. The objectives of this chapter are to:

- (1) Prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
- (2) Prevent the introduction of pollutants into the municipal wastewater system which will pass throughout the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.

§ 155-3. Sewer Inspector.

[Amended 11-18-1985 by L.L. No. 5-1985]

After this article has been passed and approved, the Board of Trustees shall appoint a Sewer Inspector, who shall be the Village Engineer, Superintendent of Public Works, Sewage Treatment Plant Operator, Code Enforcement Officer, Building Inspector, or other authorized representative (hereinafter referred to as the "Sewer Inspector"), who shall make such inspections as are necessary to properly carry out the provisions of this chapter and shall report all violations thereof to the Village Clerk.

§ 155-4. Connection permit required.

[Amended 11-18-1985 by L.L. No. 5-1985]

No connection shall hereafter be made to any sewer or portion of the sewerage system until a written permit has been obtained from the Village Clerk and approved by the Village Engineer or Sewer Inspector. (See § **155-30.**)

§ 155-5. Licensed plumber to make connections.

No person other than a plumber or sewer contractor licensed by the County of Westchester, who shall have filed with the Village Clerk the bond or bonds hereinafter required, shall construct, install or repair any house lateral connection or house sewer connection. A special permit may be issued to a house owner to make his own connection if deemed in the best interest of the Village to issue said permit.

§ 155-6. Bond and liability.

No such duly licensed plumber or sewer contractor shall perform any of such work unless:

- A. There shall be on file with the Village Clerk, and then in force, a bond (approved as to form by the Village Attorney) in an amount as set from time to time by resolution of the Board of Trustees, duly executed by himself, as principal, and an approved surety company as surety, conditioned that the Village shall be indemnified and saved harmless from all liability for damages to persons or property caused by such work and further conditioned that the Village will be paid for all loss or damage sustained by it for his failure to perform such work in accordance with this chapter or any other ordinance of the Village applicable thereto. [Amended 2-7-2011 by L.L. No. 9-2011]
- B. He shall have complied with all the requirements under any other ordinance regulating street openings.
- C. He shall furnish evidence of compliance with the provisions of the Workers' Compensation Law.

§ 155-7. Permit issuance; application.

- A. The Village Clerk of the Village of Buchanan is hereby instructed and it shall be his/her duty to issue permits for connections to the sewerage system. Such permit shall be issued in numerical order and shall be issued independently of any other permits issued by the Village Clerk.
- B. Before issuing such a permit, an application shall be filed with the Village Engineer or Sewer Inspector on a blank provided for that purpose. This application shall show the name and address of the owner, the name of the person to whom the permit is issued, the number of the permit, the location of property, the type of building to be served (whether residence or business), the number of rooms and size of sewer to be connected. The application shall be signed by the owner or his authorized representative and shall be accompanied by a complete and legible set of plans and specifications of the work to be done or, in lieu thereof, such written description of the type of materials and methods to be used in the construction as shall be acceptable to the Sewer Inspector. The application shall be retained by the Village Clerk as a permanent record of each connection to the sewerage system.
[Amended 11-18-1985 by L.L. No. 5-1985]

§ 155-8. Inspections.

[Amended 11-18-1985 by L.L. No. 5-1985]

- A. It shall be the duty of the Sewer Inspector to inspect each service lateral before any connection is made to the sewerage system and to require that all defects or unsatisfactory construction features be corrected before permitting the connection to be made. The Sewer Inspector shall be present at the time the connection is made, and it shall be the responsibility of the owner or his representative to notify him in advance of the time and place where the connection will be made. The Sewer Inspector will be available for such inspection on an appointment basis.
- B. Failure to notify the Sewer Inspector shall be grounds for a Notice of Violation in accordance with § **155-37**. The uninspected, backfilled connection shall be excavated and exposed by the Village for inspection by the Sewer Inspector. All costs thereof shall be provided for and defrayed by a special tax bill to be assessed in favor of the Village against the property on which said improvements are made, and such special tax bill shall become a lien on said property.
- C. Persons or occupants of premises where wastewater is created or discharged shall allow Village, Environmental Protection Agency, and Department of Environmental Conservation representatives ready

access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties.

- D. Any annual or regular inspections and reporting required by this chapter shall be performed in accordance with the requirements herein and submitted to the Sewer Inspector and Building Department.

§ 155-9. Parallel waterlines and sewer lines.

- A. It shall be unlawful to place any pipe or conduit which carries or is intended to carry sewage in the same trench or ditch with a pipe or conduit which carries or is intended to carry a potable water supply. In every case where a waterline and sewer line are parallel, the waterline shall be not less than ten feet horizontally from and at a higher elevation than the sewer line, except in case between water and sewer service connects where the distance shall not be less than five feet.
- B. Where it is not possible to meet the above conditions or where for any reason unusual circumstances present a potential or actual hazard to a potable water supply, the Westchester County Department of Health must be notified in writing and plans submitted showing the precautions which are to be taken to minimize the hazard to the potable water supply. In no case shall the work proceed until the plans for protecting the water supply have been approved in writing by said Health Department.

§ 155-10. Stormwater and surface water connections.

It shall be unlawful to make or cause to be made a connection of any roof drain, areaway drain, yard or court drain, underdrains, footing or foundation drains, sump pumps, or any drain whatsoever which will permit, allow or cause any stormwater or surface water to enter the sanitary sewerage system.

§ 155-11. Connection of septic tanks or cesspools.

It shall be unlawful to connect or to cause to be connected to the sanitary sewerage system the effluent of any septic tank, cesspool or sewage tank. Where such tanks exist and it is desired to make a connection to the sanitary sewerage system, an approved line shall be constructed around the unit in such a manner as to preclude the possibility of any sewage flowing into or out of the cesspool or tank, and said septic tank, cesspool or sewage tank shall be pumped dry by a licensed septic contractor and abandoned in accordance with applicable County and State Department of Health requirements.

§ 155-12. Unlawful connections.

Where any unlawful connection as defined in §§ **155-10** and **155-11** of this article is known to exist, such connection shall be broken within 20 days after the issuance of the permit, or where such connections are found to exist, such unlawful connections shall be broken and their use discontinued within 20 days after date of notification to break such connections as provided in § **155-13** of this article.

§ 155-13. Roof and stormwater drainage.

The Sewer Inspector shall make an inspection of the method of disposing of roof and other stormwater drainage from each house which is connected to the sanitary sewers of the Village within 120 days after the

passage and approval of this article and as frequently thereafter as is necessary to secure compliance with this article. Following each inspection, the Sewer Inspector shall submit a list of all property owners whose property or properties have connections in violation of this article to the Village Clerk. Written notification of any violations of this article shall then be given by said Village Clerk to the owner or owners of the property upon which the violation occurs. If the provisions of this article have not been complied with within the period of 20 days following date of notice of violation, the Village shall have the right to make or have made such alterations as are deemed necessary by the Sewer Inspector to meet the requirements of this article, and all costs thereof shall be provided for and defrayed by a special tax bill to be assessed in favor of the Village against the property on which said improvements are made, and such special tax bill shall become a lien on said property.

§ 155-14. Unlawful discharges.

It shall be unlawful for any person, firm, partnership or corporation to discharge or cause to be discharged into any public sanitary sewer or into any private sewer which is connected to the public sanitary sewerage system any butcher's offal, dead animals or liquids containing excessive quantities of chemicals, silt, hair, fibers, fats, oils, grease, blood, feathers or other obstructing materials.

§ 155-15. Discharge of milk products, brewery wastes, and industrial wastes.

[Amended 11-18-1985 by L.L. No. 5-1985]

- A. All industrial wastes shall be discharged in accordance with §§ **155-19** through **155-25** and all other applicable requirements of this chapter.
- B. It shall be unlawful for any person, firm, partnership or corporation to discharge or cause to be discharged into any public sanitary sewer or into any private sewer which is connected to the public sanitary sewerage system any powdered milk, whey, skimmed milk, whole milk, cream or other milk products, or wastewater from a brewery, or any industrial wastes of any type which might, in the opinion of the Sewer Inspector or Chief Operator of the POTW, damage or otherwise cause operational difficulties in the sanitary system or interference in any manner whatsoever with the normal operation of any sewage treatment works or sewage treatment devices.
- C. All wastewaters from the production processes and operations of a brewery, as defined by this Chapter, shall be required to be pretreated in accordance with a Pretreatment Program and Discharge Management Plan.
 - (1) Prior to approval of operation, the owner of a brewery must develop a Pretreatment Program and Discharge Management Plan ("plan"). The plan shall detail how the brewery will operate and treat wastewater prior discharging into the sewerage system. The plan shall be reviewed and accepted by the Sewer Inspector.
 - (2) The plan must outline production operations and the best management practices for solids management, pH control, prevention of high-strength slug loads, biological oxygen demand, temperature, spill prevention, passivation, cleaning operations, timing of discharges, and other parameters requested by the Sewer Inspector.
 - (3) Wastewater discharging into the sewerage system must meet the requirements of § **155-31**.
 - (4) The owner of a brewery must provide 72-hour notice to Chief Operator of the POTW prior to commencing passivation or the discharge of high-strength slug loads. Passivation must be followed by a neutralization process.

- (5) The brewery may be required to temporarily hold back wastewater in a holding to allow wastewater to discharge into the sewerage system in a controlled manner.

§ 155-16. Acceptable discharges.

[Amended 11-18-1985 by L.L. No. 5-1985]

It shall be permissible to discharge normal quantities of industrial wastes from washing operations and from other normal industrial plant operations into the sanitary sewerage system, provided that the discharge meets the requirements of § **155-31** and that necessary precautions are taken to exclude those materials described in §§ **155-14**, **155-15**, **155-17** and **155-18** of this article, and further provided that the wastes are of such a nature that, in the opinion of the Chief Operator of the POTW and/or Sewer Inspector, they will not damage, clog or otherwise interfere with the normal operation of the sewerage system nor with the operation of any sewage treatment plant or sewage treating devices.

§ 155-17. Gasoline, oil, explosive or flammable discharges.

- A. It shall be unlawful for any person, firm, partnership or corporation to discharge or cause to be discharged into any public sanitary sewer or into any private sewer which is connected to the public sanitary sewerage system any oil, gasoline, petroleum, coal oil, grease, explosive, inflammable matters or oil wastes. Cleaning establishments, buildings used for housing or repairing automobiles, gasoline and oil service stations and other buildings or establishments where gasoline, oils, calcium carbide or other explosive or inflammable matters are stored, sold or handled, the drains from which are connected to the public sewers, must be provided with an approved trap, such as an oil-water separator, so constructed, located and maintained as to prevent the entrance into the sewer of such explosive or inflammable matter. Such trap shall be located on the sewer, before its junction with any other pipe or receptacle containing sewage, and must be regularly maintained and cleared of accumulated oils and debris. The oils shall be removed from the trap, collected in a container, and disposed of in accordance with applicable laws. The passage of human or fresh animal excrement through such trap is prohibited.
- B. Traps, such as oil-water separators, must be inspected annually. Inspection reports shall be submitted in accordance with § **155-24**. Failure to submit reports within 30 calendar days of the required inspection or sampling shall be grounds for a Notice of Violation in accordance with § **155-37**.

§ 155-18. Wastes from cooling or air-conditioning units.

[Amended 11-18-1985 by L.L. No. 5-1985]

It shall be unlawful for any person to discharge or to cause to be discharged into any public sanitary sewer or into any private sewer which is connected to the public sanitary sewerage system any wastes or waters which have been used for industrial or private cooling or air-conditioning purposes. Such wastes shall be kept separate from sanitary or other industrial wastes and shall be discharged into the nearest storm sewer or open watercourse. Such discharges shall require a State Pollutant Discharge Elimination System permit from the New York State Department of Environmental Conservation.

§ 155-19. Disconnection from system.

In the event that satisfactory compliance of the various sections of this chapter cannot be obtained within a

period of 60 days following receipt of notification of such violation by the offender, the **Board of Trustees** may order the offending person, firm, partnership or corporation to disconnect from the municipal sewerage system or may order the connection broken by municipal employees; provided, however, that the offending party must be notified in writing at least 60 days in advance of the date the connection must be broken.

§ 155-20. Industrial wastes regulated; permit required.

[Added 11-18-1985 by L.L. No. 5-1985]

The discharge of industrial wastes to the Village system shall be subject to the hereinafter specified rules and regulations, including the requirement for a permit for such discharge.

§ 155-21. Classification of industrial users.

[Added 11-18-1985 by L.L. No. 5-1985]

- A. For purposes of this chapter, all industries shall be classified as industrial users or significant industrial users.
- B. Industry shall mean an establishment concerned with the processing of raw materials, the manufacture of goods, or the generation of power in factories, mills, mines, plants, shops, or similar facilities.

§ 155-22. Industrial users.

[Added 11-18-1985 by L.L. No. 5-1985]

An "industrial user" is an industry that does not contribute wastes designated under the criteria for a significant industrial user.

§ 155-23. Significant industrial users.

[Added 11-18-1985 by L.L. No. 5-1985]

A "significant industrial user" is one that meets any of the following criteria:

- A. An industry that is subject to categorical pretreatment standards.
- B. An industry using any substances set forth in the EPA Effluent Guidelines Division list of Priority Pollutants of concern and discharging a measurable amount of pollutants to the sewer system from the process using these pollutants.
- C. An industry that has substantial impact, either singly or in combination with other contributing industries, on the operation of the Village treatment works.
- D. An industry discharging more than 5% of the daily average flow of POTW or 10,000 gallons per day of process wastes.
- E. An industry discharging effluents having a biochemical oxygen demand of 250 milligrams per liter or more and/or effluents having a suspended solids content of 250 milligrams per liter or more.

§ 155-24. Required reports.

[Added 11-18-1985 by L.L. No. 5-1985]

- A. Each industry classified as an industrial user shall submit an industrial data sheet annually, not later than the first day of February, covering new processes or changes in existing processes.
- B. Each industry classified as a significant industrial user shall submit an industrial data sheet at intervals of six months on the first days of March and September, as well as on changes in processing, or other causes for differences in the character of the discharge. These data sheets shall be accompanied by a report on action taken to comply with Section 307 of the United States Clean Water Act,^[1] and the New-York-State-mandated pretreatment requirements.

[1] Editor's Note: See 33 U.S.C. § 1317.

- C. All slug discharges (as defined in § 155-1) by significant industrial and other industrial users shall be reported within 24 hours to the POTW.
- D. All inspections, sampling, and reporting required by this chapter shall be submitted to the Sewer Inspector and Building Department not later than first day of February.
- E. Failure to submit reports within 30 calendar days of the required inspection or sampling shall be grounds for a Notice of Violation in accordance with § 155-37.

§ 155-25. Sampling.

[Added 11-18-1985 by L.L. No. 5-1985]

- A. Each industry classified as a significant industrial user shall install an individual sewer connection to the Village sewer main for each of its building(s). Each connection shall connect to a sewer manhole located between the exterior of a building wall and the Village sewer main. This manhole shall conform to Village standards. Village personnel, representatives of the Environmental Protection Agency and Department of Environmental Protection are to have unrestricted access to these manhole(s) for effluent sampling at all times.
- B. Village personnel will take samples at intervals of six months, or less if Village POTW personnel suspect illegal dumping activity. The Village will arrange for and pay the costs for testing, provided that the industry effluent meets applicable standards.
- C. If the sample fails to comply with the applicable standards, the user shall be required to redress the quality of the effluent immediately at their own expense and shall, at their own expense, retest the effluent daily until the effluent is within applicable standards.
- D. The Village may issue a violation and fine for the discharging of illegal or noncompliant effluent into the sewerage system in accordance with the provisions of the chapter.
- E. Any annual or regular sampling and reporting required by this chapter shall be performed in accordance with the requirements herein and submitted to the Sewer Inspector and Building Department.
- F. Failure of the industry to comply with the requirements for furnishing the sampling manhole within a period of 30 days after official notification will constitute a violation of this chapter subject to the penalties set forth hereinafter.

§ 155-26. Penalties for offenses.

[Amended 11-18-1985 by L.L. No. 5-1985]

Any person, persons, firm, association or corporation or agent thereof who shall neglect, fail or refuse to comply with any of the provisions of this chapter shall be deemed guilty of disorderly conduct and, upon

conviction, shall be fined in the sum established by the Board of Trustees and set forth in the Fee Schedule maintained by the Village Clerk. Each day that such offense continues shall be deemed a separate offense.

§ 155-27. Compliance with categorical pretreatment standards required.

[Added 11-18-1985 by L.L. No. 5-1985]

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.

§ 155-28. Licensing authority; proof of qualifications.

The Board of Trustees shall have the power to license any person upon proof by such person that he is competent and properly equipped to construct house lateral connections and house sewer connections. Any applicant for such a license shall submit his proof of such qualifications under oath. The license fees shall be the same as those prescribed for a plumber under the Plumbing Code of the Village of Buchanan.^[1]

[1] *Editor's Note: See Ch. 133, Plumbing.*

§ 155-29. Connection standards.

[Added 11-18-1985 by L.L. No. 5-1985]

The construction of each and every building sewer connection shall conform to the following:

A. The pipe materials and jointing materials shall be one of the following:

- (1) Standard Class 52 ductile iron pipe with Tyton joints.
- (2) Type PSM PVC Plastic Gravity Sewer Pipe with integral wall bell and spigot joints with rubber ring seals. Pipe and fittings shall conform to ASTM Specifications D3034.
- (3) All joints and seals shall be watertight.

B. The minimum size pipe allowable for building connections shall be four-inch inside diameter, but not less than six-inch inside diameter for large residential or commercial establishments.

C. Building connection sewers shall be laid on a slope of not less than 2% or 1/4 inch per foot where possible but not less than 1% or 1/8 inch per foot in any case. Connection to the sanitary sewer main shall be made by a Y laid with the branch flowing in the same direction of the main.^[1]

[1] *Editor's Note: Original § 37-31 of the 1971 Code, entitled "Application prior to installation," which immediately followed this section, was repealed 11-18-1985 by L.L. No. 5-1985.*

D. A sanitary lateral clean-out shall be provided on the exterior of the building. The clean-out shall be a Y laid flowing in the same direction as the lateral. A cover shall be provided and set flush with the surrounding grade. It shall be the owner's responsibility to protect and maintain the cover.

- (1) All buildings connecting to the sewerage system shall install a lateral clean-out within 12 months of the adoption of this revised Code.
- (2) The Sewer Inspector may issue a notice to the user to improve or replace the clean-out connection.

§ 155-30. Application for connection permit.

[Added 11-18-1985 by L.L. No. 5-1985]

Applications for permit to connect sanitary sewers shall be made as follows:

- A. Apply to Village Engineer on forms available at the office of the Village Clerk.
- B. All building connection lines will be installed by the Village at the applicant's sole expense unless otherwise granted by the Sewer Inspector. Where sewer lines lie in a street, connection lines will be installed to the theoretical curblines, provided that all other requirements have been fulfilled (the "curbline" being defined as the two lines parallel to and 8 1/2 feet inside the nearest street right-of-way line), and further provided that:
 - (1) An application for connection has been correctly completed and filed at the office of the Village Engineer prior to the date(s) noted in Subsection **D** of this section.
 - (2) The parcel or lot to be connected has a building constructed thereon, in the process of construction, or a building permit has been issued for construction prior to the date mentioned in Subsection **B(1)**.
 - (3) All other applicable rules and regulations have been strictly adhered to.
 - (4) The cost of the work performed shall be calculated by the Village Engineer, and a final bill shall be issued by the Village and shall become immediately due and payable. No certificate of occupancy shall be issued until all moneys owed the Village pursuant to this section are paid in full.
 - (5) When so granted by the Sewer Inspector, the applicant may connect to the sewer line in a street using his/her own licensed contractor, as established in § **155-5**. The connection must be inspected in accordance with § **155-8**.
- C. After the date(s) mentioned in Subsection **D** of this section, a permit will be issued, provided that:
 - (1) The parcel or lot to be connected has a building constructed thereon in the process of construction, or a building permit has been issued for construction prior to the date of application.
 - (2) A fee in an amount as set from time to time by resolution of the Board of Trustees has been paid as part of said application period.
[Amended 2-7-2011 by L.L. No. 9-2011]
 - (3) A bond has been provided in conformance with § **155-5**.
 - (4) The entire costs are to be borne by the property owner, including all work up to the sewer main.
- D. The Village of Buchanan shall construct, for each authorized application, one building connection line from the sanitary sewer main to the theoretical curbline, provided that an application for a building sewer connection has been properly filed not later than 15 days after the contract for that construction of the sewer main has been executed by the Village. (NOTE: It is advisable to file said application immediately after bids for construction have been received.)

§ 155-31. Discharge standards and regulations.

[Amended 11-18-1985 by L.L. No. 5-1985]

Any waste will be considered deleterious that may cause damaging effects as stated in Subsection A and/or does not conform to the limitations stated in Subsection B.

- A. General conditions.
 - (1) Chemical reaction, either directly or indirectly, with the materials of construction to impair the strength or durability of sewer structures.
 - (2) Mechanical action that will destroy or damage the sewer structures.
 - (3) Restriction of the hydraulic capacity of sewer structures.

- (4) Restriction of the normal inspection or maintenance of the sewer structures.
- (5) Placing of unusual demands on the sewage treatment equipment or process.
- (6) Limitation of the effectiveness of the sewage treatment process.
- (7) Danger to public health and safety.
- (8) Obnoxious conditions inimical to the public interest.

B. Specific conditions.

- (1) Acidity or alkalinity must be neutralized to a pH of 7.0 point as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 point to 8.5 point.
- (2) Must not contain more than 10 parts per million (total) of the following gases: hydrogen sulfide, sulfur dioxide, oxides of nitrogen or any of the halogens.
- (3) Must not contain any explosive substance.
- (4) Must not contain any flammable substances with a flash point lower than 187° F.
- (5) Must have a temperature within the range of 32° F. to 120° F.
- (6) Must not contain grease or oil or other substance that will solidify or become viscous at temperatures between 32° F. and 150° F.
- (7) Must not contain insoluble substance in excess of 2,000 parts per million or exceeding a daily average of 200 parts per million.
- (8) Must not contain total solids (soluble and insoluble substance) in excess of 5,000 parts per million or exceeding a daily average of 600 parts per million.
- (9) Must not contain soluble substance in concentrations that would increase the viscosity to greater than 1.1 specific viscosity.
- (10) Must not contain insoluble substance having a specific gravity greater than 2.65.
- (11) Must not contain insoluble substance that will fail to pass a No. 8 Standard Sieve or having any dimension greater than 1/2 inch.
- (12) Must not contain gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals.
- (13) Must not have a chlorine demand greater than 15 parts per million.
- (14) Must not contain more than 100 parts per million of any antiseptic substance.
- (15) Must not contain phenols in excess of 0.005 part per million.
- (16) Must not contain any toxic or irritating substance which will create conditions hazardous to public health and safety.
- (17) Must not contain in excess of 100 parts per million or exceed a daily average of 25 parts per million of any grease or oil or any oily substance.

§ 155-32. Applicability of standards and regulations.

[Amended 11-18-1985 by L.L. No. 5-1985]

All of the preceding standards and regulations are to apply at the point where industrial or commercial-type wastes are discharged into a public sewer, and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

§ 155-33. Unlawful acts; use of public sewers required.

[Amended 11-18-1985 by L.L. No. 5-1985]

- 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 Buchanan, or in any area under the jurisdiction of said Village, 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 Buchanan, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and in accordance with applicable State and County laws.
- 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 or combined sewer of the Village is hereby required at his 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 article, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

§ 155-34. Private sewage disposal.

[Amended 11-18-1985 by L.L. No. 5-1985]

- A. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter and applicable State and County laws.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Westchester County Department of Health. 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 as are deemed necessary by the Westchester County Department of Health.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Westchester County Department of Health. The County shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Westchester County Department of Health when the work is ready for final inspection and before any underground portions are covered.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all requirements of the Department of Health of the County of Westchester. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § **155-33D**, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material in accordance with this chapter and applicable State and County laws.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Village.
- G. No statement contained in this section shall be construed to interfere with any additional requirements

that may be imposed by an agent of the Department of Health of the County of Westchester.

- H. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
- I. The penalty for neglect, failure or refusal to comply with any of the provisions of §§ 155-33 and 155-34 shall be the same as provided in § 155-37 of Article II of this chapter.^[1]

[1] Editor's Note: Original § 37-37 of the 1971 Code, entitled "Violations and penalties," which immediately followed this section, was repealed 11-18-1985 by L.L. No. 5-1985.

§ 155-35. Grease traps and garbage grinders.

- A. The purpose of this section is to set forth policies, procedures, and requirements for food service establishments governing the installation, maintenance, and use of grease traps, grease interceptors or other comparable devices which represent the best practicable control technology for oil/grease removal, and to establish procedures regarding implementation and enforcement of the regulations set forth in this chapter.
- B. In the event of any conflict between the provisions of this section and the Uniform Plumbing Code (UPC), the provisions of this section shall prevail.
- C. Existing grease traps, grease interceptors or similar devices:
 - (1) Any food service establishment or other business that, on or after March 1, 2022, installed grease traps, grease interceptors, or other grease pretreatment equipment to comply with the requirements of this ordinance, shall not be required to upgrade such equipment until March 1, 2023, so long as such equipment remains in good working order. Should the grease trap, grease interceptor or other grease pretreatment equipment become nonoperational or fail to operate in good working order, a grease trap or grease interceptor meeting the standards set forth in this chapter shall be immediately installed.
 - (2) Notwithstanding the foregoing subsection (C)(1) of this section, any food service establishment or other business that, on or after, March 1, 2022, installed grease traps, grease interceptors, or other grease pretreatment equipment to comply with the requirements of this ordinance, shall upgrade such equipment to meet the standards set forth in this chapter upon the change of ownership of the business in which the equipment is located, or upon the remodeling of the business in which the equipment is located. Remodeling of the business not requiring a building permit shall be exempted from the upgrade requirement. The remodeling shall not be separated into phases for the purpose of avoiding the requirement of a building permit.
- D. Requirement for grease trap, grease interceptor, or other devices:
 - (1) A food service establishment or any other business discharging grease, oil or other similar material shall have an operable grease trap, grease interceptor or other comparable device(s) as determined by Sewer Inspector or Building inspector to be an adequate substitute for a grease trap or grease interceptor. A properly sized interceptor or trap shall be considered first. Should space limitations or other exceptional circumstances prevent their installation, Sewer Inspector may grant exceptions to the requirement of grease traps or grease interceptors in this section.
 - (2) All drains from food preparation and cleanup areas including, but not limited to, prewash sinks, floor drains, food waste disposal units, pots and pans sinks, scullery sinks, and garbage can wash areas shall be connected to such trap or interceptor.
 - (3) The size of a grease trap or grease interceptor shall be as determined by the Building Inspector or

Sewer Inspector. Notwithstanding the foregoing, grease traps required by this chapter shall be no smaller than an 80-gallon capacity trap with a 75-gallon per minute flow rate.

E. General regulations and procedures:

- (1) When waste treatment is required pursuant to this chapter, an approved grease trap or grease interceptor complying with the provision of this chapter shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment.
- (2) A plumbing permit shall be obtained from the Village Clerk prior to the installation of a grease trap or grease interceptor.
- (3) Each trap, interceptor, or comparable device required by this section shall have an approved volume not less than required by this section.
- (4) Toilets, lavatories, and other sanitary fixtures shall not be connected to any grease trap, grease interceptor, or comparable device.
- (5) Location of grease traps, and grease interceptors:
 - (a) They shall be located outside buildings, unless a finding is made by the Building Inspector that the location of the building on the site or some other aspect of the use prevents an outside location and that placement within a building is not hazardous to public health and safety.
 - (b) They shall be located and maintained at all times so as to prevent the entrance of foreign materials, shall be easily accessible for cleaning inspection and removal of intercepted grease, and shall pose no hazard to public health or safety.
 - (c) If they are not designed in accordance with UPC, they must be designed by a professional engineer licensed in the State of New York, must be consistent with the standards of this chapter, and must be approved by the Sewer Inspector.
- (6) Related equipment:
 - (a) They shall be fitted with a standard service access cover or manhole. If a manhole is required, it shall be brought to grade and finished with standard manhole cover and ring.
 - (b) A sampling box shall be located on the discharge side.
- (7) All discharging fixtures shall be individually trapped and vented in accordance with the UPC.
- (8) They shall be constructed of durable materials and shall have a full-size gas-tight cover which can easily be removed.
- (9) They shall not be installed until the type and/or model has been subjected to, and has fully complied with, tests acceptable to the Building Inspector. Where an existing grease trap or grease interceptor is found acceptable by the Building Inspector, such equipment will be allowed to remain in use. Whenever a grease trap or grease interceptor does not comply with the provisions of this section, the Building Inspector shall require corrective measures.
- (10) Prohibited and/or restricted equipment:
 - (a) The installation and use of garbage grinders (disposals) in commercial-food establishments is prohibited, except where a 1,000-gallon-plus interceptor is in use.
 - (b) The connection of high-temperature/high-flow dishwashers to a grease trap or grease interceptor is prohibited.
 - (c) The use of enzymes or bacterial cultures designed to disperse grease is prohibited unless specifically approved in writing by the Sewer Inspector.
- (11) After the effective date of the ordinance codified in this section, all establishments covered by this section shall install an approved grease trap or grease interceptor of sufficient size to prevent discharges into the sewer system.

(12) Maintenance and Reporting:

- (a) Traps and interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No collected grease shall be introduced into any public or private drain or sewer.
- (b) All grease traps or grease interceptors shall be readily accessible for inspection and properly maintained to assure that accumulations of grease or oil do not impair its efficiency or transport grease or oil into the sewer system.
- (c) All food service establishments or businesses required to install and maintain a grease trap or grease interceptor shall maintain a maintenance record for the device, which shall be transmitted to the Building Inspector annually. This record shall include the date, the name of the person who performed cleaning, and the disposal site of the waste. The record shall be posted in a conspicuous location and be available for review by the Building Inspector at each routine inspection and at such other time as necessary for the Village to determine whether a particular establishment may be performing maintenance contrary to the provisions of this section.
- (d) The Village or its designee shall perform grease trap and grease interceptor inspections annually, or more often at the discretion of the Village should maintenance reports not be received or should a grease trap or grease interceptor fail to operate properly.
- (e) In the event the Village determines that a food service establishment or business required to install and maintain a grease trap either fails to maintain the maintenance record required by this section, or fails to maintain the grease trap as required by this section, the Village may require the immediate installation of a grease interceptor.

(13) The Village shall have the discretion to request the health department (the Village's health officer) to terminate or cause to be terminated the health permit of any user if a violation of any provision of this chapter is found to cause a condition of contamination, pollution, nuisance, or other threat to the sewerage system or the public health or safety.

(14) If an applicant for a permit or the owner of a grease trap or grease interceptor disputes the interpretation or application of this section, he/she may request a written ruling by the Building Inspector. The decision of the Building Inspector shall be final for all purposes.

F. Garbage grinders

- (1) It shall be unlawful to connect, or cause to be connected, any type or form of garbage grinder or other garbage disposal unit to any drain, pipe or other device which, directly or indirectly, carries material into the sewerage system.
- (2) It shall be unlawful to use or operate any garbage disposal unit which is connected to any drain, pipe or other device which, directly or indirectly, carries material into the sewerage system, unless the garbage disposal unit was connected to the sewerage system prior to the effective date of this section.
- (3) Any garbage disposal unit used or connected in violation of this section shall be disconnected from the sewerage system.

§ 155-35A. Out of District Users

A. All out of district users shall be subject to all of the regulations, ordinances, and standards of this chapter.

B. Connection.

- (1) Prior to connecting to the sewerage system, the out of district user shall file a connection permit with the Village Clerk in accordance with §§ **155-4** and **155-30**.
- (2) The application shall be reviewed by the Village Engineer or Sewer Inspector considering additional flow, sewage content, and impacts to the sewerage system. Then the Village Engineer or Sewer

Inspector shall make a positive or negative recommendation to the Board of Trustees for the proposed out of district connection.

- (3) The Board of Trustees shall determine whether or not the proposed out of district user connection is approved.
- (4) If approved, the connection permit for the out of district user shall be filed with the Village Clerks and County Land Records Offices.

C. Construction.

- (1) The out of district connection shall be constructed in accordance with the requirements of this Chapter and all other applicable codes and guides.
- (2) All out of district food service establishments shall have and maintain a grease trap in accordance with § **155-35**.
- (3) Prior to acceptance of sewage from the out of district user, the connection construction must be inspected and approved by the Sewer Inspector in accordance with § **155-8**.

D. Sewer Rents.

- (1) The Village shall issue sewer rents to out of district users in accordance with § **155-38**.
- (2) Out of district users shall remit payment for sewer rents directly to the Village of Buchanan.

E. Violations.

- (1) Out of district users shall be under the jurisdiction of the Village of Buchanan.
- (2) The Village shall be able to issue violations, fees, summons, liens, and other punitive actions to out of district users which violate the regulations and standards established by this chapter.
- (3) The Village shall issue violations and penalties in accordance with § **155-36**.

Article II. Wastewater Discharges

[Adopted 10-4-1971 by L.L. No. 1-1971 (Ch. 37, Art. II, of the 1971 Code)]

§ 155-36. Discharge upon lots, streets or public places.

No person shall permit dishwater, slops, soapsuds, sewage or any kind of liquid or filth to run down his lot or premises in his possession, occupation or use, into or on any gutter, street, highway, alley, avenue or any public place in the Village of Buchanan, except water which has accumulated on the surface of such lot or premises in case of rain or snow.

§ 155-37. Notice of violation; penalties for offenses.

[Amended 11-18-1985 by L.L. No. 5-1985]

- A. A notice of violation of any provision of this chapter may be issued to any violator by either the Village Engineer, the Sewer Inspector, the Building Inspector or the Chief Sewage Treatment Plant Operator. In the event that the violation is not remedied within the time requirement set forth in the notice of violation, an appearance ticket requiring the alleged violator to appear before the Village Justice of the Village of Buchanan shall be issued by the official who issued the notice of violation. The Village Police Department shall be authorized to serve any notices or appearance tickets set forth in this article, as well as any Village official authorized to issue said notice or appearance ticket.
- B. Any person who shall violate the provisions of this chapter shall be subject to a penalty established by the Board of Trustees and set forth in the Fee Schedule maintained by the Village Clerk. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

- C. The Village reserves the right to deny water and/or sewer service to any violator who fails to promptly correct any violations, pay fees, or appear in court. All disconnections from the sewerage system shall be made in accordance with § 155-19.
- D. Should a violation pose an immediate health concern to the welfare of the Village and the property owner in negligent in correcting the violation, the Village reserves the right to perform the necessary corrective actions with its own or contracted forces. All costs thereof shall be provided for and defrayed by a special tax bill to be assessed in favor of the Village against the property on which said corrections are made, and such special tax bill shall become a lien on said property.

Article III. Sewer Rents

[Adopted 3-3-2020 by L.L. No. 2-2020]

§ 155-38. Establishment; rates; billing; late payments; Sewer (Wastewater) Rent Fund.

- A. Establishment. The owner of all premises using the Village of Buchanan sewer (wastewater) system or any part thereof shall be required to pay sewer (wastewater) rents for the payment of the costs of operation, maintenance and repairs of the Village of Buchanan sewer (wastewater) system.
- B. Applicability. The sewer (wastewater) system for which the sewer (wastewater) rents are established and imposed is the entire sewer (wastewater) system within the Village of Buchanan as defined in § 451 of the General Municipal Law as it does now or as it may from time to time exist.
- C. Setting of rates. All sewer (wastewater) rent rates, charges, fees and penalties, shall be established by the Village Board of Trustees by resolution, shall be based upon the consumption of water on the premises connected with and served by the sewer (wastewater) system and shall be set forth in the Fee Schedule maintained by the office of the Village Clerk.
- D. Payments. Sewer (wastewater) rents shall be payable on the same schedule as water fees are charged.
- E. Billing.
 - (1) Sewer (wastewater) rent bills can be obtained at the Office of the Village Clerk after the first five days following each period. The Clerk may send out bills as an accommodation to the consumer, but delivery of such bills to the proper party is not guaranteed. If the consumer does not receive a bill on or before the fifth day following the period, he or she should call the Office of the Clerk of the Village of Buchanan.
 - (2) Sewer rent bills shall be issued on the same basis as water bills.
- F. Late payment penalties, liens and collection. All bills for sewer (wastewater) rents are due and payable at the Office of the Village Clerk on the same schedule as water fees. All amounts due for sewer (wastewater) rents will be received without penalty during the first month following the billing. Penalty shall be charged at the same rate as water penalty. Remains unpaid will be added to the bill. In accordance with the provisions of the Village Law, all bills unpaid shall be sent to the Village Treasurer for collection on the same process as water fees. In accordance with General Municipal Law § 452, sewer (wastewater) rents shall constitute a lien upon the real property served by the sewer system. The lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof. Delinquent accounts, including sewer rents and penalties shall be collected in a manner provided in General Municipal Law § 452, Subdivision 4.
- G. Sewer (Wastewater) Rent Fund. All revenues derived from sewer (wastewater) rents, charges, fees, including penalties, shall be credited by the Treasurer to a special fund to be known as the "Sewer

(Wastewater) Rent Fund." Monies in such fund shall be used in accordance with § 453 of the General Municipal Law.

H. This article shall take effect immediately upon filing with the Secretary of State of the State of New York.

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